



## LICENSING ACT 2003 SUB-COMMITTEE 29 June 2021

<b>Report Title</b>	<b>Application to vary a premises licence</b>
<b>Report Author</b>	<b>Amanda Wilcox Principal Environmental Health Manager, <a href="mailto:amanda.wilcox@northnorthants.gov.uk">amanda.wilcox@northnorthants.gov.uk</a></b>

### List of Appendices

**Appendix A – Application Form**

**Appendix B – Representation**

**Appendix C – Location Map**

**Appendix D – Current Licence**

### **1. Purpose of Report**

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- 1.1. To obtain the Committee's decision in respect of an application to vary the Premises Licence for Volunteer, 69 Midland Road, Wellingborough, Northamptonshire, NN8 1LU.

### **2. Executive Summary**

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- 2.1 The application to vary the Premises Licence, has attracted one representation against the grant of the licence. The report sets out the background to the issue and invites the Sub-Committee to determine the application.

### **3. Recommendations**

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- 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**

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- 4.1 An application has been submitted to vary a Premises Licence under the Licensing Act 2003, for Volunteer, 69 Midland Road, Wellingborough.
- 4.2 The application is to vary the hours permitted for the sale of alcohol from;
- Monday – Saturday 08.00am – 23.00pm
  - Sunday – 10.00am – 22.30pm
- and extend the hours to;
- Monday – Thursday 8:00am - 0:00am
  - Friday – Saturday 8:00am - 2:00am
  - Sunday 10:00am - 00:00am
  - New Years Eve until 4:00am
- 4.3 The application also seeks to add recorded music onto the licence :
- Monday – Thursday 8:00am - 0:00am
  - Friday – Saturday 8:00am - 2:00am
  - Sunday 10:00am - 00:00am
  - New Years Eve Until 4:00am
- 4.4 The hours that the premises are open to the public are to be extended from:
- Monday to Saturday 08:00 - 23:00
  - Sunday 10:00 - 22:30
- and altered to;
- Monday – Thursday 8:00am - 0:00am
  - Friday – Saturday 8:00am - 2:00am
  - Sunday 10:00am - 00:00am
  - New Years Eve Until 4:00am
- 4.5 The full details are included within the application included within Appendix A.
- 4.6 Following consultation, a representation was received from one Interested Party. This is included within Appendix B. 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 objectives are;
- the prevention of crime and disorder
  - the prevention of public nuisance
- 4.7 No representations were received from the Responsible Authorities.
- 4.8 A map is included within Appendix C showing the location of the premises.

## **5. Issues and Choices**

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- 5.1 The interested party, Wellingborough Town Council, raised concerns over the sale of alcohol until 2am on a Friday and Saturday, and 4am on New Year's Eve, due to the close proximity of neighbouring residents and the potential for antisocial behaviour.

- 5.2 The town council requested clarification from the Licensing Team on the proposed mitigation measures for neighbouring residents and indicated that if suitable mitigations were in place to address their concerns, they would be willing for the application to be approved. The applicant had not however detailed any steps they would take to promote the licensing objectives within the application to vary the licence. The current licence also does not detail mitigation measures. The current licence is included within Appendix D.
- 5.3 The Police have liaised with the applicant and have reached agreement that the below should be added to the premises licence as conditions;
- After 23:00 hours admittance to the premises by members of the public will only be permitted by the use of a door entry system controlled by the Premises Licence holder/Designated Premises Supervisor.
  - A Challenge 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.
- 5.4 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.
- 5.5 Chapter 10 of the Secretary of State's Guidance, provides advice and recommendations in respect of conditions which may be imposed on a premises license 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.
- 5.6 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:-

*11.1 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.*

- 5.7 Whilst having regard to the information provided by the applicant, the representations 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)**

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### **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 have 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 to grant 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 licence 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**

6.7.1 None

## **7. Background Papers**

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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

