

# **PREMISES LICENCE APPLICATION – Railway Tavern**

## **Licensing Sub-Committee**

**Date 10.00am 11th November 2021**

## **Remote Hearing via ZOOM**

### **1.0 Purpose of Report**

- 1.1 To consider an application for a new premises licence from Mr Chris Keenan in respect of The Railway Tavern, 16 Cotton End, Northampton NN4 8BS

### **2.0 Summary**

- 2.1 An application was submitted by Mr Keenan and the application was received by West Northamptonshire Council on 22nd September 2021.

### **3.0 Application Details**

- 3.1 The premises is a pub that has been running for many years at this site but following the sad passing of the previous licence holder, Mr Keenan's father, the premises licence lapsed after 28 days so a new premises licence needed to be applied for.

The licensable activities applied for in this application are:

#### **The Sale of Alcohol by Retail (On the premises only)**

Monday - Sunday 10.30 – 23.00hrs

#### **Opening Hours**

Monday – Sunday 10.30 – 23.00hrs

### **4.0 Consultations/Representations**

- 4.1 When a request for a new 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 representations was 20th October 2021.

4.2 The obligatory notice was displayed at the premises as verified by licensing officers as was the newspaper advertisement.

4.3 Northamptonshire Police have made a representation and since agreed with the applicant some acceptable licensing conditions. A hearing is now necessary as these revised conditions alter the operating schedule of this application to that which was offered at the point of application. A list of the agreed conditions and emails relating to them appear at **Appendix C**

## **5.0 Attendance**

5.1 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:

**Applicant** – Mr Chris Keenan

**Police** – PC Sandy Tracey

## **6.0 Plan of Premises Layout & Location**

Please see premises Plan attached to this report at **Appendix B**

## **7.0 Options**

7.1 If representations are received, then at the end of the consultation period the licensing authority must hold a hearing to consider them. 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.

Please see paragraph **9.0** and its sub-sections in respect of the legal implications as below:

## **8.0 Implications**

### **Financial & Resource Implications**

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

Comments checked by Antony Russell, Finance Business Partner

## **9.0. Legal Implications**

- 9.1. The decision made with regard to this application for new premises license under section 16 of the Licensing Act 2003 (“the Act”) must comply with the requirements of section 17 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 Northampton Borough Council Licensing Act 2003 Statement of Licensing Policy (2020).
- 9.2. In accordance with section 17 of the Act, where relevant representations are made by a responsible authority or other person in response to an application under section 16, and which are about the likely effect of the grant of the application on the promotion of the four licensing objectives, a hearing must be held to consider them, unless the Members of the Sub-Committee, the applicant and each representor agree that a hearing is unnecessary, or the representation is withdrawn.
- 9.3. Having regard to the representations, the Sub-Committee must take such proportionate steps as it considers appropriate, if any, for the promotion of the four licensing objectives. These steps are restricted to either.
  - (a) Granting the licence subject to—
    - (i) Such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers [appropriate] for the promotion of the licensing objectives, and
    - (ii) Any condition which must under section 19, 20 or 21 be included in the licence.
  - (b) Excluding from the scope of the licence any of the licensable activities to which the application relates.
  - (c) Refusing to specify a person in the licence as the premises supervisor.
  - (d) Rejecting the application.
- 9.4. A decision must be made by the Sub-Committee within the period of five working days beginning the day on which the hearing was held. Once the decision has been made, a written notice must then forthwith be supplied to the Applicant, any Representor and the Chief Officer of Northamptonshire Police containing the reasons for the decision.

9.5. In accordance with section 181 and Schedule 5 of the Act, the Applicant may appeal to a Magistrates' Court against any decision to modify the conditions of the Premises License provided that the application to vary is granted in whole or in part, but not if it is refused. Any person or responsible authority that submitted a relevant representation may also appeal to a Magistrates' Court if they are aggrieved at the decision to grant the variation in whole or in part or ought not to have modified the conditions of the Premises License or ought to have modified them in a different way. The time period for any such appeal is within 21 days commencing with the day on which the person received a copy of the written notice of the Sub-Committee's decision.

