

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Wednesday, 8 August 2018

**COUNCILLORS PRESENT:** Councillors Sargeant and Beardsworth

**COUNCILLOR APOLOGIES:** Councillor Larratt

**OFFICERS:** Ian Ellis (Senior Licensing Enforcement Officer), Clive Tobin (Litigation & Licensing Solicitor), Ed Bostock (Democratic Services Officer)

**FOR THE APPLICANT:** Karen Anne Hovland

### 1. WELCOMES

The Chair welcomed everyone to the meeting.

### 2. DECLARATIONS OF INTEREST

Councillor Sargeant advised that the application site was in his ward and that he had previously visited the premises, but not when the applicants owned it.

### 3. NEW GRANT PREMISES LICENCE APPLICATION - TICK TOCK COFFEE & WINE BAR

It was noted that one Member had sent apologies to the meeting. The Chair asked the applicant if she was happy to proceed with 2 Members; she confirmed that she was.

The Senior Licensing Enforcement Officer reported that a new premises application was received on 18<sup>th</sup> June 2018 from Karen Anne Hovland. The final day for representations was 17<sup>th</sup> July 2018. During this period, 1 representation was received under the licensing objective of "prevention of crime and disorder". After considering the application, Northamptonshire Police suggested some conditions which the applicant agreed to attach, should the licence be granted.

Mrs Hovland addressed the Committee and explained that following consultation with local residents, she found out there was a need for a place that people could go for a quiet drink; the adjacent premises put more emphasis on food. That being the case, Mrs Hovland stated that the 2 businesses would complement each other well since she planned on offering wines, bottled beers and cocktails, making the premises more of a social wine bar.

Mrs Hovland explained that she was in the process of obtaining her personal licence and that CCTV and alarm systems had been installed on the premises.

Speaking in reference to the representation received, Mrs Hovland stated her belief that many of the issues were caused by young people; she and her staff were aware of, and would be enforcing "Challenge 25" as well as a 7pm cut-off for under-18s, so did not anticipate any youth-related problems.

Mrs Hovland confirmed that she was happy to include the conditions recommended by the Police and stated that it was her hope to run a business that would not disrupt local residents.

In response to questions, the Sub-Committee heard that there would be no music played on the patio area. They also heard that Mrs Hovland had spoken to the residents living closest

to the premises who had no concerns around potential noise. However, she was considering putting up notices on the patio reminding customers to be considerate of neighbours.

The Solicitor explained to Members their options and pointed out, following comments made by the applicant, that Members had powers to impose conditions in relation to opening times, could vary the times suggested in the application and further explained the position in relation to staff holding personal licences. He also noted that it was for the Sub-Committee to attach the Police conditions, should they feel them appropriate.

Members retired at 10:48 to make a decision.

The meeting reconvened at 11:11.

## **RESOLVED:**

The Licensing Sub-committee carefully considered the following:

- The application received from Ms. Hovland (“the Applicant”);
- The representation received from an occupier of nearby premises;
- The report prepared for the hearing;
- Oral representations from the Applicant;

The Sub-Committee was comprised of two members and, before proceeding with the hearing, asked the Applicant if she agreed to proceed with two members. The Applicant agreed that the hearing should proceed. The person who made the representation was not present.

The Sub-committee received legal advice in relation to:

1. the options available to them under section 18(4) of the Licensing Act 2003 (the Act);
2. the legal test to be applied in reaching a decision;
3. That licensing of late night refreshment is only required between 11.00 p.m. and 5.00 a.m., meaning that only the period after 11.00 p.m. referred to in the application would require a licence.
4. that, although the Applicant has stated that they agree to the conditions suggested by the police, it is for the Sub-committee to decide whether they should be attached to the licence;
5. that, although the Applicant has stated that there will be 3 designated premises supervisors, under the Act, there is only one such person for any licence however, there may be more than one personal licence holder employed at any licensed premises; and,
6. That the Sub-committee should be clear about the extent of the area in which tables and chairs are permitted outside the premises.

The Sub-committee decided to:

- Grant the premises licence;
- Add the conditions suggested by the Applicant in the application, subject to a number of minor amendments (which are set out below);
- Add the conditions suggested by the Police and agreed by the Applicant – the police

conditions will be added in place of any conditions suggested by the applicant in relation to similar matters; and,

- Amend the conditions suggested by the Applicant in relation to the opening hours of the premises.

The Sub-committee decided that conditions should be added to the licence as follows:

- (a) that the premises may sell alcohol for consumption on the premises between the hours of 12.00 noon and 11.00 p.m. from Monday to Saturday, and from 12.00 noon to 10.00 p.m. on Sundays; and,
- (b) that the premises should close at 11.00 p.m. from Monday to Saturday and at 10.00 p.m. on Sundays, accordingly, there is no need for late night refreshment to be licensed;
- (c) from 8 February 2019, a personal licence holder should be present on the premises at all times when they are open for the sale of alcohol;
- (d) The licence allows the placing of tables and chairs outside the premises for the consumption of alcohol in the area which is currently bounded by the large planters\* (to be shown on the plan attached to the licence).

\* The Sub-committee wish to make clear to the Applicant that any tables and chairs placed outside the area bounded by the planters would not be covered by the licence. Also, the Applicant should ensure that they have their landlord's permission to place the chairs and tables in the area concerned.

The reasons for the Sub-committee's decision are as follows:

1. to prevent nuisance being caused to occupiers of nearby premises;
2. to ensure responsible sale of alcohol in the premises; and,
3. To reduce the risk of crime and anti-social behaviour in the vicinity of the licensed premises.

The Applicant or those who made representations may appeal against this decision to a magistrate's court within 21 days of the date this decision is served on them.

The meeting concluded at 11:20 am