



Licensing Sub-Committee

A meeting of the Licensing Sub-Committee will be held in The Council Chamber at the The Forum, Moat Lane, Towcester, NN12 6AD on Tuesday 19 October 2021 at 10.00 am

Agenda

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| 1. | Appointment of Chairman for the meeting of the Sub-Committee |
| 2. | <p>Declarations of Interest</p> <p>Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.</p> <p>Note: Any Member with a disclosable pecuniary interest will not be able to participate in the hearing, and should therefore notify Democratic Services in advance so that arrangements may be made for an alternate Member to attend.</p> |
| 3. | <p>Premises Licence Review Hearing (Pages 5 - 10)</p> <p>Report of the Assistant Director – Regulatory Services</p> <p>Purpose of report</p> <p>To consider a request from Northamptonshire Police for the Review of the Premises Licence for The Crown Hotel, 20 Market Place, Brackley, NN13 7DP.</p> <p>Recommendations</p> <p>1.1 To determine the application for a review of a premises licence in accordance with the Licensing Act 2003.</p> |
| 4. | <p>Exclusion of Press and Public</p> <p>Appendices 1, 2 and 3 to the report are exempt under Paragraph 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, which permits the Licensing Authority to exclude the press and public from all or part of the Hearing when it considers that the public interest in doing so outweighs the public interest in the hearing. The reasons for doing so are as follows:</p> |

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| | <ul style="list-style-type: none"> - Compliance with the Data Protection Act 2018 - The protection of personal data <p>Members are reminded that whilst the aforementioned appendices have been marked as exempt, it is for the meeting to decide whether or not to consider each of them in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.</p> <p>Should Members decide to exclude the press and public, they are recommended to resolve as follows:</p> <p>“That under Paragraph 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public and press be excluded from the meeting for the following item(s) of business on the grounds that, if the public and press were present, it would be likely that exempt information would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”</p> |
| <p>5.</p> | <p>Exempt Appendices (Pages 11 - 166)</p> |

Catherine Whitehead
Proper Officer
11 October 2021

Licensing Sub-Committee Members:

Councillor Sally Beardsworth
Councillor Andrew Kilbride
Councillor Mike Warren

Information about this Agenda

Apologies for Absence

Apologies for absence and the appointment of substitute Members should be notified to democraticservices@westnorthants.gov.uk prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

If a continuous fire alarm sounds you must evacuate the building via the nearest available fire exit. Members and visitors should proceed to the assembly area as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

If you have any queries about this agenda please contact Richard Woods, Democratic Services via the following:

Tel: 01327 322043

Email: democraticservices@westnorthants.gov.uk

Or by writing to:

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One Angel Square
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NN1 1ED

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West Northamptonshire Council

Licensing Sub-Committee

19 October 2021

Premises Licence Hearing

Report of the Assistant Director – Regulatory Services

This report is public

Appendices 1, 2 and 3 to the report are exempt under Paragraph 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005

Purpose of report

To consider a request from Northamptonshire Police for the Review of the Premises Licence for The Crown Hotel, 20 Market Place, Brackley, NN13 7DP.

1.0 Recommendations

- 1.1 To determine the application for a review of a premises licence in accordance with the Licensing Act 2003.

2.0 Introduction

To consider a request from Northamptonshire Police for the Review of the Premises Licence for The Crown Hotel, 20 Market Place, Brackley, NN13 7DP.

3.0 Report details

- 3.1 An application was received by West Northamptonshire Council on 26 August 2021. The application was for a review of the premises licence in respect of the premises licence for The Crown Hotel, 20 Market Place, Brackley, NN13 7DP and was submitted by PC Sandy Tracey on behalf of Northamptonshire Police. A copy of the application can be seen at **appendix 1**.
- 3.2 The Crown Hotel has a premises licence covering Sale of Alcohol, Late Night Refreshment, Live Music, Dancing and Recorded Music.
The hours for these activities are as follows:

Sale of alcohol

Monday to Saturday 10:00 until 23:00

Sunday 12:00 until 22:30

Where alcohol is sold ancillary to a meal the following Sunday until 23:30 and Monday to Saturday until 00:00

