

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Wednesday, 20 September 2017

**COUNCILLORS PRESENT:** Councillor Flavell (Chair), Councillors Beardsworth and Culbard

**OFFICERS:** James Chadwick (Senior Litigation Solicitor)  
Louise Faulkner (Licensing Team Leader)  
Ed Bostock (Democratic Services Officer)

**FOR THE APPLICANT:** Stephanie Perraton (Solicitor, Squire Patton Boggs)  
Mark Darbon (Chief Executive Officer, Northampton RFC)  
Andy Tresias (Head of Operations, Northampton RFC)  
Richard Lymbery (Regional General Manager, Levy Restaurants)

### 2. DECLARATIONS OF INTEREST

There were none.

### 3. VARIATION OF A PREMISES LICENCE – NORTHAMPTON RUGBY FOOTBALL CLUB, WEEDON ROAD

The subcommittee were informed that on 1<sup>st</sup> August 2017, an application for a variation of the Premises Licence PL0663 for Frankin's Gardens was received, submitted by Squire Patton Boggs Solicitors acting on behalf of Northampton Rugby Football Club. The application requested an extension to the hours in which licensable activities could take place, bringing it in line with the premises' current operation and to include a new layout plan. As required, notices were displayed on the premises and in the local newspaper. During the representation period, further conditions were agreed between the Rugby Club and the Environmental Health Department, the latter feeling that no further representation needed to be made.

#### **Representations by the applicant:**

Stephanie Perraton, the solicitor acting on behalf of Northampton Rugby Football Club, advised the subcommittee that the variation to the Premises Licence would streamline the process when hosting special events. The new senior management team had looked at the current licence and agreed that changes should be made and to that end, worked with Northamptonshire Police and Environmental Health and the Licensing Department to come up with a list of proposed amended conditions.

In response to questions, the subcommittee were informed that the premises had hosted 10 special functions in 2017 to date and 9 in both 2016 and 2015. It was explained that no additional promotion would take place and that the variation aimed to tackle the inflexibility of the current licence with regard to functions. It was noted that additional signage would be placed around the premises instructing customers to conduct themselves in an orderly fashion when leaving, and that catering staff and security would remain on-site until all customers were gone. Members were assured that customers would only use the main entrance to leave. It was stated currently customers would use the fire doors facing Melbourne Road to smoke; this was also to change and a designated smoking area would be set up closer to the Franklin's Shop and near to the Beacon Bingo smoking area, further away from the properties on Melbourne Road.

## **Public comments:**

Graham Brown, a local resident, read a statement by two other local residents, David Williams and Tracy Doubledee. The letter stated that Mr Williams and Ms Doubledee appreciated the proposed conditions added in response to residents' concerns, and their disappointment that St James Resident's Association were not notified of the application by the Rugby Club themselves. The letter further stated that weddings and family events did not warrant a 2am closing time. Regarding sound checks, it was pointed out that residents should have been notified 2 weeks prior to any checks being carried out; the subcommittee were told that this had never happened.

Graham Dunkley, a local resident, spoke against the application, stating that the proposed conditions did not go far enough to address residents' concerns. He further stated that the new smoking area was not far enough removed from properties on Melbourne Road to deal with noise issues and that noise limitation generally was a problem; when a function was being held, every noise could be heard from his property, even with the function room's external doors and windows closed. Mr Dunkley also questioned why the marquee was used regularly when other spaces were available.

Responding to questions, the subcommittee heard that the marquee had been used more than normally due to developments on other parts of the premises. It was noted that the building was in compliance with current building regulations and that any noise issues should be brought to the Environmental Health department to investigate. It was stated that a good relationship with local residents was critical to the club's success and to that end, a rigorous complaints procedure would be implemented going forward.

Shirley Crumbleton, a local resident, spoke against the application. She voiced concerns around the 2am closing time, saying that after a night out people tended not to be considerate of residents with regard to the noise they made; she highlighted one event in the marquee that ended at 11pm and said the noise levels were "horrific". Ms Crumbleton was of the opinion that the conditions should have been implemented before the application was made, to see if they had an impact first.

In response to questions, the subcommittee were informed that the function Ms Crumbleton mentioned was not planned and that the marquee was normally only open on match days. It was noted that there was a condition relating to the opening times of events taking place in the marquee.

Teresa Rose, a local resident, spoke against the application and echoed what had been said before, stating that she had no knowledge of the application until a sign appeared on the lamp post outside of her home. She also informed the subcommittee that the emergency exits facing Melbourne Road were frequently open during non-match day events, used by customers drinking and smoking.

At this point the Licensing Team Leader pointed out to the subcommittee that the applicants were required to display notices outside of the premises and in the local newspaper, both of which they had done.

## **Summing up by the applicant:**

In summing up, Ms Perraton stated that the measures offered by the applicants went far enough to address residents' concerns and that any complaints would be dealt with and resolved as they came in, and not left to future subcommittees. She explained that a 2am closing time, in current times, was not considered late, and that the club started business at

7am; the proposed hours aimed to improve commercial flexibility.

The subcommittee retired at 10:45 to make a decision.

The meeting reconvened at 11:55.

## **RESOLVED:**

The Licensing Sub-Committee has carefully considered the variation application, written representations from six members of the public, oral representations from 4 members of the public having made written representations and representations from the premises licence holder's legal representative.

The sub-committee have decided that the application for variation of the premises licence will be granted in the following terms;

- The written proposed conditions submitted by the Applicant at the meeting and indicated by bullet points in that document shall be added to the premises licence.
- Layout changes in the variation application are approved.
- The hours of use shall be varied as follows;

All licensable activities shall start 07:00 and end 00:00 Monday to Thursday

All licensable activities shall start 07:00 and end 01:00 Friday and Saturday

All licensable activities shall start 07:00 and end 23:00 Sunday

Save for late night refreshment, which shall start 23.00 and end 00:00 Monday to Thursday, 23:00 to 01:00 Friday and Saturday with no provision for no late night refreshment on Sundays

The sub-committee received legal advice in terms of

1. The four licensing objectives
2. The legal test to be applied
3. The options available
4. Section 182 guidance
5. NBC Statement of Licensing Policy

The reasons for the decision are as follows;

The rugby ground is sited in a residential area with properties located very close to the perimeter of the stadium. The committee heard evidence in the form of representations from local residents, mostly living in Melbourne Road, that there have been historical issues with noise late at night arising from events held at the rugby club, both internally and externally in the grounds of the stadium. These have had the effect of causing nuisance to local residents.

As a result, the committee think it appropriate to add the conditions as proposed by the Applicant at the hearing itself, which address most of the concerns of the local residents.

However, the committee heard that the residents remain concerned about the proposed hours requested in the application, specifically an extension to 2am seven days a week.

The committee appreciates that there is a new senior management structure at the Rugby Club which has expressed an intention to regularly liaise with local residents. The committee has a duty to take into account the concerns of the local residents and balance them against the proposals of the applicant in the best interests of upholding the licensing objective of the prevention of public nuisance. It has therefore decided to limit the variation of hours specifically with the aim of preventing noise nuisance to local residents caused by late night events held at the Applicant's premises.

Any person aggrieved by this decision has a right of appeal to the Magistrates' Court no later than 21 days from the date of notification of this decision.

The meeting concluded at 12:00pm