

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Thursday, 26 September 2013

- COUNCILLORS PRESENT:** Councillors Malpas (Chair) Duncan and Hibbert
- OFFICERS:** Mohammed Rahman (LGSS Law Solicitor)  
Phil Bayliss (Senior Licensing Officer)
- FOR THE APPLICANT:** Mr J Stephens (Applicant)  
Mr R Singh (Applicant's support)
- FOR THE REPRESENTORS:** Sgt Worthington (Northamptonshire Police)  
Paul Mallard (Senior Environmental Health Officer)

### **VARIATION APPLICATION: PANACHE, 26 BRIDGE STREET, NORTHAMPTON NN1 1NW**

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 an application to vary the Premises License in respect of Panache – 26 Bridge Street. The application was to extend to opening hours for licensable activities from 0300hrs to 0600hrs and the removal of the condition on the license that all drinks must be served in Polycarbonate vessels.

The Sub Committee were informed that objections had been received from Sargeant Worthington, Northamptonshire Police, on the grounds of Licensing Objective of the Prevention of Crime and Disorder and from Mr Paul Mallard, Senior Environmental Health Officer, on the grounds of the Prevention of Public Nuisance.

### **Application for Variation to a Premises License**

Mr Singh (in support of the applicant) reported that he had met with PC Bryan, Northamptonshire Police, who had commented he would be content with a 4am closure, with the last admission being at 3am. Mr Singh explained that they had applied for the variation as there was an intention to refurbish the venue and to make in more 'boutique' style and noted that the capacity of the premises was approximately 130 people. However, whilst happy for an extension until 4am, it was argued that the final admission for people should be 3.30am as this would allow bar staff to drink prior to leaving after their shifts. It was noted that their current license did not allow for off sales and that the license did not allow for live music. He explained that the premises did not have the facilities or capacity for live music and commented that the establishment appealed to a more mature clientele.

In response to a question asked by the Solicitor, Mr Singh commented that he wanted to get rid of the condition of having to serve alcohol in Polycarbonate vessels as this was a condition that was in existence prior to them taking over the premises and that his customers were purchasing expensive drinks that were being served in 'plastic glasses'.

### **Representations by the Objectors**

Sgt Worthington confirmed that his colleague, PC Bryan, had met with the owners to discuss

the variation and commented that they were happy for the removal of the condition relating to Polycarbonate Vessels. However, he stated that the 3am final admission was in line with other premises in the area and that the police were focused on the reduction of 'Bar-Hopping', whereby people go from bar to bar which can generate friction. It was noted that between 0300 and 0500hrs there was an increase of 8.9% in Crime and Disorder. In response to questions asked by the applicant, Sgt Worthington confirmed that closing times around the town centre premises were staggered and that other premises had conditions on their license not to allow admissions after 3am.

Paul Mallard commented that the loud noise emanating from premises on Bridge Street was already a cause for concern for nearby residents and explained in detail the research that had been conducted that showed how noise impacted on health. He referred to different types of noise levels, including 'bottle' noise, 'vehicle' noise and 'people' noise and noted that the duration of noise could also have a detrimental effect on health.

In response to a question asked by the Solicitor, Paul Mallard commented that he was not able to pin point one particular premises and attribute all the noise problems to them, but explained that it did come from one particular area – Bridge Street. He further commented that the loudest reading obtained was for vehicle noise.

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

Mr Singh commented that his premises was considerably smaller than other premises nearby who had later licenses and asked that the Committee consider the extension to 4am with the last admissions being at 3.30am and further noted that since taking over the premises there had been very few significant incidents.

### **Summing up by the Objectors**

Sgt Worthington asked the Committee to consider the variation to allow for final admission to be at 3.30am. Paul Mallard asked for consideration to be given to residents who would suffer from detrimental health problems as a possible result of noise.

There being no further questions, the Sub Committee adjourned at 10.30am to make a decision. The Solicitor was called for advice.

### **The Determination**

The Committee considered the application to vary a Premises Licence for the Panache, 26 Bridge Street, Northampton made by Mr Jon Stephens and Mr Rick Singh on behalf of Starbourne Venture Ltd.

Representations had been received from Sergeant Mark Worthington on behalf of Northamptonshire Police and the Environmental Health Department of Northampton Borough Council, represented by Mr Paul Mallard.

The objections raised were in relation to crime and disorder and public nuisance and it was noted that there were no objections received from any members of the public.

It was clarified that the sales to be made by the premises would be "on sales" only and the application for "off sales" was made in error.

Having considered the removal of the polycarbonate vessels, whilst concern was expressed about that part of the application, it was accepted from the police that there had been no

issues in relation to this, and that they were happy for this to be removed. Therefore the sub-committee agreed for the condition in relation to Polycarbonate vessels to be removed from the licence.

Having considered that the applicants and the police are content with a terminal hour of 4am, the application for all licensable activities to end at 4am was granted. Furthermore there had been careful consideration about whether there should be a condition on the licence regarding a time for last admissions with arguments from the applicant and the police in relation to this. The Sub Committee also considered the location of the premises and the theory of bar hopping.

The sub-committee believed that having a last admissions time of 3am on the licence was appropriate for this venue and would promote the licensing objective of the Prevention of Crime and Disorder.

In summary the sub-committee decided to:

- In relation to alcohol, the premises would only allowed to have ON SALES
- The condition regarding polycarbonate vessels would removed
- The variation was granted but with a final hour of 4am for all licensable activities
- A condition was placed on the licence for last admissions to be at 3am.

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

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The meeting concluded at 11.16am