



## Licensing Sub-Committee 25 June 2024

<b>Report Title</b>	<b>Application for a New Premises Licence for Rutland Convenience Store, 2 Rutland Street, Kettering NN16 8NX.</b>
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### List of Appendices

**Appendix 1 – Premises Licence Application**

**Appendix 2 – Plan of Premises**

**Appendix 3 – Emailed Representation**

**Appendix 4 – Map of Area**

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

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- 1.1. To obtain the Sub-committee's decision in respect of an application for a new premises licence for Rutland Convenience Store, 2 Rutland Street, Kettering.

### **2. Executive Summary**

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- 2.1 An application for a new premises licence for Rutland Convenience Store was received on 9 May 2024. The appropriate notices were displayed and the advertisement was placed as required.
- 2.2 One representation was received and therefore the report invites the Sub-committee to determine the application.

### **3. Recommendations**

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- 3.1 The Sub-committee is asked to consider the new premises licence application.
- 3.2 Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

## **4. Report Background**

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4.1 The application requests to allow a licensable activity to take place in a new convenience store. The application form and plan can be seen at **Appendix 1** and **Appendix 2**.

4.2 The matters for which the premises licence is sought are detailed below:

### **Sale of alcohol for consumption off the premises:**

Sunday to Thursday 08:00 – 23:00

Friday to Saturday 08:00 – 00:00

### **Non standard Timings:**

Christmas Eve 06:00 – 00:00

New Years Eve 06:00 – 00:00

### **Opening Hours:**

Monday to Sunday 06:00 – 00:00

4.3 During the consultation period, one representation was received from a local resident. The representation is concerned with Public Nuisance caused by store lighting, noise and local parking issues and Crime and Disorder caused by possible anti-social behaviour.

4.4 The representation can be seen at **Appendix 3**.

4.5 A map of the area showing the store in relation to the representation address can be seen at **Appendix 4**.

## **5. Issues and Choices**

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### **5.1 Determination**

5.1.2 The Sub-Committee must carry out its functions to promote the licensing objectives having regard to:

- The Licensing Act 2003
- The Council's Licensing Policy
- S182 Guidance

5.1.3 The Act states that the hearing shall have regard to the representations and following a hearing the Sub-Committee may take any of the following actions if they deem them necessary to promote the licensing objectives:

- Grant the licence subject to operating schedule and mandatory conditions only
- Grant, subject to further conditions necessary for the promotion of the licensing objectives
- Refuse the application in its entirety
- Refuse elements of the application

## 5.2 Policy Considerations

5.2.1 This section highlights the elements of the licensing policy that are most relevant with respect to this application. This is not exhaustive and the policy should be considered fully prior to making decisions with respect to applications: -

- *2.12 This Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling, noise and street crime.*
- *2.13 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions relevant to the operating plan will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are appropriate, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (e.g. Health and Safety at Work and Fire Safety legislation).*

## 5.3 Section 182 Guidance Considerations

5.3.1 Section 9.31 to 9.41 highlights the elements of section 182 Licensing Guidance that are most relevant with respect to this application. This is not exhaustive and guidance should be considered fully prior to making decisions with respect to applications.

## 6. Next Steps

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6.1 Once the Sub-Committee have determined whether to grant, refuse or amend the Rutland Convenience Store new premises licence application, a decision notice will be sent to the applicant confirming the decision.

## 7. Implications (including financial implications)

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### 7.1 Resources and Financial

7.1.1 There are no resource or financial implications arising from the proposals at this stage.

### 7.2 Legal and Governance

7.2.1 The Licensing Act 2003 makes it a duty for the local authority to carry out its functions under the Act with a view to promoting the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance, and
- The protection of children from harm

In carrying out its licensing functions, a licensing authority must also have regard to—

(a) its licensing statement published under section 5, and

(b) any guidance issued by the Secretary of State under section 182.

7.2.2 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.

7.2.3 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.

7.2.4 An appeal must be made to the magistrates' court and must be commenced by notice of appeal given by the appellant to the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

7.2.5 Members are reminded that in order to satisfy Article 6(1) of the Human Rights Act 1998 they should give written reasons for decisions refusing or revoking licences. Reasons need not be fully detailed but must be sufficiently clear to enable the recipient to exercise any statutory right of appeal.

### **7.3 Relevant Policies and Plans**

7.3.1 The North Northamptonshire Council Licensing Act 2003 Statement of licensing policy for regulated entertainment, late night refreshment and the sale of alcohol 2022 – 2027, assists the council in meeting stated commitments within the Corporate Plan.

7.3.2 Relevant section of the Corporate Plan is:

- Creating safe and thriving places

### **7.4 Risk**

7.4.1 There are no significant risks arising from the proposed recommendations in this report.

### **7.5 Consultation**

7.5.1 The consultation process has been carried out in accordance with the requirements of the Licensing Act 2003 and associated guidance.

### **7.6 Consideration by Executive Advisory Panel**

7.6.1 This report has not been considered by the Executive Advisory Panel

### **7.7 Consideration by Scrutiny**

7.7.1 This is not a matter for the Scrutiny Committee.

### **7.8 Equality Implications**

7.8.1 There are no equality implications arising from the proposed recommendations in this report.

## **7.9 Climate Impact**

7.9.1 There are no climate / environmental impacts that may arise regarding this report.

## **7.10 Community Impact**

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

## **7.11 Crime and Disorder Impact**

7.11.1 This report is being considered by the Sub Committee in order to reduce Crime and Disorder within the Council district.

## **8 Background Papers**

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Licensing Act 2003

[Licensing Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)

Revised Guidance under Section 182 of Licensing Act 2003

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Statement of Licensing Policy (2022 to 2027)

[Licensing policy | North Northamptonshire Council \(northnorthants.gov.uk\)](https://northnorthants.gov.uk)