



Licensing (Liquor and Gambling) Panel – 21 May 2012

Application for a new premises licence for Spencer Wines, 182 Wellingborough Road, Rushden, NN10 9SX

Purpose of report

Application for a new premises licence for Spencer Wines, 182 Wellingborough Road, Rushden.

Attachment(s)

Appendix 1 - Application Form
 Appendix 2 - Map of Area
 Appendix 3 - Representations

1.0 Summary

- 1.1 An application for a new premises licence at Spencer Wines, 182 Wellingborough Road, Rushden, NN10 9SX was received on 23 March 2012. The appropriate blue notice was displayed on the premises during the required consultation period.

2.0 Licensable Activities

- 2.1 Those matters for which a licence is requested are listed below; times requested are shown.
- 2.2 **Supply of Alcohol**
 Monday to Sunday 0600 hours to 2300 hours. (Off sales only.)

Hours open to the public

Monday to Sunday 0600 hours to 2300 hours

3.0 Consultations

- 3.1 The following consultations have taken place

Child Protection	No representation
Fire	No representation
Trading Standards	No representation
Revenue and Customs	No representation
Town Council	No Representation
Environmental Protection	No representation
Environmental Health	No representation
Public	One representation
Police	No representation

- 3.2 The representation from the public has been analysed and a summary is shown under the relevant licensing objective. See appendix 3 for full representation.

3.3 Prevention of Public Nuisance

The representation refers to the possibility of greater levels of litter and noise in the immediate area.

4.0 Determination

4.1 The panel must carry out its functions to promote the licensing objectives having regard to:

- Licensing Policy
- S182 Guidance

4.2 The Act states that following a hearing the panel may take the following actions if they deem them appropriate to promote the licensing objectives:

- Grant subject to operating schedule and mandatory conditions only
- Grant subject to further conditions necessary for the promotion of the licensing objectives
- Exclude a licensable activity
- Reject the application

5.0 Policy Considerations

5.1 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:-

- 2.13 – 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 necessary, 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).
- 5.0 Licensing Hours – relates to higher standards being included within an operating schedule to address licensing objectives, the need to consider the adequacy of measures proposed to deal with nuisance and /or public disorder and demand stricter conditions with regard noise control near denser residential accommodation.
- 9.0 Licence Conditions - this authority will therefore avoid the general application of standardised conditions to licences and certificates. However to ensure consistency, when it is necessary to apply conditions, the 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. (Paragraph 10.1 of section 182 guidance).

6.0 Section 182 Guidance Considerations

6.1 This section 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:-

6.2 Committee Consideration

- 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 appropriate for the promotion of the licensing objectives in any individual case (para 1.16).
- As a matter of practice, licensing authorities should seek to focus the hearing on the steps needed to promote the particular licensing objective which has given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or interested party may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation (para 9.40).

6.3 Control of Licensee

- Licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or in a smoking shelter, where and to the extent that these matters are within their control (para 2.4).

6.4 Conditions

- Under former licensing regimes, the courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both (para 10.4).
- The act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues. For example, charities, community groups, voluntary groups,

churches, schools and hospitals which host smaller events and festivals will not usually be pursuing these events commercially with a view to profit and will inevitably operate within limited resources (para 10.14).

6.4 Opening Hours

- In some town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises (para 10.20-10.22).
- However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested (para 10.20-10.22).

7.0 Financial implications

7.1 There are no financial implications

8.0 Legal implications

8.1 There are no legal implications .

9.0 Risk implications

9.1 There are no risk implications

10.0 Equality implications

10.1 There are no equality implications

11.0 Invitation to Determine

11.1 The panel is asked to consider the information detailed above and determine whether to grant the licence.

Agenda Item 4

	Power: Licensing Act 2003				
	Other considerations: Statutory Guidance issued under Section 182 Licensing Act 2003; Statement of Licensing Policy				
Background Papers: None					
Person Originating Report: Thomas Morrissey Licensing Enforcement Officer tmorrissey@east-northamptonshire.gov.uk 01832 742241					
Date: 23 April 2012					
CFO		MO		CX	

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