

Licensing Sub-Committee

At 9.00 am on Tuesday 30th July, 2024

Held as a Swanspool House, Wellingborough, Northants, NN8 1BP

Present:-

Councillors Jonathan Ekins, Anup Pandey and Geoff Shacklock

Officers:

Rita Groves, Licensing Enforcement Officer

Sarah Clipstone, Environmental Health Protection Officer

Carol Mundy, Senior Democratic Services Officer (Committees/Members)

Emma Robinson, Democratic Services Assistant

Louise Delavaloire, Legal Adviser.

7 Election of chair for the meeting

It was proposed by Councillor Shacklock and seconded by Councillor Pandey that Councillor Ekins be appointed as the chair for the meeting.

Resolved that Councillor Ekins be the chair of the meeting.

8 Apologies for absence

Resolved to note there were no apologies.

9 Declarations of Interest (if any)

Resolved to note that there were no declarations made.

10 Application for a Variation to the Premises Licence for The White Hart Tavern, High Street, Corby, NN17 1UX

The report of the Assistant Director of Regulatory Services, Iain Smith, was received to determine an application for a full variation to the premises licence for The White Hart Tavern, High Street, Corby, Northants, NN17 1UX.

The chair welcomed all in attendance to the meeting and the panel and officers introduced themselves.

The licensing enforcement officer on behalf of North Northamptonshire Council (NNC) presented the report to the sub-committee. The report detailed that an application for a variation of the premises licence for The White Hart Tavern had been received and published for statutory consultation.

Representations had been received from residents, relating to the potential for public nuisance caused by noise and crime and disorder caused by possible anti-social behaviour.

During the consultation period, one representation had been received from the Police, concerning the conditions on the licence, the Police requested their model conditions be attached to the premises licence, which was accepted by the applicants, and they withdrew their objection.

A local resident submitted a representation concerning the operating hours. Following consultation with the applicants, the applicants offered 02.00 hours finish which the objector accepted, so the objector withdrew their representation.

The licensing enforcement officer advised the sub-committee that the applicant no longer required a variation to the Licence in relation to outdoor music for the garden area and intended to rely on the provisions available within the Live Music Act 2012.

The issues and choices for the sub-committee to consider in determining the matter were detailed in the report.

The chair thanked Mrs Groves for her report.

The chair invited the applicant representative Mrs McClintock to address the meeting. Her Father Mr Hipkiss spoke on her behalf.

Representations of Applicant

Mr Mark Hipkiss read a statement prepared by the applicant. The statement detailed that the applicant runs the White Hart Tavern, and that this is also a family home to her and her six children. The statement detailed the ambition of the business, to create a family pub and restaurant that will be a benefit to the village and local community.

The White Hart hosts regular events to contribute to the local community including an annual veterans breakfast, providing 10 Christmas dinners for free, contributing vouchers to local raffles, hosting local fundraisers, supporting local events such as the recent Highland Gathering and raising money to support the Corby Old Village Neighbourhood Association to build a new play park in the Old Village.

Personal investment had been made by the applicant to renovate the premises but the increasing costs of running a pub and restaurant meant it could face closure in the next six months, creating 20-30 job losses.

Addressing an incident in May 2024 the applicant expressed how this had been an isolated matter. There had been no other reports of anti-social behaviour or crime and disorder made at the premises. The White Hart was unfortunate in that that they were the selected pub by the perpetrators of the incident. The applicant detailed that she had sustained broken ribs and other staff members had been injured in the incident. There were no actions they could have taken to prevent it. The incident had traumatised and caused much upset to the family and children that live at the premises.

The applicant provided examples of how she had addressed the concerns of residents such as removing a smoking shelter and disconnecting outdoor speakers. She also noted that other licensed premises had the same licensed hours that were being requested and this would enable them to have the same opportunities as those premises regarding opening times.

She also clarified that there was no intention to create a nightclub at the premises and stated that most of the customers are over 25 and there would be no demand. The extended hours would be for their customers and it was hoped that an extended period would allow for a more gradual dispersal from the premises at closing time.

The chair thanked Mr Hipkiss and asked if any of the councillors wished to ask any questions for clarification. His fellow councillors had no questions.