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

#### 10.0. 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.

<b>Appendix No</b>	<b>Title</b>
<b>A.</b>	Application for new premises licence (redacted of personal information)
<b>B.</b>	Premises Plan
<b>C.</b>	Agreed Police Conditions
<b>Report Author</b>	Martin O'Connell Senior Licensing Enforcement Officer

## APPENDIX A - APPLICATION

# Application for a premises licence to be granted under the Licensing Act 2003

Reference	PL364915093
Date	2021-09-22 11:57:54
<b>Introduction</b>	
<p>Before completing this form <a href="#">please read the guidance notes</a></p> <p>Please also ensure the proposed DPS completes and submits the Designated Premises Supervisor Consent form, your application will not be complete, and consultation will not start until we have this. There are two ways to do this:</p> <ol style="list-style-type: none"><li>1. You can <a href="#">download the word document form</a> and attach it to this form.</li><li>2. You can <a href="#">complete our online form</a></li></ol> <p>You will also need to upload a site plan of the area to be licensed, for information on what this should contain please visit <a href="#">the gov.uk legislation site</a>.</p> <p>If you are applying as an individual or individuals, you will need to upload proof of your right to work in the UK within this form.</p>	
<b>Data protection</b>	
<p>In this form, we will ask for some personal information (such as name, address, postcode) in order to fulfil your request for information or services.</p> <p>This information will be held securely and will be used to provide you with the service you have requested.</p> <p>Any processing will be performed in line with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation.</p> <p>West Northamptonshire is registered as a Data Controller with the Information Commissioner's Office under the reference number ZA896620.</p> <p>Further details about how we process personal data can be found in our <a href="#">privacy notice</a>.</p>	
Do you agree with the above?	I agree
Which area does the premises to be licensed fall in?	Northampton
<b>Premises details</b>	
Premises trading name	The railway tavern

Does the premises have a postcode?	Yes
Address	THE RAILWAY TAVERN, 16, COTTON END,NORTHAMPTON,WEST NORTHAMPTONSHIRE,NN4 8BS
As the premises doesn't have a postal address please included details description and where possible Ordnance Survey Grid Reference	
Premises telephone number	
Non-domestic rateable value of premises	4500
Property band	Band B (£4301.00 to £33,000.00)
Is your primary function the sale of alcohol?	Yes
Please state who you are applying for a premises licence as	An individual or individuals
Please specify	
Please specify why you are completing this form	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
<b>Applicant details</b>	
Title	Mr
First name	Chris
Last name	Keenan
Enter the 9-digit 'share code' provided to the applicant by the Home Office online right to work checking service	
Please upload proof of right to work documentation	Document successfully uploaded.
Do you wish to add a second individual applicant?	No

<b>Operating schedule</b>	
Do you want the premises licence to start as soon as possible?	Yes
Do you want the licence to be valid only for a limited period?	No
Give a general description of the premises	Public house, the premises licence was previously in my fathers name. Sadly he has passed away so would like the licence in my name now please.
Please specify how many people are expected to attend	100
Please select range of the number people expected to attend the premises at any one time?	Less than 5000
What licensable activities do you intend to carry on from the premises	Supply of Alcohol
Are there any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children?	No
<b>Supply of alcohol</b>	
Will the supply of alcohol be of consumption on premises, off the premises or both?	On the premises
Please give any additional information	
What days will your activity take place?	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday
Monday - Start and end times	10:30 starts and ends at 23:00
Tuesday - Start and end times	10:30 starts and ends at 23:00
Wednesday - Start and end times	10:30 starts and ends at 23:00
Thursday - Start and end times	10:30 starts and ends at 23:00
Friday - Start and end times	10:30 starts and ends at 23:00
Saturday - Start and end times	10:30 starts and ends at 23:00
Sunday - Start and end times	10:30 starts and ends at 23:00

State any seasonal variations for supply of alcohol	
Please state any non-standard timing where you intend to use the premises for supply of alcohol at different times to those listed	

<b>Opening times</b>
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What days will your premises be open to the public?	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday
Monday - Start and end times	10:30 starts and ends at 23:00
Tuesday - Start and end times	10:30 starts and ends at 23:00
Wednesday - Start and end times	10:30 starts and ends at 23:00
Thursday - Start and end times	10:30 starts and ends at 23:00
Friday - Start and end times	10:30 starts and ends at 23:00
Saturday - Start and end times	10:30 starts and ends at 23:00
Sunday - Start and end times	10:30 starts and ends at 23:00

