

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Friday, 24 August 2012

COUNCILLORS PRESENT: Councillors Ford, Strachan and Wire

OFFICERS:

FOR THE APPLICANT:

FOR THE REPRESENTORS: Mr P Mallard – Senior Environmental Health Officer, NBC Public Protection Department.

1. 60 BRIDGE STREET

The Chair introduced the Members of the Sub Committee and welcomed everyone to the hearing.

The Senior Licensing Officer outlined the purpose of the hearing, which was to remove the “restaurant only” condition on the premises, to extend the hours the premises are open to the public to 4.00am Mondays-Saturdays and 2.00am on Sundays (with the supply of alcohol, late night refreshments and provision of facilities finishing one hour prior to that on each evening) and to increase the number of types of entertainment provided both indoors and outdoors at the premises. The applicant had applied for the Variation to the Premises Licence on 21st June 2012.

The hearing had originally been scheduled to be heard on 13th August 2012 but the applicant’s wife had been taken to hospital and in the extenuating circumstances the hearing had been deferred until 24th August 2012.

The Sub-Committee were informed that an objection to the requested variation to the Licensing activities had been received from Mr P Mallard, Senior Environmental Health Officer representing Northampton Borough Council. The Police had stated that, although they had received notice of the original hearing which had been deferred on 13th August 2012, they had not received notice of this appeal. The applicant had, however, been in regular email contact with the Police about the application. The Police had indicated that had they been aware of the hearing today they would not have raised any objection, subject to the applicant installing CCTV inside and outside 60 Bridge Street, keeping recordings for 28 days and being willing to supply recordings to the Police if required.

Application for Variation to a Premises License

The applicant, Mr Kooner, apologised for the necessity for the earlier hearing to have been deferred due to his wife having been taken into hospital.

Mr Kooner explained that he wished to add value to Northampton town centre by providing a venue with a responsible environment where people could spend an enjoyable evening. He operated another venue in Northampton, Sazerac, where he had achieved this objective and wished to do the same in Bridge Street, which was currently a location that many people stayed away from in the evening. 60 Bridge Street had been closed for several years and Mr Kooner did not believe that a restaurant could operate successfully in that area due to the noise, hustle and bustle of Bridge Street. He believed that a bar could operate in the premises if it was operated responsibly.

Mr Kooner stated that he wanted to operate 60 Bridge Street in an exemplary way, co-operating with the Police and responsible authorities, which would lead operators of other bars in the area to “up their game” to match him. He was happy to compromise on items in his application if required and to comply with the request of the Police (mentioned above) regarding installing CCTV at his premises.

Mr Kooner was currently in discussions with the Council’s Conservation Officer regarding the requirements of a noise control scheme for the premises, to include secondary glazing and a sound ceiling, and two site meetings had been held. As a listed building in a conservation area the premises would require listed building and planning consent for any works. A pre-planning application was under consideration. Mr Kooner referred to other licensed establishments in Bridge Street which currently provided late night entertainment and from which sound escaped into the surrounding residential area.

Questions to the Applicant

In response to questions asked by the Sub-Committee regarding noise nuisance to local residents from external entertainment, Mr Kooner explained that he would not have regulated entertainment outside the premises. The Senior Licensing Officer reported that the application contained Mr Kooner’s original proposal for entertainment to be held inside and outside the premises but on 21st June 2012 Mr Kooner had amended the proposal to be for entertainment to be within the building only. Officers could not amend the proposal as received and so the original proposal was included in the agenda papers. The outside of the premises (the courtyard) would be used for customers to sit and smoke and there would be no entertainment with sound provided.

A member asked about the proposed closing time of the premises (4am on Monday-Saturday and 2am on Sunday). Mr Kooner stated that the Police had no objections to the proposed times. The Senior Licensing Officer circulated a list of the closing time of other licensed establishments in Bridge Street indicating that a number of them already operated similar times.

Mr Kooner confirmed in response to a question that the educational classes included in the application would be for health and safety companies and for martial arts. He was happy for the premises to be used for these purposes when the venue was not otherwise in use.

In response to a question, it was confirmed that no hot meals would be served after 11.00pm but a late night refreshment licence was necessary for the provision of coffee to customers after that time.

Representation by the Objector

Mr Mallard, Senior Environmental Health Officer, explained that he was concerned that the premises were not designed for containing music and entertainment levels and that there would be noise nuisance to residents in nearby flats. He was aware that the applicant was looking at noise control systems but this was a complicated issue due to the premises being a listed building and in a conservation area. He was concerned about the issues of bringing the building up to standard and the feasibility of carrying out noise control and ventilation works in a listed building. Mr Mallard was awaiting a technical scheme for the noise control scheme which he could consider.

Mr Mallard had maintained his objection to the scheme in an email on 22nd June 2012 on the grounds of Noise Nuisance and confirmed it in a further email of 7th August 2012.

Questions to the Objectors

In response to questions of the Committee, Mr Mallard stated that he was attempting to organise a survey of residents in Bridge Street regarding the noise levels from licensed premises. The applicant had referred to the noise emanating from other licensed premises in the area and Mr Mallard was aware that at least two of them had had planning conditions imposed on them regarding noise. He did not wish to add to the Noise Nuisance problems in the area.

In answer to a question, Mr Mallard stated that the application was feasible if a noise control scheme was feasible in terms of the premises listed building status and its location in a conservation area. Mr Kooner explained that he had made an offer to purchase the building, which the bank had accepted, and as he was incurring costs in looking at schemes for the building it would be very helpful to him to receive an indication in principle if the proposal could go ahead.

Summing up by the Applicant

Mr Kooner stated that he had nothing further to add.

Summing up by the Objector

Mr Mallard stated that he did not wish to impede the application but needed to see a noise control scheme to see if the proposals were acceptable. He had concerns regarding whether the required works would be permitted regarding the nature and location of the building.

In answer to a question, Mr Kooner stated that he expected to have a noise control scheme for consideration in two weeks' time. Mr Mallard stated that he would consider any scheme as quickly as possible, probably within a couple of days.

The Chair, on behalf of the Sub Committee, emphasised that Mr Kooner would need, in future, to work with all the relevant bodies.

There being no further questions, the Sub Committee adjourned at 11.35am to make a decision. The Solicitor was called for advice.

The Determination

The Committee having heard representations from the applicant for a variation of the Premises Licence at the White Orchid Thai restaurant, 60 Bridge Street and upon hearing representations from the Environmental Health Officer, being a responsible authority within the meaning of Section 13(4) of the Licensing Act 2003, it is decided (unanimously):

That on a balance of probability the licensing objective of the Prevention of Public Nuisance will not be promoted. Therefore it is appropriate and proportionate that the application be:

- 1) Allowed in part;
- 2) That the conditions be modified.

The following conditions to be attached in addition to the mandatory conditions:

The condition relating to restaurant only be removed

- That the licensable activities be allowed to 3am;
- The condition relating to restaurant only be removed;
- Closing time to be 4am, apart from on Sundays which would be 2am;
- The outdoor courtyard be closed to the public from 9pm;
- The licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
- The licensee to display prominent, clear and legible notices at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;
- CCTV to be installed internally and externally at the premises and recordings kept for 28 days and provided to appropriate authorities when requested;
- That the licensee do have in place a noise control scheme, to include secondary glazing where necessary.

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

<TRAILER_SECTION>

The meeting concluded at 12:17 pm

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