

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Monday, 25 June 2012

COUNCILLORS PRESENT: Councillors Patel (Chair) Beardsworth and Eales.

OFFICERS: Mohammed Rahman (NBC Solicitor)
Phil Baylis (Senior Licensing Officer)

FOR THE APPLICANT: Mr Malik - Applicant

FOR THE REPRESENTORS: Pc Bryan – Northamptonshire Police
Mrs Timson – Local Resident – Representor of Petitioners

1. THE WELCOME INN, 1 - 5 UPPER HARDING STREET, NORTHAMPTON

The Chair introduced the Members of the Sub Committee and welcomed everyone to the hearing. He explained that another Councillor who was present, was in attendance as an observer and would not be part of the decision making process.

The Senior Licensing Officer outlined the purpose of the hearing to vary the licensing hours on Thursday, Friday and Saturday when alcohol can be served from 11.00pm to 1.00am on Thursday and from 11.00am to 2.00am on Friday and Saturday, also to include late night refreshment within those licensable activities. The application also includes an extension of opening hours from 11.00pm to 2.00am on Thursday and from 11.00pm to 3.00am on Friday and Saturday - (the eve of the Bank Holidays to be in line with these new proposed hours)

The Committee were informed that an Objection to the requested extension to the Licensing activities was received from Pc Bryan representing the Northamptonshire Police and a number of objections together with a petition had also been received from residents in the area and were considered to satisfy one or more of the Licensing Objectives.

Application for the Variation to a Premises License

The applicant – Mr Malik explained that he had engaged in dialogue with Pc Bryan about the application and had offered to amend the application to 12.30am instead of 1am. He explained the application had been made due to the current economic climate and that there was a need for the business to extend its hours to enhance sales. Mr Malik explained that he had been in control of the business for the last year, during which time there had been 15 late licenses given under a TENS application. He commented that none of the events held had resulted in any complaints from the Police and had passed without incident, apart from when someone had passed the premises and been noisy, which the Police agreed was not related to the premises itself. He stated that he was very much aware of the problems that had occurred in the past and suggested that the history of violence and noise pollution related to the premises had been dealt with sufficiently since he took over the premises. He commented that he considered the premises to be community focused and was used frequently by African communities for family functions and events. He also commented that people in general were coming out later in the evening, which was also a reason for wanting to extend the license.

He also commented that an objection from the Environmental Officer had been withdrawn

as a result of Mr Malik offering to turn the music off at 11pm.

Questions to the Applicant

In response to questions asked by the Committee, Mr Malik explained that the music was played on a stereo system, the noise levels of which would be controlled by him. He further commented that he had made a real effort not to be a nuisance to local residents.

Representations by the Objectors

Pc Bryan explained that there had been a number of discussions with Mr Malik with regards to the variation and explained that he had made Mr Malik aware of the complaints received from local residents. Pc Bryan commented that he had not experienced any problems with Mr Malik, the reason for the objection was that when the Welcome Inn had previously been granted a license until 2am, there had been numerous problems.

Comment on the issues that the Police stated they confirmed discussions with Mr Malik about sale of alcohol until midnight and close the premises at 12:30am, but this did not mean that they would accept this should the matter proceed to a hearing

He further explained that there had been an incident on the 7th May 2012, whereby the Police had responded to a report of loud music emanating from the premises at 2am. Persons had been found inside the premises and the person in charge was found to be drunk. He further commented that the Police revisited the premises at 3am and again at 4.30am where it was believed that alcohol was still being consumed and served, although this could not be proved. He suggested that he believed that on the balance of probability licensable activities were taking place.

Mrs Timson explained that she was representing the local residents, many of whom had signed the submitted petition. She argued that the whole of the estate had been affected by the noise and incidents over the past few years and whilst it was recognised that significant improvements had been made since Mr Malik took ownership of the premises, there was a real fear amongst residents that should the Sub Committee grant the variation to the license, the historical problems would re-occur. It was noted that whilst Temporary Events Notices had been granted, they had been for on occasions, but that to allow a variation to the licensing hours would mean that residents could be subjected to weekly disturbances. Mrs Timson commented that in the past there had been continued work with the Police over a number of months to reduce problems relating to the premises from noise pollution and other nuisance behaviour. It was noted that there had been a number of incidents that had been witnessed that had not been reported to the Police. She informed that Committee that since the status of the premises was changed from a club to a pub, the problems with the premises had greatly reduced and therefore she urged the Sub – Committee to continue its current status and reject the application for a variation.

Questions to the Objectors

In response to questions of the Committee, Pc Bryan stated that he was under the impression that Mr Malik had been drunk of the night of the incident as he was behaving in an over friendly manner.

Mr Malik commented that on the evening of the incident, a group of Africans had got together to have a business meeting to discuss purchasing the premises and he argued that he was not under the influence of alcohol as he would not jeopardise his position and responsibilities for the sake of a few beverages as he had invested his life savings into the

premises.

In response to a question asked by Mr Malik, Mrs Timson explained that she had experienced some disturbed sleeping as a result of the music, but stated also that it was not on the same scale that it had been in previous years.

In response to a question asked of the Sub – Committee, Mrs Timson explained that after licensable hours she had witnessed the lights to the premises being on, in the downstairs bar area of the premises.

In response to a question asked by Mr Malik, Pc Bryan commented that the Police had not received any reports of problematic behaviour during various Temporary Events Notices.

Summing up by the Applicant

Mr Malik asked that the Sub Committee grant him the variation to his license as he had agreed to turn the music off at 11.30pm every night and to allow for the sale of alcohol to continue on the premises. He commented that every effort had been made to keep noise down in the last year.

Summing up by the Objector

Pc Bryan commented that should the requested hours be granted, there could potentially be problems every week. A number of TENS had been granted but the Police were aware of them and could therefore accommodate any potential trouble. He further commented that the premise was located in an area that did not support such a late license.

There being no further questions, the Sub Committee adjourned at 10.27am to make a decision. The Solicitor was called for advice.

The Determination

The Committee considered the application to vary a Premises Licence for The Welcome Inn (also known as Mowtown), of Upper Harding Street, Northampton made by Mr Malik on behalf of The Welcome Inn (the applicant).

The Sub- Committee noted that there were representations made by Northamptonshire Police, PC Dave Bryan, on the grounds of Prevention of Crime and Disorder and Public Nuisance.

There was also a representation from Northampton Borough Council's Public Protection Department (Senior Environmental Health Officer Paul Mallard) based on the prevention of Public Nuisance.

It was noted that with regards the music, Mr Malik had offered to turn the music off at 11pm. However, the Public Protection Department have commented that they *"find it difficult to object to the proposed extension of hours if the music finishes at 2300. However, I have concerns as to whether this is a realistic proposal"*

The Sub Committee had also heard from Mrs Timpson, who lived very close to the premises and spoke on behalf of other residents who had also put representations in writing, again on the grounds of Public Nuisance.

The Sub-Committee took into account the proposals put forward by Mr Malik. However, whilst it was appreciated that Mr Malik was a reasonably new operator, the Sub Committee

were not satisfied that the premises was being run in a manner which would not cause any nuisance to the public or cause concern for the Police.

As such, the Committee decided to refuse the application.

The reason for the decision was that the Sub-Committee feel that there was not enough evidence to suggest the Applicants would uphold and promote the licensing objectives in a manner, which would satisfy all parties concerned.

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

The meeting concluded at 10.47am