<b>Operating schedule conditions</b>
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General – all four licensing objectives	Continue as we have previously for the past 35 years
The prevention of crime and disorder	Continue as we have previously for the past 35 years
The prevention of public nuisance	Continue as we have previously for the past 35 years
The protection of children from harm	Continue as we have previously for the past 35 years
Please upload the site plan	<b>Document uploaded successfully.</b>

<b>Declaration</b>
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Upon submitting this form I:

- will make payment on the next section of this form.
- have enclosed the plan of the premises.
- understand that this application and supporting documents will be sent to the responsible authorities and a redacted version will be published on the council's website.
- have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- understand that I must now advertise my application.
- understand that if I do not comply with the above requirements my application will be rejected.
- have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15) (Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships)

It is an offence, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

It is an offence under section 24b of the immigration act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the immigration, asylum and nationality act 2006 and pursuant to section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified.

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

### **Declaration**

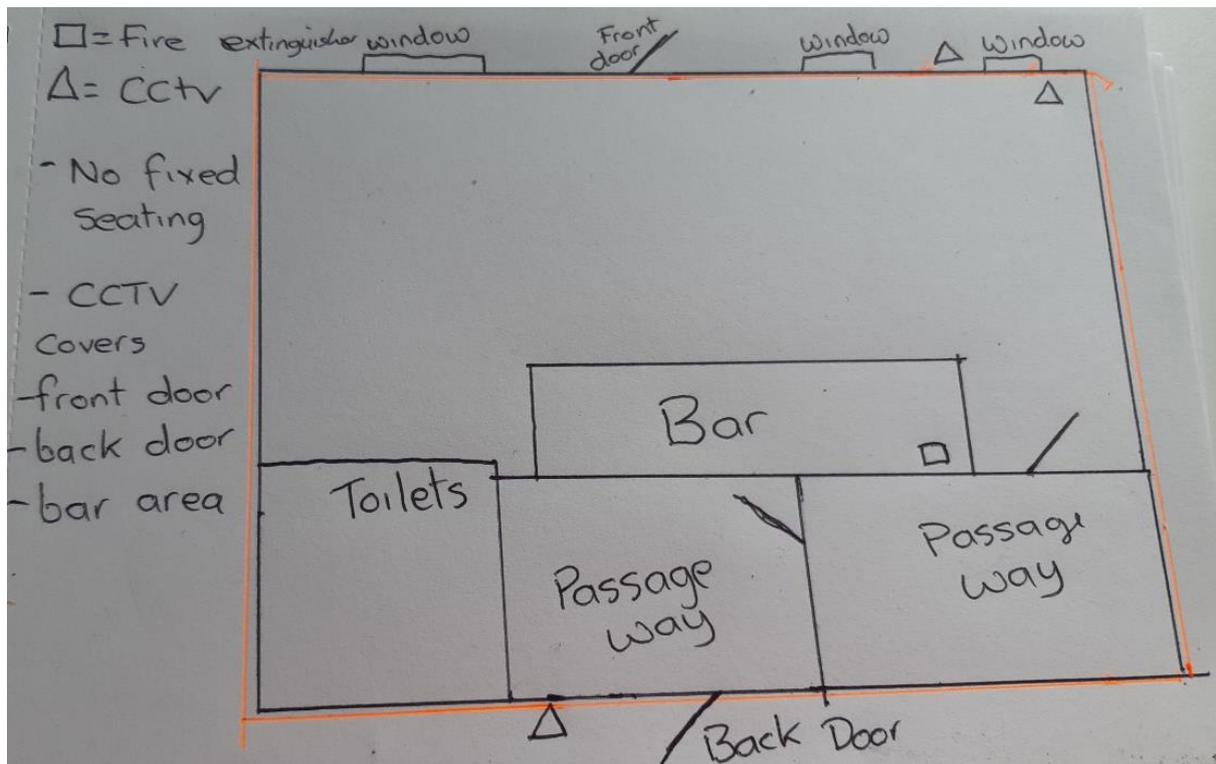
- [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
- I/We apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003
- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)

Name	Chris Keenan
Date	22/09/2021
Capacity	Owner

<b>Contact details</b>	
First name	Chris
Last name	Keenan
Correspondence postal address	THE RAILWAY TAVERN, 16, COTTON END,NORTHAMPTON,WEST NORTHAMPTONSHIRE,NN4 8BS