24 hours to residents and bona fide guests

Late Night Refreshment

Sunday to Thursday 23:00 until 23:45
Friday and Saturday 23:00 until 02:00
Live Music, Dancing and Recorded Music
Monday to Thursday 10:30 until 23:45
Friday and Saturday 10:30 until 02:00
Sunday 12:00 until 23:45

Opening Hours

Monday to Saturday 10:00 until 02:00
Sunday 12:00 until 23:45
Open 24hrs for residents and bona fide guests

A redacted copy of the current premises licence can be seen at appendix 2

3.3 The application history for The Crown Hotel is as follows:

08 January 2021 – Application to transfer premises licence holder from Crown and Cushion Hotel (Chipping Norton) Limited to Colbert Wall Trading Limited. The application was received by the Council on the 8th January 2021 but the application form its self was dated 16th December 2020.

25 January 2021 – Application to vary designated premises supervisor from James Fraser to Joao Maia E Silva

4.0 Consultations/Representations

4.1 When a request for the review of a premises licence or club premises certificate is received, the licensing authority must display a notice at or near the premises, and on the council's website. This gives responsible authorities and any other interested parties a 28-day period for the opportunity to make representations in relation to the review application. It is the responsibility of the applicant to serve a copy of the review application onto the licence holder and the responsible authorities.

4.2 The local authority displayed the obligatory notice on the 27th August 2021 and the notice was also placed on the Council's website and in the window of the Council Offices in Towcester.

- Members of the public, these were received by the Council on 20th September 2021. – can be seen at **appendix 3**

The responses from responsible authorities were as follows:

- Child protection – no response
- Planning – Response received, can be seen at **appendix 3**
- Environmental protection – no objection
- Fire – Response received, can be seen at **appendix 3**
- Health protection – no objection
- Local health authority – no response
- Police – no response
- Public health licensing – no response
- Secretary of state – Response received, can be seen at **appendix 3**
- Trading standard – no response

4.5 All relevant parties have been invited to attend the hearing.

5.0 Options

5.1 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.

5.2 The steps the Sub-Committee can take are to:

- to modify the conditions of the licence;
- to exclude a licensable activity from the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding 3 months;
- to revoke the licence.

Or take no action.

For those purposes, a condition of the licence is modified if any of them are altered or omitted or a new condition is added.

6.0 Policy Considerations

6.1 South Northamptonshire Council Statement of Licensing Policy.

6.2 s.182 Guidance Licensing Act 2003.

Sections 11 & 13 give guidance for determination of this application.

Subsections 11.24 to 11.28 highlight the elements of the Guidance that are most relevant with respect to this application. This is not exhaustive, and guidance should be considered fully prior to making decisions with respect to applications.

7.0 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.

8.0 Implications

8.1. Financial and resource implications

8.1.1. There are no financial implications arising directly from this report.

Comments checked by Phil Morrison, Strategic Finance Business Partner

8.2. Legal implications

8.2.1. The decision made with regard to this application to review a premises license must comply with the requirements of sections 52 and 53 of the Licensing Act 2003 (“the Act”), and must take into account the Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018) and, as of the date of the Sub-Committee hearing, the South Northamptonshire District Council Licensing Act 2003 Statement of Licensing Policy (2020).

8.2.2. In accordance with section 52 of the Act, where an application to review a premises licence is made in accordance with section 51 of the Act, a hearing must be held to consider them, unless the Licensing Authority, the applicant and each representor agree that a hearing is unnecessary or the representation is withdrawn.

8.2.3. The steps available to the sub-committee if it decides that any are required to be taken, in order to promote the licensing objectives which have been identified in review application, are—

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months or
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

8.2.4. If either the premises license holder, the Applicant or any person or responsible authority that has submitted a relevant representation in response to the review application are aggrieved with the decision of the sub-committee, they may appeal it to a Magistrates’ Court within 21 days of receiving written notification of it and the full reasons in support.

Comments provided and checked by James Chadwick, Senior Litigation and Licensing Solicitor

9.0 Decision information

Wards affected

Brackley

Links to corporate plan and policy framework

Not applicable

Document information

| Appendix No | Title |
|---------------------|--|
| Appendix 1 | Copy of application |
| Appendix 2 | Premises Licence |
| Appendix 3 | Responses of responsible authorities and members of the public |
| Background Papers | |
| None | |
| Report Author | Charlotte Lindop, Licensing Enforcement Officer |
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