

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Friday, 15 December 2017

**COUNCILLORS PRESENT:** Councillors Ansell, Flavell and Haque

**OFFICERS:** Eleanor Flannery (Licensing Enforcement Officer)  
James Chadwick (Senior Litigation Solicitor)  
Ed Bostock Democratic Services Officer)

**FOR THE APPLICANT:** Teresa McCarthy (DPS, Swan & Helmet)  
Roger Buckley (Licensing Consultant)

**FOR THE REPRESENTORS:** Sergeant Martin O'Connell (Northamptonshire Police)

### 1. WELCOMES

The Chair welcomed everyone to the meeting.

### 2. DECLARATIONS OF INTEREST

There were none.

### 3. TEMPORARY EVENT NOTICE - SWAN AND HELMET COMMUNITY SAINT PATRICK'S DAY FESTIVAL 2018

The Licensing Enforcement Officer advised the Sub-Committee that Mrs Teresa McCarthy submitted 2 Temporary Event Notice applications which were received by Northampton Borough Council on 1<sup>st</sup> December 2017. The Police and Environmental Health had objected to the applications on the grounds of not being able to properly risk assess the event against the 4 licensing objectives and of public nuisance, however, following the applicant's submission of an Event Management Plan, Environmental Health decided to withdraw their objection.

Roger Buckley, Licensing Consultant, addressed the Sub-Committee and stated that the space provided by the 2 road closures would be used by a band stand, craft stalls, toilets and 2 bars; 1 on each street. He noted that applications had been submitted to the County Council regarding road closures for Clare Street and Grove Road, the hours closed being 9am-7pm and 9am-12am respectively. The bars would be staffed by personal licence-holding employees, stewards and security staff would also be hired from agencies previously approved for events ran by the Council, as would the stage. Mr Buckley explained that any minor issues would be dealt with by security so as not to add pressure to Police work. He stated that following liaisons with the Police and the Licensing Department, a number of conditions had been agreed and would be implemented, such as light towers being situated in such a way as to not intrude upon nearby properties. The event would be ticketed and limited to 850 tickets sold from the pub. Footpaths via Grove Road and Clare Street would be used to enter the event and diversions around the event would be put in place. Mr Buckley noted that an Event Management Plan and Risk Assessment had been supplied.

Sargeant Martin O'Connell addressed the Sub-Committee and thanked the applicant for the speed in which his enquiries were responded to. He stated that although the Police did not object to this type of event, the location was cause for concern, being situated directly next to at least 30 dwelling houses and several businesses. Given the proposed location, Sargeant O'Connell raised his concern that the potential for crime and disorder was likely. He further stated that the area already saw a fair amount of crime and antisocial behaviour

due to the number of licensed premises and asked Members to bear in mind the cumulative impact that the event, along with other factors, may have on the wider area.

In response to questions directed at Sargeant O'Connell, the Committee heard street-drinkers and related anti-social behaviour were a problem in the area already. They were informed that it was the responsibility of the event management to police these types of events, and not the Police. It was explained that although only the immediate properties were considered when forming the Police's objection, the nearby church and mosque could be cause for concern as part of a wider consultation.

Mr Buckley questioned whether the level of crime was directly related to the number of licensed premises in the area and asked for a breakdown of figures to back up the Police's statement. He stated that the Swan & Helmet was one of the better run pubs in the town and noted that there would be a minimum of 6 SIA trained staff and stewards managing the entrances and exits of the event.

In response to questions directed at Mrs McCarthy, the Sub-Committee heard she had personally spoken with many of the local residents and that most of them were in support of the event. Mrs McCarthy explained that the pub was a hub of the town's Irish community and that the main body of tickets would be sold to regular pub-goers. It was noted that different venues were considered, namely the Market Square and the Racecourse, but was decided that these would not be as suitable as Grove Road/Clare Street. Mrs McCarthy advised that live music would be played from 1-5pm and after it ended, the stage and bar set up on Clare Street would be taken down with the intention to have the road cleared and re-opened by 7pm. The event would continue on Grove Road until 12am but should the venue empty before that time, the road could be cleared and re-opened sooner. It was noted that portable toilets, both disabled and not, would be supplied and facing inwards towards the venue, so that they could be monitored and that only event-goers could use them.

In response to a question asked regarding available space and capacity, the Sub-Committee heard that taking in to consideration the space taken by the stage, bars, stalls and toilets, there would be 1 metre squared which was considered ample.

The Sub-Committee heard that it was Mrs McCarthy's belief that not enough was done in the town on St Patrick's Day to currently keep Northampton's Irish community in the town.

In summing up, Sargeant O'Connell stated that the location was deemed unsuitable; closing two busy roads was not practical, the impact on neighbours would be too great and it would be difficult to uphold the licensing objectives.

The Sub-Committee adjourned at 11:40 to make a decision.

The meeting reconvened at 12:24.

## **RESOLVED:**

Thank you for attending the Licensing Sub-Committee to consider the temporary event notice application (TENs) for the premises The Swan & Helmet situated at 65-67 Grove Road, Northampton, NN1 3LJ.

The TENs applications are for events to be held on 17<sup>th</sup> March 2017 on Grove Road, Northampton and Clare Street, Northampton.

An objection had been received from Environmental Health under the licensing objective of prevention of public nuisance, however this was subsequently withdrawn.

An objection has been received from the Police which has not been withdrawn and is based on the four licensing objectives.

The Sub-Committee therefore heard representations from the applicant and the Police.

The Sub-Committee have therefore decided by a majority to issue a counter notice to the temporary event notices for the above dates.

The Sub-Committee received legal advice in terms of:

- 1) The licensing objectives
- 2) The legal test to be applied
- 3) The options available to the Sub-Committee
- 4) Section 182 guidance

The reasons for the decision are as follows:

- 1) A majority of the Members believe that the location of the proposed event is such that there would be a real risk that the licensing objectives of preventing crime and disorder and, more particularly, preventing public nuisance would not be upheld on the balance of probabilities.
- 2) The location is a primarily residential area. The Event Plan submitted by the organiser was greatly appreciated but a majority of the Members believe that it was not sufficient to remove the risk of the two licensing objectives not being upheld, given the specific location of the proposed event.

Any persons aggrieved by this decision has a right of appeal to the Magistrates Court no later than 21 days from the date of receiving the decision notice.

The meeting concluded at 12:27 pm