

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 19 September 2012

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 9:30am

Present: Councillors: -

**Glenn Harwood MBE (Chairman) Pauline Bradberry JP
Brian Northall**

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Glenn Harwood be appointed as Chairman for this hearing.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received.

3. APPLICATION FOR A PREMISES LICENCE FOR 110 HIGHAM ROAD, RUSHDEN

The Licensing Officer reported on an application for a premises licence for 110 Higham Road, Rushden under the Licensing Act 2003. It was noted that the premises had previously held a licence under different ownership, but this had been surrendered in March 2009. Nine representations had been received from the public and these had been included as an appendix to the report supplied.

The application requested the following conditions:-

Supply of Alcohol (Off sales only)

Monday to Sunday 07:00 – 22:00 hours

(a) Evidence from the applicant

The applicant's representative, Mr John Birch, was provided with the opportunity to speak in support of the application.

Mr Birch detailed the reasons for the application and advised the panel that the premises would operate as a convenience store which would sell alcohol in addition to groceries, household items and newspapers. He stated that the Operating Schedule before the panel was open to for alteration or addition should the panel deem it necessary.

Mr Birch commented on CCTV that would be installed at the premises should the application be granted, stating it would be state of the art and provide images of evidential quality both internally and externally.

On the topic of protection of children from harm, Mr Birch noted that it was the responsibility of the operator to ensure he was aware of the range of real and fake identification available to potential underage drinkers. He noted that shop staff would have access to laminated example of both real and fake ID's in order to reduce the chances of underage sales. The operator would be utilising the Challenge 25 Scheme and was also fully aware of the issue of proxy purchasing.

Panel members noted that it was also the intention of the operator to install two clothes recycling bins at the front of the property to discourage loitering. He further stated the intention of the operator to liaise with the occupiers of 108 Higham Road to prevent the wall shared between the two properties from being used as seating. It was hoped that this would discourage Anti-Social Behaviour (ASB).

Mr Birch concluded by noting that no comments of objection had been received from ward members, Rushden Town Council or any other responsible authority in terms of the application.

The panel and the objectors were provided with the opportunity to ask questions of the applicant.

(Prior to evidence being presented by objectors, the panel adjourned the meeting so that all three objectors could be provided with a copy of the committee report from which to base their comments).

(b) Evidence from the objectors

Mrs Dorothy Maxwell, a local resident, was provided with the opportunity to speak against the application in which she confirmed her concerns.

Mrs Maxwell detailed past events of Anti-Social Behaviour (ASB) suffered by neighbours under the premises previous ownership. She further stated the reopening of the shop with a premises licence could cause additional issues regarding parking, litter and under-age drinking. Following discussion of the objectors, a suggestion was made regarding altered opening hours for the premises.

Mrs Kathleen Knight, a local resident, was also provided with the opportunity to speak against the application but stated she had no additional comments to make to those made by Mrs Maxwell.

Mr William Clifton, another resident, also spoke against the application.

Mr Clifton also discussed his concerns regarding an increase in ASB and felt that Rushden had sufficient outlets already for the purchase of alcohol.

The applicant and panel were afforded the opportunity to ask questions of the objectors but declined to do so.

After considering the submitted report and the representations made at the hearing from the speakers, including advice from the solicitor, the panel retired to consider the application and evidence presented.

RESOLVED:

That the application for a Premises Licence at 110 Higham Road, Rushden be granted.

"The Licensing Panel has considered this application for a new Premises Licence for 110 Higham Road, Rushden and has taken into account the Licensing Officers report and the various representations from members of the public.

After careful deliberation and consideration of the Licensing Objectives, ENC's Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003, (amended April 2012) the Panel has reached the following decision.

To **grant** a Premises Licence as requested

Hours Premises is open to the Public

Monday to Sunday 0700 hours to 22:00 hours

Supply of Alcohol (Off sales only)

Monday to Sunday 07:00 – 22:00 hours

All mandatory conditions will apply.

In addition, the Panel had decided to impose the following conditions:-

1. The Premises Licence Holder is to display signs both inside and outside the premises that discourage persons congregating immediately outside the premises.

Reason – the prevention of public nuisance

2. The Premises Licence Holder is to ensure no seating, of any description, is placed outside the premises. This will help to discourage people congregating in the area.

Reason – the prevention of public nuisance

3. In agreement with the Applicant, the Premises Licence Holder is to install an EPoS till system which can be programmed to prompt the operator to verify the age of the customer.

Reason – the protection of children from harm.

Informatives

1. The Panel believes the operating schedule submitted by the Applicant addresses those issues most frequently raised by objectors.
2. The Panel considered carefully the range of issues raised by the objectors but in every single case, found them to be historic. Whilst the Panel does not doubt the objectors statements, there is no evidence to suggest the problems they highlighted will be exacerbated by granting this Premises Licence.
3. A number of the concerns raised by objectors such as parking, litter and the like are not material to licensing.
4. The Panel was encouraged to hear the Applicant agree to consulting with the immediate neighbour at 108 Higham Road, whose garden wall has in the past been used as a rest place for individuals. The Panel trusts a mutually agreeable compromise will be reached in the very near future.
5. The Panel was pleased to hear the Applicant's agreement to provide waste bins outside the premises. It is important that the siting of those bins is sympathetic to the surround area.
6. The Panel believes that the conditions it has imposed today are adequate, and appropriate, to address many of the concerns stated by the objectors.

The Decision Notice will be sent out in writing. If any Party, Applicant or Objector who has made a representation, is aggrieved with the Panel's decision, they have the Right to Appeal to the Magistrates Court. That must be done within 21 days of the date given on the Decision Notice."

Chairman