



LICENSING SUB-COMMITTEE 16 December 2022

Report Title	Application for a new Premises Licence
Report Author	Iain Smith Assistant Director of Regulatory Services Iain.Smith@northnorthants.gov.uk

List of Appendices

- Appendix A – Application Form**
- Appendix B – Premises Licence**
- Appendix C – Representation**

1. Purpose of Report

- 1.1. To obtain the Committee's decision in respect of an application for a new Premises Licence for Morrisons Store and Petrol Filling Station, 2-5 Oxford Street, Wellingborough, NN8 4LL

2. Executive Summary

- 2.1 The application for a Premises Licence has attracted one representation against granting the application. The report sets out the background to the issue and invites the Sub-Committee to determine the application.

3. Recommendations

- 3.1 The Sub-Committee is recommended to consider whether to:
 - Grant the application as requested
 - Grant the application subject to such conditions that are necessary to promote the Licensing Objectives
 - Refuse the application wholly or in part where it is necessary in order to promote the Licensing Objectives

4. Report Background

- 4.1 An application has been submitted for a new Premises Licence for Morrisons Store and Petrol Filling Station on Oxford Street, Wellingborough under the Licensing Act 2003, to permit;
- Sale of Alcohol: Monday to Sunday 06:00 - 00:00
 - Late Night Refreshment: Monday to Sunday 23:00 - 00:00
 - Opening hours: Monday to Sunday 06:00 - 00:00
- 4.2 The full application is detailed within the application included within Appendix A.
- 4.3 There is an existing premises licence for Morrisons Store and a copy of the licence is included within Appendix B. This licence permits;
- Sale of Alcohol: Monday to Sunday 06:00 - 00:00
 - Opening hours: Monday to Sunday 06:00 - 00:00
- 4.4 The new application now includes the petrol station on the licence and includes late night refreshment.
- 4.5 Following consultation, a representation was received from one Responsible Authority - the Environmental Protection team. This is included within Appendix C. The representation objects to the granting of the licence on the grounds that the licensing objectives, as prescribed by Section 4(2) of the Act, are not likely to be met. The relevant licensing objective is;
- the prevention of public nuisance;
- 4.6 No representations were received from the other Responsible Authorities – Police, Fire & Rescue Service, Child and Adult Services, Planning, or Child Protection, or from any Interested Parties.

5. Issues and Choices

- 5.1 The Interim Environmental Protection Manager has detailed concerns that the provision of late night refreshment, provision of alcohol and the proposed opening hours, may result in public nuisance to local residents. This is due to the proximity to residential properties and insufficient controls outlined within the application to prevent public nuisance.
- 5.2 Members should be mindful of chapter 9 of the guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, which provides guidance on the powers of the licensing authority on the determination of applications.
- 5.3 Chapter 10 of the Secretary of State's Guidance, provides advice and recommendations in respect of conditions which may be imposed on a premises licence where they are appropriate for the promotion of one or more of the four licensing objectives. Conditions may not be imposed for any other reason.
- 5.4 Members should also take into consideration the councils Statement of Licensing Policy and relevant sections with respect to this application are listed

below. The below list is not exhaustive and the policy should be considered fully prior to making decisions with respect to applications:-

11. Licensing Hours

11.1 Consideration will always be given to the individual merits of an application in line with the four licensing objectives and any relevant representations. This Authority recognises that longer licensing hours with regard to the sale of alcohol need to be managed effectively to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.

11.2 However, when issuing a licence with hours beyond 23.00 hours, higher standards may be expected to be included in Operating Schedules to address the Licensing Objectives especially premises which are situated near to residential properties.

11.3 In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.

11.4 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place.

17. Conditions

17.1 A key concept underscoring the Licensing Act 2003 is for conditions to be attached to licences and certificates that are tailored to the individual style and characteristics of the premises and events concerned. Conditions may only be applied following the receipt of relevant representations where they have been agreed by all parties concerned or have been applied by the Licensing Committee. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.

17.2 This Licensing Authority agrees that any condition imposed must be:

- clear;*
- enforceable;*
- evidenced;*
- proportionate;*
- relevant; and be expressed in plain language capable of being understood*

17.3 This Authority will therefore avoid the general application of standardised conditions to licences and certificates.

17.4 However, to ensure consistency, when it is necessary to apply conditions, this Authority will draw from pools of model conditions where available, from which appropriate and proportionate conditions may be drawn in particular circumstances to suit individual cases. The model conditions will cover the following:-

- Crime and disorder*
- Public safety*
- Public nuisance*
- Protection of children from harm*

- 5.5 Whilst having regard to the information provided by the applicant, the responsible authority and also the Councils Statement of Licensing Policy, the Sub-Committee's decision must be made with a view to promoting one or more of the four licensing objectives, namely:
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.

6. Implications (including financial implications)

6.1 Resources and Financial

- 6.1.1 There are no financial implications to the authority in relation to this report.

6.2 Legal

- 6.2.1 The Licensing Act 2003 sets out how an application for a Premises Licence should be dealt with where valid representations have been submitted. The Sub-Committee need to decide the outcome of the application taking into account the Licensing Objectives.
- 6.2.2 In accordance with the provisions of the Act, if a Licensing Authority rejects in whole or in part, an application for a Premises Licence the applicant may appeal against the decision, to a Magistrates' court within 21 days of being notified of the decision. Similarly, where a person who made relevant representations in relation to the application contends that the application ought not to have been granted or that alternative or additional conditions should have been imposed on the licence, they may appeal against the decision, to a Magistrates' court within 21 days of being notified of the decision.

6.3 Risk

- 6.3.1 None

6.4 Consultation

- 6.4.1 As prescribed by the Licensing Act 2003, the application has been out for consultation to statutory consultees (Responsible Authorities) and any other persons for 28 days in the form of a notice displayed on the premises, and a notice published in a local newspaper.

6.4.2 Following this consultation one representation was received.

6.5 **Consideration by Scrutiny**

6.5.1 None

6.6 **Climate Impact**

6.6.1 None

6.7 **Community Impact**

7.7.1 The licensing regime seeks to minimise any negative community impacts as its purpose is to promote the licensing objectives which includes prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

7. **Background Papers**

7.1 Section 182 Licensing Act 2003 Guidance - it is a statutory obligation of the Sub-Committee to take into account the Government's Guidance to the Licensing Act 2003 before reaching a decision.

7.2 Statement of Licensing Policy - the Council will have regard to the policy when making a decision on applications made under the Act