The chair did ask for confirmation that should there be a band playing that they would finish by 11.30. This was confirmed and the Juke Box would turn to low and the outside speakers turned off.

The chair invited the speakers to address the meeting.

Representation of Gail Christy

Gail Christy referred to emails previously submitted by way of written representations to the sub-committee. She explained that she lived opposite the White Hart Tavern and that her concerns related to the intermittent noise in the early hours of the morning and the impact that this has on health. She stated that she had not reported this as she was unable to prove that the people causing the noise were customers of the White Hart. Her concern was that an extension of time for the sale of alcohol would exacerbate the situation.

She advised the sub-committee that she has previously made reports to the local authority relating to music being played all day in 2022 and in July 2023.

Ms Christy stated that the White Hart is situated in a conservation area of notable environmental and historical significance which should be protected from undesirable change.

She noted there was no longer an application to vary the licence in relation to external music at the premises, but this is her greatest concern at the location of the front of the premises, as she and neighbours already had traffic noise from the busy road and the addition of music would make it worse.

The sub-committee confirmed that music can be played on the premises under the permissions of the Live Music Act 2012 up to 23:00 without any licensing conditions.

Representations of Rosina Howe – Chair of the Corby Old Village Neighbourhood Association

Ms Howe expressed her support to the concerns of Ms Christy and stated there had been historical issues in the area from a different licensed premise that had closed. Those issues included drug taking and sexual activity in the early hours of the morning.

She was concerned that there were vulnerable people living in the area and that exposure to these behaviours could affect the mental health of those impacted. She also acknowledged that licensed premises cannot be held responsible for the behaviour of their customers once they have left the premises but was keen to see anti-social behaviour avoided.

Ms Howe described how the restaurant is well attended and recommended by locals and that The White Hart has contributed to the local community by fundraising and that was greatly appreciated. She described local development opportunities in the area and how these may benefit the White Hart without the need to extend their opening hours and the hours during which alcohol could be sold. She also acknowledged that other licence premises have conditions that the White Hart are applying for but that the other premises rarely utilise them.

Representations of Ann Mitchell – Corby Old Village Neighbourhood Association

Ms Mitchell advised that she did not have anything to add to the earlier representations but that she would like the sub-committee and the applicant to consider that they could make applications for Temporary Events Notices for events rather than a variation to their licence.

The applicant asked for clarification from the licensing officer regarding the provisions available to them in relation to music on the premises. It was confirmed that the Live Music Act 2012 provides that a licence is not required to stage a performance of live music, or the playing of recorded music if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

The chair thanked the speakers and applicant. He asked if his fellow councillors had any questions. There were none.

The chair asked the applicant if they employed SIA Registered door staff. It was confirmed that these are employed every Friday and Saturday night until one hour after closing to assist with the dispersal of customers.

There being no further questions the chair adjourned the meeting at 10.05am.

The chair resumed the meeting at 10.20am.

Decision:

Resolved that the sub-committee agree to grant the application to vary the premises licence.

Reasons for decision:

In reaching the decision the sub-committee took into consideration:

- (i) The report presented by the licensing enforcement officer, for the council;
- (ii) The applicant's representations;
- (iii) The representations of Gail Christy, Rosina Howe and Ann Mitchell;
- (iv) The provisions of the Licensing Act 2003 and the four licensing objectives;
- (v) The Human Rights Act 1998;
- (vi) Relevant case law;
- (vii) North Northamptonshire Council's Statement of Licensing Policy;
- (viii) The guidance issued by the Secretary of State under s.182 of the Licensing Act 2003.

The sub-committee considered all the evidence, the licensing enforcement officer's report, all representations made, the relevant legislation, case law and policies.

The sub-committee further considered the licensing history of the premises and were satisfied that the applicant will uphold the licensing objectives and took the decision to grant the application to vary the premises licence.
as follows:

- (i) The applicant to adopt the model conditions agreed between the licensee and Northants Police.
- (ii) Opening Hours:
 - Sunday to Thursday 10:00 – 00:00
 - Friday to Saturday 10:00 – 03:00
 - Sale of alcohol for consumption on the premises:
 - Sunday to Thursday 10:00 – 00:00
 - Friday to Saturday 10:00 – 02:00

11 Close of business

Resolved that there being no further business the chair close the sub-committee meeting at 10.30am.