<b>Payment</b>	
Total amount to pay today	190.00
Prepayment Timestamp	22/09/2021 11:54:26
Transaction status	successful
Transaction reference	0000376366
Postpayment Timestamp	22/09/2021 11:56:39

## Appendix B – Premises Plan –



## **Appendix C - Agreed Police Conditions**

1. A fully working and maintained CCTV system capable of recording and storing images will be installed on the premises. The system must record at all times whilst the premises are open to the public and images must be stored for a minimum of 31 days with date & time stamping. As a minimum this must cover all entry and exit points.
2. A person conversant with the retrieval and downloading of CCTV footage must be present on the premises at all times whilst they are open.
3. All CCTV recordings will be made available to an officer from a responsible authority upon reasonable request and in line with the provisions of the current Data Protection Legislation.

### **Other:**

4. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.
5. All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale. This training must be completed prior to them being authorised to sell alcohol and refreshed every 12 months as a minimum. A record of this training must be kept, maintained and made available to an officer from a responsible authority upon reasonable request.
6. A Challenge 21 or 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. No glass will be removed from the premises by customers and taken outside of the Licensable Area.
8. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) All crimes reported to the venue
  - (b) All ejections of patrons
  - (c) Any complaints received concerning crime and disorder
  - (d) Any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) Any refusal of the sale of alcohol
  - (h) Any visit by a relevant authority or emergency service

10. Signs will be displayed at the exit points of the venue requesting that customers respect local residents by leaving and dispersing from the premises and immediate area quietly.

### **Email Agreement Trail re Conditions**

**From:** Chris Keenan <[chriskeenan29@gmail.com](mailto:chriskeenan29@gmail.com)>  
**Sent:** 13 October 2021 21:41  
**To:** Tracey Sandy <[Sandy.Tracey@northants.pnn.police.uk](mailto:Sandy.Tracey@northants.pnn.police.uk)>  
**Subject:** Re: Railway Tavern. Reference: PL364915093

Hi Sandy

Thanks for getting in touch. Yes I'm happy for all of the suggestions you made to be added to our schedule. Is there anything I need to do form wise?

Many thanks

Chris Keenan

On Tue, 12 Oct 2021, 12:30 Tracey Sandy, <[Sandy.Tracey@northants.pnn.police.uk](mailto:Sandy.Tracey@northants.pnn.police.uk)> wrote:

Dear Mr Keenan,

Apologies for not getting in touch with you sooner. In relation to your application, we would like you to consider the following conditions that would be added to your operating schedule:

We would like you to consider having the following conditions added onto your operating schedule:

1. A fully working and maintained CCTV system capable of recording and storing images will be installed on the premises. The system must record at all times whilst the premises are open to the public and images must be stored for a minimum of 31 days with date & time stamping. As a minimum this must cover all entry and exit points.
2. A person conversant with the retrieval and down loading of CCTV footage must be present on the premises at all times whilst they are open.
3. All CCTV recordings will be made available to an officer from a responsible authority upon reasonable request and in line with the provisions of the current Data Protection Legislation.

### **Other:**

4. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.

5. All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale. This training must be completed prior to them being authorised to sell alcohol and refreshed every 12 months as a minimum. A record of this training must be kept, maintained and made available to an officer from a responsible authority upon reasonable request.

6. A Challenge 21 or 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

7. No glass will be removed from the premises by customers and taken outside of the Licensable Area.

8. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:

(a) All crimes reported to the venue

(b) All ejections of patrons

(c) Any complaints received concerning crime and disorder

(d) Any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment

(g) Any refusal of the sale of alcohol

(h) Any visit by a relevant authority or emergency service

11. Signs will be displayed at the exit points of the venue requesting that customers respect local residents by leaving and dispersing from the premises and immediate area quietly.

Please let me know whether they are agreeable or if you have any questions or queries. I'll look forward to hearing from you.

Many thanks

Sandy

**Police Constable 0010 Sandy TRACEY**  
Northamptonshire Police Licensing Constable (WEST)

Wellingborough Police Station  
Midland Road, Wellingborough. NN8 1HF.

Telephone 101 Ext. 346307

Mobile 07973 880381

Email [Sandy.Tracey@northants.pnn.police.uk](mailto:Sandy.Tracey@northants.pnn.police.uk)