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## South Northamptonshire Council

### Licensing Sub-Committee

Minutes of a meeting of the Licensing Sub-Committee held at The Forum, Moat Lane, Towcester, Northants NN12 6AD on Friday 18 October 2019 at 10.00 am.

Present

Councillor Ann Addison  
Councillor Sandra Barnes MBE  
Councillor Hywel Davies

Officers: Nicholas Sutcliffe, Licensing Manager  
Stephanie Broomfield, Licensing Enforcement Officer  
Aaron Hetherington, Democratic and Elections Team Leader  
Richard Woods, Assistant Democratic and Elections Officer

#### 7 **Appointment of Chairman for the Meeting of the Subcommittee**

**Resolved**

(1) That Councillor Ann Addison be appointed Chairman of the Sub-Committee

#### 8 **Declarations of Interest**

There were no declarations of interest

#### 9 **Premises Licence Hearing**

The Assistant Director of Environment and Regulatory Services submitted a report which set out to consider a Licensing Act application for a Premises Licence for; Thorpe Mandeville Manor, Banbury Lane, Thorpe Mandeville, OX17 2HR.

**Resolved**

(1) As set out in the attached determination letter

The meeting closed at 11.16 am

Chairman:

Date:

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**Your Ref:**  
**Our Ref:** Thorpe Manor  
**Ask For:** Licensing  
**Direct Dial:** 01327 322278  
**Direct Fax:**  
**Email:** [Licensing@southnorthants.gov.uk](mailto:Licensing@southnorthants.gov.uk)  
**Date:** 24 October 2019

Dear,

**Licensing Sub-committee Hearing: Friday 18<sup>th</sup> October 2019**  
**Premises Licence Application: Thorpe Manor, Thorpe Mandeville**

I write to confirm the outcome of the above hearing.

The Hearing

The Licensing Sub-Committee carefully listened to, and considered the representations submitted by the applicant, Mr Henry Teare, Counsel on his behalf Duncan Craig, and the representations of Mr Jeremy Greenhalgh and Mr Douglas Brown who opposed the application. Prior to the hearing the Sub-Committee also carefully read the all written representations received objecting to the application which have also been given due consideration in the determination of this application.

The Licensing Team

The Licensing Officer presented to the Sub-Committee the licensing report highlighting to the Sub-Committee the options available to it as regards determining the application, namely:-

- To grant the licence subject to conditions as appropriate if it is considered necessary to promote the licensing objectives
- To exclude a licensable activity
- To refuse to specify a person named in the application as the designated premises supervisor;
- To reject the application

Identifying the Licensing Objectives specified in the Licensing Act 2003, the promotion of which the Sub-committee is required to give effect in the determination of the application, namely:-

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

The Application

The application provides for the following:-

- The supply of alcohol, both on and off the premises, between 0700hrs and 0300hrs, Monday to Sunday;
- The provision of live music and recorded music (indoors) between 1600hrs and 0000hrs, Monday to Sunday;
- The provision of late night refreshment (indoors) between 2300hrs and 0500hrs, Monday to Sunday.
- Opening hours of the premises 24 hours every day of the week.
- Non-standard timings- on the day when British Summer Time commences – licensable activities extended by 1 hour. New Year's Eve - Licensable activities extended from the end of permitted hour on New Year's Eve to the start of Permitted Hours on New Year's Day. On Bank Holiday Sundays including Easter, licensable activities extended by 1 hour.

### Objections

The Licensing Authority received three objections in response to the application. The Sub – Committee considered all of the written representations ahead of the hearing and the issues they raised. Mr Greenhalgh and Mr Brown attended the hearing to make their representations in person. Mr Greenhalgh reminded the Sub Committee that hardly ten months had passed since the previous application had been dismissed. However since that time noise issues had continued. He stressed the point that the premises were located in a line of residential properties in a village and any proposition that doors and windows would be kept closed was unrealistic. He stated this was the wrong business for the location given the noise issues. Asserting noise disturbance was unacceptable at any hour.

Mr Brown went on to say that there had been a number of events over the last 18 months both indoor and outdoor but the nature of the application process for TEN's made it difficult to identify if a particular type or location or event was more or less noisy. He was particularly concerned about the nature of the application and the terminal hours together with the Bank Holiday extensions. His view was that there was no way this could be contained inside the building. He voiced a major concern about noise disturbance within the village.

