

WEST NORTHAMPTONSHIRE COUNCIL

**ALCOHOL AND GAMBLING LICENSING SUB-COMMITTEE
APPLICATION FOR GRANT OF A NEW PREMISES LICENCE**

**Farthingstone Hotel, Golf & Leisure Centre
Everdon Road
Farthingstone
Towcester
NN12 8HA**

DECISION NOTICE

1. The hearing took place at One Angel Square on 30th May 2025, following an application for the grant of a new premises licence made by Fifty Five Farthingstone Limited (“the Applicant”) in respect of premises at Farthingstone Hotel, Golf and Leisure Centre, Everdon Road, Farthingstone, Towcester, NN12 8HA (“The Premises”).
2. The Alcohol and Gambling Licensing Sub-Committee (“the Sub-Committee”) carefully considered the following:
 - The written report (“the Report”) prepared by the licensing enforcement officer and presented at the hearing by a Licensing Manager;
 - Appendices A to D of the report, consisting of a copy of the Application (appendix A), a map of the proposed development (appendix B), all relevant representations in support of the Application (appendix C) and all relevant representations by a responsible authority (the Council’s Environmental Improvement team) and other persons (Appendix D).
 - Oral representations provided by Mr Leo Skinner, Mr Kevin Mcleod, and Mr Andrew Bayliss, expanding on their relevant representations in respect of the Application, copies of which are at contained in the Report at appendix D.
 - Oral representations on behalf of the Applicant by its representative at the hearing, Mr Mr Maoileoin of Thomas & Thomas Partners LLP, as well as by the proposed Designated Premises Supervisor (“DPS”), Mr Sam Edwards.
 - The Applicants proposed conditions document, which initially had been omitted from the Report, but was supplied to the sub-committee and all attendees at the hearing.
 - The South Northamptonshire Statement of Licensing Policy 2020 – 2025 and the statutory guidance issued under section 182 of the Licensing Act 2003 (February 2025 update).

The Hearing

3. The sub-committee was informed that discussions between WNC's Environmental Health team and the Applicant had resulted in the latter being prepared to accept that the premises licence would authorise regulated entertainment in all outdoor areas, **except** for the courtyard area of the building marked as "the Hub" / 4.b of the plan submitted with the application, from 8am to 11pm, Monday to Sunday, and indoors and the courtyard area marked as 4.b on the plan from 08:00 to 1am, Monday to Sunday, with no provision for regulated entertainment for bona fide residents and their guests.
4. The sub-committee also received a copy of the conditions proposed by the Applicant as being consistent with their Operating Schedule, which were missing from the hearing Report.

Legal Advice

5. The sub-committee received the following legal advice prior to making their decision, further to the legal advice in the Report at paragraphs 6.2.1 to 6.2.8;
6. Members must act independently and impartially when making any decision about what is appropriate and proportionate in order to uphold the licensing objectives, taking into account the evidence before them.
7. The standard of proof to be applied in relation to the decision is the civil standard, namely "on the balance of probabilities" / more likely than not.
8. In relation to the imposition of conditions on premises licences, paragraph 9.39 of the section 182 guidance states that:

After considering all the relevant issues, the licensing authority may grant the application subject to the relevant mandatory conditions and any conditions that are consistent with the operating schedule. Any additional conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9. Paragraph 9.40 of the guidance states that:

Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities.

10. Paragraphs 9.43 and 9.44 of the guidance state that;

9.43 The authority's determination(s) should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve."

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that any condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business ... The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

11. Paragraph 10.10 of the guidance states that:

The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided ... Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

12. Paragraphs 11.1, 11.2, 11.11 and 11.19 of the guidance state that:

11.1 The proceedings set out in the 2003 Act for reviewing premises licences ... represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence ...

11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the license or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*
- revoke the licence.*

13. The effect of section 177A and Schedule 1 of the 2003 Act is that where performances of amplified live music and recorded music take place between 08:00 hours and 23:00 hours, on premises which are authorised by a premises licence to be used for the supply of alcohol on the premises and are open for that purpose, those activities are not licensable and may not be restricted in any way by any licence condition. Performances of unamplified live music are similarly not licensable between the same times, even in the absence of any premises licence authorising the sale of alcohol for consumption on the premises.

14. Section 177A further sets out that any condition added to a new premises licence that relates to live and recorded music, inside or outdoors, does not have effect where the above applies, but that on review of a premises licence, a licensing authority may alter such a condition so as to include a statement that the live and recorded music exemption does not apply to it and/or add new conditions relating to music as if that exemption did not apply.

15. In addition, paragraph 2.27 of the guidance states that;

Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti- social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Decision

16. The sub-committee determined the application at the conclusion of the hearing and granted a premises license, in accordance with section 18 of the Act, reflecting

the amended licensable activity hours and additional conditions proposed by the Applicant at the hearing and set out in detail in the schedule to this notice.

