

Licensing Officer Report

Licence Reference: New Application

Application Type: New

Licensing Enforcement Officer: Andrea Hill

Parish: Flore Parish (in the Long Buckby Ward)

Premises: Flore House, The Avenue, Flore, Northants, NN7 4LZ

Applicants Name: Mrs Georgianna Read

Licensable activities requested by the applicant:

1. The premises will be open to the public, between 15:00hrs and 23:30hrs Sunday to Wednesday; and between 10:00hrs and 23:30hrs Thursday to Saturday.
2. The premises will be open to the public during the summer season with extended finish time until 00:00 on Saturdays and Sundays on 6 to 8 occasions per year.
3. Supply of alcohol for consumption on the premises only, between 15:00hrs and 23:00hrs Monday to Wednesday; and between 10:00hrs and 23:00hrs Thursday to Sunday.
4. Supply of alcohol for consumption on the premises only, will be extending during the summer season up to 23:30 on between 6 to 8 occasions per year.
5. *Live music to be played both indoors and outdoors, between 10:00hrs and 23:00hrs Thursday, Friday and Saturdays.
6. Live music to be played both indoors and outdoors, during the summer season, with an extended finish time until 00:00 on Saturdays and Sundays between 6 to 8 occasions per year.
7. *Recorded music to be played both indoors and outdoors, between 10:00hrs and 23:00hrs Thursday to Saturday.
8. Recorded music to be played both indoors and outdoors, during the summer season, with an extended finish time until 00:00 on Saturdays and Sundays on 6 to 8 occasions per year.

Current conditions on Applicant's Licences – *Not applicable as New Application*

Proposed conditions from Applicant – *Appendix A*

Number of representations made: 11

All Statutory Authorities have been served with a Notice of Application.

Relevant representations have been received from:

Statutory Authorities: 1
Northamptonshire Police

Interested Parties: 10
Local residents who live in Flore, including the Parish Council

Please refer to A to D (starting on this page) for valid representations.

Refer to Appendix B for a full copy of the representations

Summary of nature of representations:

The prevention of crime and disorder:

- Potential for increased risk of theft or burglary from unwanted guests.
- A statutory authority have considered the application and wish to promote the licensing objectives by suggesting appropriate conditions

Public Safety:

- Potential for increased traffic and parking problems when customers attend the venue
- Potential for increased traffic on a narrow winding road near the school, Church, local residents and elderly, with no passing points; to result in added danger
- A statutory authority have considered the application and wish to promote the licensing objectives by suggesting appropriate conditions
- Potential increase for customers to park their cars on the grass verges and footpaths which is hazardous
- Potential increase in use of the single track lane which is used by walkers, sometimes with pushchairs; wheelchair users; children and horse riders, which could present safety issues

Prevention of public nuisance:

- There is potential for noise and/or increased noise, from raised voices, shouting, car doors slamming, vehicle engines, motorcycles, taxis, minibuses, fireworks, singing, possible PA system, music and revellers to disturb the neighbours, in the vicinity of the licenced premises and into the late evening
- A statutory authority have considered the application and wish to promote the licensing objectives by suggesting appropriate conditions

Protection of children from harm:

- A statutory authority have considered the application and wish to promote the licensing objectives by suggesting appropriate conditions

Only one statutory authority commented on the application.

Applicants information of "Additional steps proposed to promote the four licensing objectives if the application is granted:

- (a) General:** The personal licence holder and designated premises supervisor will always be on the premises (she is resident at the premises).
The DPS will ensure there are always sufficient staff to manage events at the premises, they will also ensure staff receive regular training.
During events e.g. Weddings, extra staff will be present, it is a contractual requirement that wedding Planning Co-ordinators are present throughout.
- (b) The prevention of crime and disorder:** Sufficient staff will be present during an event to ensure there is no excessive noise or disturbance.
Glasses will be collected regularly.
Photographic ID will be requested to follow the Challenge 21 Good Practice.
CCTV is in place at the property.
Alcohol will not be served to anyone intoxicated.

(c) Public Safety: Employers and public liability insurance is in place.
Gas safety checks carried out annually.
Pat testing carried out regularly.
Risk Assessments and Health and Safety and Emergency Procedures will be regularly revised and updated.
Monitored Fire Detection serviced annually.

(d)The prevention of public nuisance: There will be restricted hours when entertainment is allowed and where possible there will be noise restrictions on equipment.
Regular noise checks inside and outside the premises will take place.
Where possible speakers will face away from residential areas, and entertainers will be made aware of noise restrictions.
People will be asked to leave the property quietly.

(e)The Protection of Children from harm Where possible children will not be allowed on the premises in exceptions where children are allowed by prior arrangement, there will be restricted hours they are allowed on the premises.
Children will not be allowed in the bar area.
Challenge 21 will be observed by all bar staff, requiring photographic ID.

Proposed Conditions agreed by applicant and Northamptonshire Police *(prior to application being made)*

CCTV

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.
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. Any SIA licensed door supervisors the venue may require will be calculated via a risk assessment conducted by the Designated Premises Supervisor
8. No glass will be removed from the premises by customers and taken outside of the Licensable Area.

9. 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.

Application received on: 5 May 2021

Proposed Hearing Date and time: Tuesday 15 June 2021

Date invitations sent: 5 June 2021

Licensing Officer's Statement: As the West Northamptonshire Council Licensing Enforcement Officer I would advise the committee of their obligations to determine this application with a view to promoting the four licensing objectives.