Counsel Duncan Craig asked Mr Brown if his concern related principally to regulated entertainment. Mr Brown stated that between 01:00 – 03:00 it was harder to control guests in terms of their inebriation and alcohol and regulated entertainment went hand in hand.

### Application

On behalf of the applicant, Mr Craig stated that there were significant differences to the previous application. He acknowledged the concerns at the previous hearing and the understandable issues that had been raised in terms of regulated entertainment. He confirmed that the current application was simply for the provision of regulated entertainment indoors together with a difference in hours applied for. He further stated that the conditions offered sought to assuage residents' concerns were both targeted and proportionate. He was also instructed to offer further conditions as follows:

- All windows and doors to remain closed save for ingress and egress
- Only residents to be served alcohol after midnight
- All non- residential patrons to leave the premises by 00:30

The Noise Management Plan referred to in the proposed conditions to include:

- No wall mounted speakers
- Windows and doors closed save for ingress and egress
- Installation of door closers
- Noise checks to be carried out by Henry/Natasha at the front of the building
- To be lodged with the Council's EHO within 7 days (should the application be granted)

Mr Craig pointed out the impact of the deregulation by virtue of The Live Music Act 2012 and therefore the application as drafted merely sought an extra hour on top of that. He also stressed the layer of security provided by Section 177(A) Licensing Act 2003 and the action that could be taken at any subsequent review of the licence.

He refuted any suggestion to characterise the premises as a quasi-nightclub as it didn't reflect what the applicant was seeking to achieve.

He confirmed he was also content to delete the extension in relation to New Year's Eve and simply rely on the additional hour as per the Bank Holiday.

In addressing points made by the objectors in the written representations Mr Craig addressed a range of points, including the fact the comments were made in relation to events taking place in the marquee. However this application was for inside only. He also stressed to the Sub-Committee the importance of a lack of objection from the Responsible Authorities in particular Environmental Health.

The Sub Committee also noted the Licensing Manager further stated that there had been 9 TEN's over the summer leading to 2 complaints. 1 of which was received whilst an event was taking place. The Licensing Manager asked the applicant to confirm if these 2 events had used marquees outside. Mr Teare confirmed that both events were outside and not inside the house.

The Sub-Committee concluded that, the objections were primarily concerned with 'public nuisance' insofar as they focused on the noise disturbance which had already occurred. Furthermore, the noise disturbance would not only result from music played but also more generally by virtue of the volume of people the applicant envisages may attend the premises and spill outside into the grounds. Additionally, the Sub-Committee noted that the objections also raised concerns as to the 'public nuisance' which will likely arise from traffic and parking congestion.

#### Determination

In considering the oral submissions and written representations the Sub-Committee had grave concerns about the potential for noise nuisance and disturbance to residents, particularly late at night given the close proximity of noise sensitive premises. However the Sub - Committee recognised that the application does not seek to licence any external areas nor does it relate to the use of a marquee. The Sub – Committee was also encouraged by the additional conditions and revisions to the application made by applicant seeking to address the concerns expressed by those objecting to the application. The Sub-Committee has determined that this application be granted with the following additional conditions:

- Signs shall be placed at the main entrance and exit asking customers to respect the needs of local residents and requesting that they enter and leave the premises quietly.

- The Premises Licence Holder shall operate a Noise Management Plan which shall be approved by the Council's EHO prior to licensable activities taking place
- Smoking shall only be permitted in the inner courtyard area
- A 24 telephone number shall be provided for residents in the village and the Licensing Authority
- No glassware shall be taken outside the premises save for in the inner courtyard area
- Non - residential patrons shall leave the premises by 00:30
- All windows and doors shall remain closed save for ingress and egress and door closers to be installed.
- CCTV to include coverage of the internal courtyard used by smokers and the car park.

Licensable Activities - granted as applied for save for the supply of alcohol granted 07:00 – 00:00 seven days a week.

The Sub Committee decided that the additional conditions and earlier terminal hour for the supply of alcohol were both necessary and proportionate measures to ensure the promotion of the licensing objectives, in particular the prevention of public nuisance.

Appeal

You have the right to appeal this decision by giving notice to the magistrates' court within a period of 21 days beginning with the day on which you were notified of the decision. Any appeal would be made to Northamptonshire Magistrates Court, Moulton Park Regents Pavillion Summerhouse Road Northampton NN3 6AS.

Yours sincerely,

Nicholas Sutcliffe  
Licensing and Business Support Manager