

VARIATION PREMISES LICENCE APPLICATION – Alcohol and Gambling Licensing Sub-Committee

Wednesday 28 August 2019

10:00am

1.0 Purpose of Report

- 1.1 To consider a variation application in respect of Jimmy's Sports Bar, 6-10 Harlestone Road, Northampton, NN5 7AE. Premises Licence Number PL0419.

2.0 Summary

- 2.1 An online application was received from the premises licence holder Sandra Andrews on the 13th June 2019 for the variation of the above premises licence. This application did not meet with the statutory advertising requirements and as a result the application was rejected by licensing officers.

The applicant was informed of the reasons for the failure of the application and further guidance on the application process was emailed to the applicant on the 2nd July 2019.

A further online variation application was received on the 3rd July 2019 from the premises licence holder Sandra Andrews.

As part of the statutory requirement a copy of the application was served by the licensing authority onto the responsible authorities by email on the 4th July 2019.

3.0 Application Details

- 3.1 The variation application is requesting the additional licensable activity for;

- **live music**

The application is also requesting extended permitted days/hours for;

- **sale/supply of alcohol, and**
- **recorded music,**

There is also a request to extend the opening hours in order to align with the requested licensable activity hours.

As part of the applicants operating schedule, the applicant has also submitted a number of steps that the licence holder has agreed to implement in order to promote the licensing objectives.

A copy of the application including the operating schedule is detailed in **Appendix A**.

3.2 The current licensable activities and times are;

Sales of Alcohol for consumption On and Off the premises:

Monday – Saturday 10:00 – 23:00

Sunday Noon – 22:30

Playing of Recorded Music (indoors):

Monday – Saturday 10:00- 23:00 Midnight

Sunday Noon – 22:30

Opening Hours:

Monday – Saturday 10:00 – 23:30

Sunday Noon – 23:00

3.3 The requested licensable activities and times are for the following;

Sales of Alcohol for consumption On the premises:

Monday – Thursday 11:00 – 23:00

Friday 11:00 – 01:30

Saturday 10:00 – 01:30

Sunday 10:00 – 10:30

The application states a finish time of 10:30 on Sunday for sale of alcohol for consumption on the premises. This may be an error with the use of the 24 hour clock

Playing of Recorded Music (indoors):

Monday – Thursday 11:00 – 23:00

Friday 11:00 – 01:30

Saturday 10:00 – 01:30

Sunday 10:00 – 22:30

Provision of Live Music (Indoors)

Monday – Thursday 11:00 – 23:00

Friday 11:00 – 01:30

Saturday 10:00 – 01:30

Sunday 10:00 – 22:30

Opening Hours:

Monday – Thursday 11:00 – 23:00

Friday 11:00 – 01:30

Saturday 10:00 – 01:30

Sunday 10:00 – 22:30

A copy of the current licence appears at **Appendix G**.

3.3 The current Designated Premises Supervisor is:

Name: Sandra Andrews

Personal Licence Number: Invalid

Issuing Authority: N/a

The applicant has been advised that the premises are currently not compliant with the personal licence mandatory condition as detailed in the email correspondence at **Appendix H**.

As a result, even though the Sub-committee must consider the application today and make such decision as it sees fit, until such time as the current designated premises supervisor becomes the holder of a personal licence, or the premises licence is varied to specify another person who does hold a person licence as the designated premises supervisor, the premises are not able to supply alcohol.

4.0 Plan of Premises Layout & Location

There are no changes to the plan proposed in the variation application. A copy of the existing plan is detailed in **Appendix B**.

5.0 Consultations/Representations

5.1 When a request for the variation of a premises licence or club premises certificate is received, the applicant must display a notice at or near the premises and serve a copy of the application onto the responsible authorities. For electronic applications it is a requirement of the local authority to serve a copy of the application onto the responsible authorities.

This gives responsible authorities and interested parties the opportunity to make representations in relation to the application for a period of 28 calendar days. The last date for making a representation was the 31 July 2019.

- 5.2 A notice was displayed on the premises as seen by a licensing officer on the 3 July 2019 and in a local newspaper on the 11 July 2019. Photographs of the notices displayed at the premises are contained in the representation set out in **Appendix C**. A copy of the newspaper notice is detailed in **Appendix F**.
- 5.3 It is recommended that, as a preliminary issue, the Sub-committee hears from the parties in relation to the steps taken to advertise the application and decides whether the statutory requirements have been met and, if not, whether there has been prejudice to any person who might be affected. If the Sub-committee is satisfied that these requirements have been met and there is no prejudice it should continue to consider the remainder of the report and hear from the parties in the usual manner. If the Sub-committee is not satisfied that the statutory requirements have been met and that there is prejudice to any person who might be affected then the Sub-committee must treat the application as not being properly made and, if the applicant wishes to proceed, they will need to commence the process again.
- 5.4 The Licensing Department has received one relevant representation under the licensing objective of public nuisance from a member of the public. The member of the public has raised issues regarding the statutory advertising requirements as detailed in the representation at **Appendix C**.
- 5.5 Northamptonshire police have considered the application and have come to an agreement on the licence conditions which they would wish to see added to the licence. The conditions agreed between the responsible authority and the applicant are detailed in **Appendix D**. As is always the case, even though the parties have indicated their agreement to the inclusion of these conditions, the final decision is for the Sub-committee to make as the Licensing Authority.
- 5.6 Environmental Protection have considered the licence application pertinent to the licencing objective of the prevention of public nuisance and have agreed conditions with the applicant as detailed in **Appendix E**. Again, even though the parties have indicated their agreement to these conditions, the final decision is for the Sub-committee to make.

6.0 Attendance

- 6.1 The local authority is required to send a notice of hearing to all interested parties and request confirmation of attendance. A notice of hearing was sent to the following persons on the 5 August 2019.

Member of Public – confirmation of attendance received

Applicant – Sandra Andrews confirmed receipt of the hearing invitation during telephone conversation on Monday 12th August 2019

7.0 Options

7.1 At the end of the consultation period the licensing authority must hold a hearing. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and,
- the protection of children from harm.

The steps the Sub-Committee can take are to:

- reject the whole or part of the application; or
- modify the conditions of the licence (excluding the mandatory conditions).

The conditions of the licence are modified if any of them are altered or omitted or any new condition added.

8.0 Policy Considerations

8.1 Statement of Licensing Policy

8.2 s.182 Guidance Licensing Act 2003

Section 8 gives guidance for determination of this application.

Sections xxxx to 8.82 highlight the elements of the Guidance that are most relevant with respect to the advertising of this application. This is not exhaustive and the guidance should be considered fully prior to making decisions with respect to applications.

9.0 Committee

Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

Appendix No	Title
A. B. C. D. E. F.	Application & Conditions of Operating Schedule Existing Layout Plan Representation Member of Public Agreed Police Conditions Agreed Environmental Health Conditions Newspaper Public Notice Location map
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