17. They also decided it was proportionate to impose an additional condition requiring signs at the entrance and exit to the car park visitors requesting that hotel residents, their guests and all visitors respect the right of people living in the villages nearby to a peaceful night, which they deemed appropriate for the promotion of the licensing objective of preventing public nuisance in this specific case.

Reasons

18. The sub-committee members gave a lot of thought to the relevant representations concerning the potential for the premises to fail to promote the licensing objectives, especially with regard to the prevention of public nuisance and, more specifically, late night noise nuisance, amongst other anti-social activities that could potentially take place on, in connection with, such a relatively large, licensed area.
19. Licensing authorities may only have regard to likely issues which would affect the licensable objectives. Likely issues such as anything relating to the development of the site in general, traffic and parking in the surrounding area (other than access for emergency services) and other matters more relevant to the planning regime, cannot lawfully be taken into account. The members also noted that the 2023 planning consent for the site includes conditions requiring plans regarding construction management, travel, deliveries and service and refuse and recycling and prohibits permanent residential occupation on the site.
20. However, the sub-committee members found that there was insufficient evidence before them to show that, on the balance of probabilities, the licensing objectives were not likely to be upheld if a premises license, containing the mandatory and additional appropriate conditions, were to be granted. It was also noted that there had been no relevant representations by Northamptonshire Police, the Fire Service or Health Services.
21. Despite the size and location of the site, the Applicant's willingness to restrict music and entertainment in the outside areas (save the courtyard of the main building marked 4b on the application) after 11pm offered a reasonable solution to potential late night noise nuisance, given that the nearest residence is nearly half a mile from the location where any authorised regulated entertainment would take place after that time, with the main village of Farthingstone being further away still.
22. There was also no evidence that anti-social behavior was more likely than not to ensue from any regulated entertainment or sale of alcohol that would take place at the proposed venue, given the stated proposed nature of the business.
23. As a result, it was not appropriate and proportionate to refuse to grant the licence based to a large extent on fears that the licensing objectives might potentially not be upheld at some point in the future.

24. The premises license was granted, with the addition of the mandatory conditions required by law and the additional and proportionate conditions at schedule 1, which were proposed by the Applicant and are consistent with its operating schedule.
25. Those who made relevant representations and local residents generally should be aware that they and any responsible authority may apply for a review of the premises license if they believe the business to be failing to promote the licensing objectives, despite the conditions imposed on the license, but only after the licensable activities have commenced and supported by evidence of any alleged failures.
26. On review of a premises license, a licensing authority can take appropriate and proportionate action in respect of the licence in order to promote the licensing objectives, which could include adding further conditions to the license (including in relation to any performance of live or recorded music which would come within the exemption under section 177A of the Act), excluding a licensable activity, removing the DPS, suspending the license for a period of up to three months or even revoking it, provided there is an evidential basis to justify any action.
27. The Applicant, responsible authority and any person that made a relevant representation may appeal this decision by giving a written notice of appeal to a Magistrates' Court within the period of 21 days beginning with the day on which they received a copy of this decision notice.

Councilor Adrian Cartwright

Chair of the West Northamptonshire Council Alcohol and Gambling Licensing Sub-Committee held on 30th May 2025.

Dated: 6th June 2025

SCHEDULE

Licensable activities

- **Sale of Alcohol (on and off sales)**

Monday to Sunday 08:00 to 01:00

Non-standard hours

00:00 to 00:00 for bona fide residents and their guests

- **Late night refreshment**

Monday to Sunday 23:00 to 01:00

- **Regulated Entertainment**

Films

Plays

Live and Recorded Music

Dance

Anything similar

Outdoors: Sunday to Monday 08:00 to 23:00

Indoors and in the outdoor courtyard area of the building marked as 4.b ("the Hub") on the plan submitted with the application which forms part of the premises licence: Sunday to Monday 08:00 to 01:00

- **Non-standard hours (all licensable activities)**

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

- **Opening hours**

Monday to Sunday 00:00 to 00:00

Conditions imposed on licence (in addition to the mandatory conditions)

28. Substantial food and non-alcoholic beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
29. A direct telephone number for the duty manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

30. The premises shall install and maintain a comprehensive CCTV system as part of the minimum requirements of the Police. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when patrons remain on the premises. All recordings shall be stored for a minimum period of 31 days. Recordings shall be made available to an authorised officer of the licensing authority or a police officer upon request.
31. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
32. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards.
33. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
34. Licensable activities authorised under this licence shall remain ancillary to the main use of the premises as a hotel.
35. An incident log shall be kept at the premises, and made available on request to an authorised officer of the licensing authority or a police officer upon request.
36. All front of house staff at the premises shall receive training in the Licensing Act 2003.
37. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
38. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
39. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
40. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
41. A clearly visible sign shall be displayed at the entrance and exit of the hotel car park requesting that hotel residents, their guests and all visitors respect the right of people living in the villages nearby to a peaceful night.