

Licensing Sub-Committee Tuesday 14 December 2021

Report Title	Application for a Review of the Premises Licence at International Supermarket, 82 High Street, Rushden NN10 0PQ
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List of Appendices

Appendix A – Application for Review of Premises Licence

Appendix B – Map of Area

Appendix C – Representations

Appendix D – Current Licence

Appendix E – Statement of Licensing Policy (East area Sovereign Policy)

1. Purpose of Report

- 1.1. To obtain the Sub-committee's decision in respect of an application for a review of the premises licence for International Supermarket, 82 High Street, Rushden NN10 0PQ

2. Executive Summary

- 2.1 An application for a review of the premises licence for International Supermarket, 82 High Street, Rushden NN10 0PQ was received on 27 October 2021. The appropriate notice was displayed at the premises, at the East area Council Offices and on the North Northamptonshire website. Two representations were received.

3. Recommendations

- 3.1 The Sub-committee is recommended to determine the application.
- 3.2 At any stage, following the grant of a premises licence, a responsible authority may ask the licensing authority to review the licence because of a matter at the premises in connection with any of the four licensing objectives.
- 3.3 The Licensing Authority in determining what action to take, will seek to establish the causes of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

4. Report Background

- 4.1 The matters for which a review to the premises licence are sought relate to the prevention of crime and disorder and the protection of children from harm. The request for the review relates to a joint Northamptonshire Police, Trading Standards and North Northamptonshire Council (East area) visit where illegal tobacco products were being stored at the premises and an alleged underage sale(s) of alcohol. The application for the review is included within Appendix A and a map of the premises is included within Appendix B.
- 4.2 The Licensing Enforcement Officer has submitted a representation which relates to intel received before the joint visit and matters arising since the visit. Rushden Town Council have also commented in support of the application.
- 4.3 The representations can be seen in Appendix C.
- 4.4 A copy of the premises licence is included within Appendix D for information.
- 4.5 A copy of the sovereign council's policy (East Northamptonshire Council) can be seen in Appendix E.

5. Issues and Choices

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 Statement of Licensing Policy
 - S182 Guidance
- 5.1.3 The Act states that following a hearing, the panel may take the following actions if they deem them necessary to promote the licensing objectives:
- No action necessary as no steps required to promote the licensing objectives;
 - Issuing an informal warning to the premises licence holder and/or to recommend improvement within a particular period of time. This Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder;
 - To modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
 - Excluding a licensable activity from the licence;
 - Remove the designated premises supervisor;
 - Suspend the licence for a period of up to three months;
 - To revoke the licence.

5.2 Policy Considerations

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

- 2.10 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. This Licensing Authority wishes to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 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 Sections 11.16 to 11.29 of the above guidance are particularly relevant to this application. This is not exhaustive, and guidance should be considered fully prior to making decisions with respect to applications.

6. Implications (including financial implications)

6.1.1 Resources and Financial

There are no resources or financial implications arising from the proposals.

6.2 Legal

6.2.1 A Legal Officer will be present at the hearing to outline all legal matters that need to be taken into consideration.

6.2.2 The Licensing Act 2003 sets out how an application for a Review of a Premises Licence should be dealt with. The Sub-Committee have to decide the outcome of the application to review, taking into account the Licensing Objectives.

6.2.3 In accordance with the provisions of the Act, an appeal against the final review decision may be made to a Magistrate's court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.3 Risk

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

6.4 Consultation

6.4.1 As prescribed by the Licensing Act 2003 the following consultations have been undertaken:

Child Protection	No representation
Fire	No representation
Northamptonshire Police	Review applicant
Trading Standards	Statement included in police report
Home Office	No representation
Health Authority	No representation
Rushden Town Council	Representation
Environmental Protection	No representation
Licensing (Local Authority)	Representation
Planning	No representation
Public	No representation

6.5 Consideration by Scrutiny

6.5.1 There are no comments received by the Scrutiny Commission in relation to this report.

6.6 Climate Impact

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

6.7 Community Impact

6.7.1 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 and public nuisance, public safety and the protection of children from harm.

7. Background Papers

7.1 None