



Licensing (Liquor and Gambling) Panel

Application for a Review of the Premises Licence at Higham Superstore, 110 Higham Road, Rushden NN10 6DF

Purpose of report

Application to review the Premises Licence at Higham Superstore, 110 Higham Road, Rushden, Northants NN10 6DF

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 Higham Superstore was received on 3 January 2014 by Northamptonshire Police. The appropriate Blue Notice was displayed on the premises during the required consultation period.

2.0 Application details

The matters for which a review to the premises licence is sought relate to the prevention of crime and disorder and the protection of children from harm licensing objectives. The main reason for the review request is the persistent sale of alcohol to children.

3.0 Consultations

The following Consultations have been undertaken:

Child Protection	No representation
Fire	No representation
Police	Review applicant
Trading Standards	Representation
Revenues and Customs	No representation
Health Authority	No representation
Rushden Town Council	Representation
Environmental Protection	No representation
Environmental Health	No representation
Licensing	Representation
Planning	No representation
Public	4 representations

3.1 The Licensing Enforcement Officer has submitted a representation to support the review application. The representation relates to the information given to the licence holder with respect to selling to underage people and how the importance of his licensing controls were discussed with respect to selling to those that are underage to buy alcohol.

See Appendix 3 for full representation.

3.2 The representation received from Rushden Town Council highlights concerns they have about the premises and a link to vandalism and litter in the vicinity. See Appendix 3 for full representation.

3.3 The representation from Northamptonshire County Council Trading Standards supports the review application and confirms complaints they have received about the premises selling to underage people; advice and information they have given the licence holder; failure of the Think 21 system and their concerns about the licence holder's ability to control and monitor sales of age restricted products. See Appendix 3 for full representation.

3.4 The representations received from the public are detailed with respect to issues associated with the premises, and full copies of these are provided at Appendix 3. To outline the concerns they include:

- Anti social behaviour
- Non compliance with licence conditions
- Underage sales
- Opening beyond the licensable hours
- Litter
- Young people smoking outside the premises

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

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

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 Panel 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.

7.0 Legal Implications

A Legal Officer will be present at the hearing to outline any legal matters that need to be taken into consideration.

8.0 Equality and Diversity Implications

8.1 There are no equality and diversity implications

9.0 Financial Implications

9.1 There are no financial implications at this stage.

10.0 Staff

10.1 There are no staffing implications

11.0 Risk Management

11.1 There are no material risks

12.0 Corporate Outcomes

12.1 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

13.0 Invitation to determine

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; Statement of Licensing Policy				
Background Papers: None					
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Date: 06 February 2014					
CFO		MO		CX	