

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Monday, 6 June 2011

**COUNCILLORS PRESENT:** Councillors Choudary, Eldred and Ford  
**COUNCILLOR APOLOGIES**  
**OFFICERS:** Mohammed Rahman (NBC Solicitor)  
Phillip Bayliss (Principle Licensing Officer)

**FOR THE APPLICANT:** Paul AJ Hepworth (Applicant)

**FOR THE REPRESENTORS:** Alistair Mc Kenzie  
Colin P Sears (Objector)  
Councillor Winston Strachan

### 1 APPLICATION FOR A PREMISES LICENCE 199 KETTERING ROAD, NORTHAMPTON, NN1 4BP

The Chair introduced the Sub-Committee and welcomed everyone to the meeting.

#### Outline of the Application by the Licensing Officer

The Licensing Officer outlined the application by Paul Anthony Charles Hepworth for a Premises Licence in respect of 199 Kettering Road, Northampton. He then explained the procedure for the hearing.

#### Application for the Review

The Applicant stated that he had rented the adjoining property 198 Kettering Road for more than a year, during that time 199 had been empty and subject to acts of vandalism.

Mr Hepworth is the Licensee of a pub in Milton Keynes. He stated his intention to run the ground floor premises as a small coffee shop during the day and then to use the upstairs premises as a real ale /cider bar serving old fashioned English food. Any music, which would be pre recorded would be kept at a background level only so as to allow conversation.

Mr Hepworth had been in E mail correspondence with Katie Chown of the Colwyn Road Residents Association and that following that there had been a meeting of three concerned residents at the premises .He stated that this meeting had reassured those residents. However he did accept that this could not be taken as evidence that their objections had been withdrawn.

Mr Hepworth tabled copies of E mail correspondence from Katie Chown and letters of support from a priest local to his Milton Keynes premises and from two local residents.

#### Questions to the Applicant

Councillor Eldred asked Mr Hepworth what the outcome of the meeting with the Residents Association was. He replied that they had seemed happy with his proposals. Councillor Choudary then commented that as the residents had not withdrawn their objection then it could not be concluded that the residents were happy.

Councillor Strachan asked where patrons would be parking their vehicles. Mr Hepworth

replied that there was a small local car park and also some spaces outside the premises.

Mr McKenzie asked what sound proofing measures the applicant was intending to make, particularly as there was a family with young children very close by. Mr Hepworth replied that there would not be any requirement for sound proofing as the music would only be set at background level.

Councillor Choudary asked the applicant who would be running the premises, if he were also a Licensee at Milton Keynes. Mr Hepworth replied that he would be running the premises and that his eldest son would be running the Milton Keynes premises.

Councillor Strachan asked how the Police would be able to keep an eye on the premises, as it was not in the Town Centre area. Mr Hepworth replied that he too had witnessed anti social behaviour, however he did not believe that the real ale drinkers are prone to drinking to excess.

Councillor Eldred asked if there were any figures regarding crime statistics in the area and whether there was group profile of offenders. Councillor Strachan replied that the Police were aware as problems were regularly raised at residents meetings and that the offenders were mainly young men.

### **Representation by the Representors**

Mr McKenzie, representing the Colwyn Road Residents Association, considered that there were already a number of problems with anti social behaviour in the area. He also stated that there were already parking problems in the area and that people using the shops sometimes double parked.

Councillor Strachan stated that he believed that the area already has alcohol abuse issues. He stated that 199 Kettering Road shares a party wall with 197, the residents of which were professional people who were concerned about the noise of people going up and downstairs etc. He believed that there were already regular complaints to the Police concerning groups congregating in the area and causing anti social behaviour.

Mr Sears commented that he wished to withdraw his original objection. He had been to see Mr Hepworth and felt that he was very enthusiastic and had done his research well and identified a market. He did not consider that footfall or traffic would be particularly high and he would like to see the premises made use of.

### **Questions to the Representors**

Mr Hepworth asked how many people Councillor Strachan was representing and also how many people from the Colwyn Road Residents Association were still unhappy with the applicants' proposals. It was not possible to put any figures to this.

### **Summing up by the Applicant**

Mr Hepworth stated that he was well aware of the alcohol related problems of the area. He had himself witnessed incidences of vandalism and anti social behaviour, which was one of the reasons why he wanted to bring the premises back into use. He did not consider that he would be attracting the type of clients who would add to these problems.

### **Summing up by the Representors**

The Representors did not have anything further to add.

## THE DETERMINATION – LEGAL

The Sub-Committee considered the application for a Premises Licence for 199 Kettering Road, Northampton made by Mr Hepworth (the applicant).

In addition to reading all the objections submitted in writing, the Sub- Committee listened to all representations made by

- Mr Sears
- Mr McKenzie
- Cllr Winston Strachan

in relation to the Licensing Objectives:

- Prevention of Crime & Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm.

It was re-iterated that Cllr Strachan's objections were not taken on as a Borough Councillor, but as a County Councillor speaking on behalf of his constituents.

The Sub Committee noted that an objection was withdrawn in writing by Mr Savage and also an objection was withdrawn in person by Mr Sears. In fact, Mr Sears went as far as to actually support the application after communicating with the applicant.

The Committee has heard all the representations made by all those who spoke and considered all the written submissions, and upon taking all these into consideration, after a detailed discussion, it has been decided to GRANT the licence for the sale of alcohol ON THE PREMISES only, and the provisions to play recorded music between the hours of 10am and 11pm, and until 2am on News Years Eve.

It was noted that none of the responsible authorities, including the police, raised any objections or concerns to the application. The Sub-Committee can only take into consideration the representations given to them.

The Sub-Committee noted that there are concerns by the local residents, however, there has been no evidence presented which links the problems as alleged to this particular premises.

Objectors were reminded that should anybody at a later date, feel that the licensing objectives are not being promoted, the law does allow them to call a Review of the Premises Licence.

All parties have the right to appeal the Sub-Committees decision to the Magistrates Court within 21 days of the date of decision.

The meeting concluded at 2:25 pm

M6925