



Licensing (Liquor and Gambling) Panel

Application for a Premises Licence at 110 Higham Road, Rushden

Purpose of report

Application for a Premises Licence at 110 Higham Road, Rushden

Attachment(s)

- Appendix 1 - Application Form
- Appendix 2 - Map of Area
- Appendix 3 - Proposed Floorplan for Premises
- Appendix 4 - Representations

1.0 Summary

- 1.1 An application for a premises licence at 110 Higham Road, Rushden was received on 30 July 2012 (Appendix 1). The appropriate blue notice was displayed on the premises during the required consultation period.

The premises previously held a premises licence but this was surrendered in March 2009.

2.0 Application details

- 2.1 Those matters for which a premises licence is sought are listed below with the relevant timings

Supply of alcohol

07:00 – 22:00 off the premises

3.0 Consultations

The following Consultations have been undertaken:

Child Protection	No representation
Fire	No representation
Police	No representation
Trading Standards	No representation
Revenues and Customs	No representation
Health Authority	No representation
Town/Parish Council	No representation
Environmental Protection	No representation
Environmental Health	No representation
Licensing	No representation
Planning	No representation
Public	Nine representations

- 3.1 There were nine representations received from the public, they have been analysed and a summary is shown under the relevant licensing objectives. These representations are very detailed, as such only the main points relating to public nuisance have been specified below.

Prevention of Crime and Disorder

It will attract groups of people causing a nuisance late at night, damage to vehicles and property would increase significantly. Reference to the planning inspectors appeal decision of 7 June 2011 (para 18) stated; ' I do not doubt that instances of crime

occurred when the premises were used as a late night shop, or that those instances have notably fallen in number since that use ceased'. The paved area fronting the shop would provide opportunities for youths to gather to cause trouble, as they did when the previous retail shop sold alcohol. Stores themselves are often the target of thieves, as evidenced by raids in the town in recent months. As a result of the shop not being open for many years the antisocial behaviour problem has improved. Feel existing problems will escalate ,such as damage to property, litter, urination alongside properties and sexual activity at the back of properties in Sussex Place.

Public Nuisance

Loud noise created by late night drinking would affect the residents. Being open 14 hours a day, 7 days a week, 365 days a year will inevitably cause a public nuisance and lead to loss of amenity for residents. Long hours would lead to an increase in littering, fouling and noise. Our property has a waist high boundary wall, which was regularly damaged by customers to the former store, who sat on it, becoming increasingly abusive as they became more intoxicated. The lengthy hours provide no respite from this disturbance, which will undoubtedly increase later into the evening when the shop will be frequented by alcohol fuelled clientele. When the shop was open previously, we, and other neighbours were phoning the police on a weekly basis, to report unacceptable rowdy behaviour outside the property. Litter is a huge concern.

Public Safety

It is important people feel safe in their homes, they will feel scared and threatened by drunken people throwing bottles and litter into their gardens. Increased traffic flow and already subject to viability issues by being located on the corner, there are many near misses. Concerns regarding liver disease, which by granting a licence would add to this burden.

Protection of Children from Harm

Reported increases in underage drinking in this area. Children will wait outside the shop and ask adult to purchase drink for them. Situated between two secondary schools and this would clearly encourage children to meet and drink.

See Appendix 4 for full representations.

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 necessary to promote the licensing objectives:

- Grant the application subject to operating schedule and mandatory conditions only
- Grant the application subject to further conditions necessary for the promotion of the licensing objectives
- Grant elements of the application subject to further conditions necessary for the promotion of the licensing objectives
- Refuse elements of the application
- Refuse the whole of 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 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.
- 2.14 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).
- 5.1 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 are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is appropriate to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.
- 9.1 Licence Conditions - this Authority will therefore avoid the general application of standardised conditions to licences and certificates.

6.0 Section 182 Guidance Considerations

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:-

6.1 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 necessary 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 other person 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 9.33).

6.2 Conditions

- 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 2003 Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. The

conditions should be determined on a case by case basis and standardised conditions which ignore these individual aspects should be avoided. (para 10.14).

Hours of trading

- Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the Licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested. (para 10.21).

7.0 Equality and Diversity Implications

7.1 There are no equality and diversity implications

8.0 Financial Implications

8.1 There are no financial implications at this stage.

9.0 Staff

9.1 There are no staffing implications

10.0 Risk Management

10.1 There are no material risks

11.0 Corporate Outcomes

11.1 The following corporate outcomes would be delivered

- Good quality of life
- Effective partnership working
- Good reputation
- Strong community leadership
- Knowledge of our customers and communities

12.0 Invitation to determine

12.1 The panel is asked to consider the information detailed above and determine the variation application.

Legal	Power: Licensing Act 2003				
	Other considerations: Section 182 Guidance, April 2012; Statement of Licensing Policy				
Background Papers: None					
Person Originating Report: Julia Smith Commercial Health Manager jsmith@east-northamptonshire.gov.uk 01832 742066					
Date: 4 September 2012					
CFO		MO		CX	

(Committee Report Normal Rev. 22)