The applicant is applying for a new premises licence for live music; recorded music; and supply of alcohol. The residential house is where the applicant lives and she wishes to establish a wedding venue. Rooms are currently hired out as an Air BnB for paying guests, but they do not currently provide alcohol. These proposed licensable activities are all between 10:00hrs and 00:00hrs on some days in the summer, on lesser hours earlier in the week, and predominantly for events later in the week. When the words "open to the public" are mentioned in the licensable activities, it actually refers to when activities will be available to bona fide guests and residents who have pre-booked; not to the general public at large.

I am sure that although the opening hours and licensable activities look extensive, the intention is for all of those activities to be limited to occasions when the business takes booking for weddings and parties, etc, only. It is not likely to be on a regular daily or even weekly basis, which it could appear to imply, from reading the application in isolation. The building itself is a Grade II Listed Jacobean Hunting Lodge set within 5 acres of garden, 14 acres of parkland and is a gated estate. It is set on the outskirts of the village. The property has 9 reception rooms, and 8 bedrooms. It is predominantly a family home but hired out for weddings. The premises licence application is for the area highlighted in red on the map. This includes Flore House and the surrounding grounds.

During the consultation period, a few residents made us aware they had been stifled by the blue notice. They could not establish when the consultation ended; how to apply for a copy of the application; who to apply to for a copy of the application; and exactly what activities were being sought on the application. A copy of a photo taken at the end of the consultation period is attached at Appendix C. Prior to continuing with the hearing, Councillors you will need to determine if due process has been followed; whether anyone has been disadvantaged due to the notice and instructions; and therefore whether the hearing may proceed.

I am not aware of any planning application being considered at present for these premises. It is possible they are already covered by the current planning permission. Any future Planning Application would be dealt with separately on its own merits; and copies sent to nearby neighbours during any consultation process.

When granting a premises licence it does not grant any permission under the Town and Country Planning Act 1990. The applicant should check that any use, activities and hours of operation permitted by a licence are within the conditions and limitations of the existing planning permission. The applicant could be liable to enforcement action under the Town and Country Planning Act 1990 if there is any breach of any existing planning permission. Any planning breaches would be dealt with by Planning Enforcement Officers.

The Parish Council and local residents concerns are in relation to many different aspects of the application, and you should refer to the representations in Appendix B for a complete list of concerns. Briefly, they are related to the Prevention of Crime and Disorder; Public Safety, Prevention of Public Nuisance and Protection of Children from harm. There is potential for increased risk of theft and burglary; conditions required to promote the licensing objectives according to Northamptonshire Police; potential for increased traffic on the winding roads near the school and church; potential increase of drivers parking on the verges and footpaths; use of the single track lane by many different people which may be hazardous; potential for increased noise from many different sources, and late into the evening.

One local resident has provided copies of the Minutes of the Parish Council meeting; A petition including 18 names from 13 residential addresses on The Avenue Flore; the Flore Neighbourhood Plan from 2014 to 2029; and Flore Conservation Area Appraisal and Management Plan adopted in June 2018. Unfortunately, as none of these fall directly within the four licensing objectives, it is possible that some or all of the information may need to be disregarded; or have less weight attached to it.

The Petition states those signing it wish to object to the application for a drinks licence for Flore House, Flore, but it does not contain any further information regarding the reasons for the objections. No doubt the sender of the petition will be able to further explain the thoughts of those who signed the forms as he personally visited them and had discussions with them.

Some local residents who put their names on the petition, have since made their own valid representation during the consultation period

Flore Parish Council, having held a public meeting on 17 May 2021, made a valid representation on behalf of the residents.

The applicant has supplied a list of conditions they believe address any issues. For the applicant proposed conditions refer to *Appendix A*.

Councillors you need to consider if the conditions proposed by the applicant and Northamptonshire Police, are robust enough, or if you need to consider further conditions. Any that are considered necessary, proportionate and appropriate to promote the four licensing objectives may be adopted. You also have the option of refusing the application in full or part; amending the extent of the licensable activities by reducing the timings; or, adding or amending proposed conditions.

Appendix D shows the conditions agreed between the applicant and Northamptonshire Police.

Attached at Appendix E is the comparison between the applicants proposed conditions and those agreed by the Applicant and Northamptonshire Police. Where they are similar or cover the same topic, they have been put side by side. Comparisons of conditions are shown by shading and similar conditions, or conditions that appear to be regarding the same subject have been collated together so it is easier to determine which ones should remain, and which ones could possibly be changed or removed.

One condition is of concern. It is labelled as Condition a. in column one. It would not be possible for a person to always be on the premises. This will need consideration in order to become an appropriate condition and therefore not easily breached. Also, a couple of conditions (namely o, q, and s) relate to "where possible". It would be much better if the conditions were more precise, so everyone knew what was to be expected.

*Both live and recorded music are deemed not licensable in certain circumstances, due to the Deregulation of Regulated Entertainment. Any music between 8:00hrs and 23:00hrs in a venue that holds a Premises Licences with less than 500 attendees, is not licensable. Only entertainment that falls outside of these hours, can be conditioned or removed as a result of this application. And only if it is deemed, necessary, appropriate and proportionate to do so.

Unfortunately, the West Northants Council telephone system at the Lodge Road Offices, was not connecting internal or external calls on 2nd and 3rd June, and if residents were trying to contact the Licensing Team at the end of the consultation period, they would not have been able to get through. The issues were only resolved on Friday 4 June.

I have nothing further to add as this is a matter for the committee to determine in the light of the above matters and any others, it considers material.

Andrea Hill