

LICENSING (LIQUOR AND GAMBLING) PANEL

Date: 20 March 2013

Venue: East Northamptonshire House, Cedar Drive, Thrapston

Time: 2:00pm

Present: Councillors: -

Tony Boto
Richard Gell

Glennil Greenwood-Smith

1. APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor Richard Gell be appointed as Chairman for this hearing.

2. APOLOGIES

Apologies were received from the objector, Raunds Town Council who did not attend the meeting. The panel resolved to proceed in their absence.

3. DECLARATIONS OF INTEREST

Councillor Tony Boto declared an "other" interest as a member of Raunds Town Council, the objector to this application. He advised the meeting that he had exempted himself from the meeting where this matter had previously been discussed, and had no preconceived opinions on the application.

4. APPLICATION FOR A VARIATION OF THE PREMISES LICENCE AT GROVE STREET STORES, 60A GROVE STREET, RAUNDS

The Licensing Enforcement Officer reported on an application to vary the premises licence at Grove Street Stores, 60a Grove Street Rushden.

Members heard that an application for a variation to the premises licence at Grove Street Stores had been received on 31 January 2013 and that the appropriate Blue Notice had been displayed during the consultation period.

The application requested variation to the licence as listed below (pre-application timings listed in brackets):

Supply of Alcohol

Monday to Sunday 0700 hours to 2300 hours

(Monday to Saturday 0800 hours to 2300 hours; Sunday 1000 hours to 2230 hours)

Hours Premises Open to Public

Monday to Sunday 0600 hours to 2300 hours

(Monday to Saturday 0800 hours to 2300 hours; Sunday 1000 hours to 2230 hours)

It was noted that prior to the commencement of the meeting, the Panel had received information from the Licensing Enforcement Officer in the form of a list of opening hours for other licenced premises in the vicinity of the applicant's premises. The applicant and his agent were given the opportunity to view this information before the meeting continued and were content to accept the submission of this information to the hearing.

(a) Evidence from the applicant

The applicant's agent, Mr Wain, was provided with the opportunity to speak in support of the application.

He opened by saying that he was grateful for the change of date of the hearing, which had enabled his attendance.

He advised the panel that prior to the application being made, he had consulted with police regarding anti-social behaviour and they had registered no issues with the proposed variance to the opening hours. Once the application had been made, no objections had been forthcoming from either the police or Environmental Health on the grounds of noise or nuisance. He stated that the only objections received had been from Raunds Town Council, all of which were simply speculating on potential issues that may arise in future, with no evidence provided to support the objections.

Mr Wain stated that the premises were already open until 2300 hours Monday to Sunday, and for the sale of alcohol until 2300 hours Monday to Saturday, all the applicant was requesting was for the levelling up of hours to 2300 hours on Sundays. He further explained that the reason for requesting earlier opening hours of 0600 hours, with alcohol sales from 0700 hours, was to open for the selling of newspapers and other goods as the premises was a general convenience store rather than a dedicated off-licence. He noted that there was a trade and economy for alcohol sales from 0700 hours.

He stated that there was nothing to support Town Council objections from any of the statutory consultees, and the applicant had run the premises since 2007 without any issues. Mr Wain asked the Licensing Enforcement Officer how he found the running of the premises to be. The Licensing Enforcement Officer responded that it was a well run premises, and had provided no problems at all in the past.

Mr Wain concluded that each application should be judged on own merits and not by what had been refused or granted in the past. He noted that the applicant had volunteered a lot of conditions that were not on present on the current licence, and was already voluntarily using Challenge 25 and CCTV. He stated that he had read nothing in objections that made him believe the panel could not grant the licence, as all the town council objections were anticipatory and he referred the panel to the case of Thwaites.

(b) Questions from Objectors to the Applicant

The objector was not present at the meeting and therefore no questions were asked.

(c) Questions from Panel Members to the Applicant

A panel member then asked a question of the applicant.

Councillor Boto asked the agent for applicant whether there was a demand for alcohol sales from 0700 hours. Mr Wain responded that it was a low figure, approximately seven or eight requests a day.

(d) Evidence from the Objectors

The objector was not present at the meeting and therefore no evidence was presented.

(e) Applicant Final Statement

The applicant was given the opportunity by the Chairman to make a final statement before the panel considered the application.

The applicant's agent advised that there was nothing he could add to his original statement.

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, and it was

RESOLVED:

That the application for a variation to the premises licence at Grove Street Stores, 60a Grove Street Rushden, be granted.

The Licensing Panel has considered this application to vary a Premises Licence for Grove Street Stores, 60a Grove Street, Raunds, and has taken into account the Licensing Officers report and relevant representations.

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.

The Panel grants the variation of the Premises Licence as applied for.

The Panel took note of how the applicant has taken steps to promote the four licensing objectives as stated on Item P of the application form.

The Panel also noted that representations had not been received by any other statutory consultees.

The Panel noted the objections by Raunds Town Council (although they were not represented), and felt that the objections were of a speculative nature rather than being based on firm evidence. The Panel are of the opinion that the variations in hours would not compromise any of the four Licensing Objectives.

The Licence issued is subject to mandatory and additional conditions consistent with the operating schedule.

The Decision Notice will be sent out in writing. If aggrieved with the Panel's decision, the Applicant and any Party that has made representation has the Right to Appeal to the Magistrates Court within 21 days of the Decision Notification letter.