



Licensing (Liquor and Gambling) Panel – 30 April 2013

Application for a Review of the Premises Licence at Blackfriars Food and Wine, 8 Blackfriars, Rushden, NN10 9PR

Purpose of report

Application to vary the Premises Licence at Blackfriars Food and Wine, 8 Blackfriars, Rushden, NN10 9PR

Attachment(s):-

Appendix 1 - Application Form for review
Appendix 2 - Map of Area
Appendix 3 - Representations
Appendix 4 – Current licence

1.0 Summary

1.1 An application to review the premises licence at the Blackfriars Food and Wine was received on 9 March 2013 by the Licensing Enforcement Officer on behalf of the Licensing Authority. The appropriate Blue notice was displayed on the premises during the required consultation period.

2.0 Application details

2.1 Those matters for which a review to the premises licence is sought are listed below:

- Lack of confidence in management to address the requirements for the four licensing objectives
- No records of staff training
- No refusals register being kept
- No age verification policy
- Failed a test purchase undertaken by the police

These matters relate to the failure to meet the licensing objectives for public safety and protection of children from harm.

3.0 Consultations

3.1 The following Consultations have been undertaken:

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

3.2 The police have submitted a representation to support the review application. This representation details the test purchase operation undertaken by the Police at Blackfriars Food and Wine, detailing a sale that was made to a child under the age of 18, for which the seller was issued with a Penalty Notice for Disorder (PND). The person that made the sale was not a personal licence holder, and was not the designated premises supervisor for the establishment. The Police have included a statement from the officer involved in this incident.

See Appendix 3 for full representations.

3.3 There was a representation received from Rushden Town Council supporting the review, although no mention is made of the licensing objectives or any evidence submitted to support this view. This is not considered to be a valid representation.

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:

- a) no action necessary as no steps required to promote the licensing objectives;
- b) issuing an informal warning to the 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.
- c) to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
- d) excluding a licensable activity from the licence;
- e) remove the designated premises supervisor,
- f) suspend the licence for a period of three months;
- g) to revoke the licence.

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).

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 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).

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 review 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: 12 April 2013					
CFO		MO		CX	

(Committee Report Normal Rev. 22)