



## Licensing (Liquor and Gambling) Panel

### Application For A Premises Licence - Tesco Stores Ltd, Church Street, Rushden

#### Purpose of report

Application for Premises Licence for Tesco Stores Ltd, Church Street, Rushden

#### Attachment(s)

- Appendix 1 - Application Form
- Appendix 2 - Map of Area
- Appendix 3 – Plan of Premises
- Appendix 4 - Representations

#### 1.0 Summary

1.1 An application for a new Premises Licence for Tesco Stores Ltd, Church Street, Rushden. The appropriate Blue notice was displayed on the premises during the required consultation period.

#### 2.0 Application details

Those matters for which a Licence is sought are listed below with the relevant timings:

##### Supply of Alcohol (Off Sales only)

Monday to Sunday from 06:00 hours to 23:00 hours.

#### 3.0 Consultations

The following Consultations have been undertaken:

Child Protection	No Representation
Fire	No Representation
Trading Standards	No Representation
Revenue and Customs	No Representation
Town Council	Representation
Environmental Protection	No Representation
Environmental Health	No Representation
Planning	No Representation
Public	Representation
Police	No Representation

3.1 There was one representation from the public (St Mary’s Church, Rushden Church Council) and one from Rushden Town Council. These have been analysed and a summary is shown under the relevant licensing objectives. See Appendix 3 for full representations.

#### 3.2 Prevention of Public Nuisance

The representation from the Church Council refers to the proposed hours attracting late night drinkers to the garden area by the war memorial and to the churchyard thereby increasing anti social behaviour. The representation from Rushden Town Council reflects the same concerns and in addition refers to the possibility of increased littering in the area.

#### 3.3 Prevention of Crime and Disorder

Both the Church Council and Rushden Town Council refer to the possibility of increased crime and disorder in the vicinity of the war memorial. The Church Council

points out the work of the police and Street Pastors to reduce crime and disorder in the area.

### 3.4 **Protection of Children from Harm**

Both representations point out potential danger to children with the Church Council laying greater emphasis on those youth groups that use the Church premises on a regular basis.

## 4.0 **Determination**

4.1 The Panel must carry out its functions to promote the licensing objectives having regard to:

- Licensing Policy
- Section 182 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 subject to operating schedule and mandatory conditions only
- Grant subject to further conditions necessary for the promotion of the licensing objectives
- Exclude a licensable activity
- Refuse the application

## 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 necessary, 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 necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.
- 5.2 However, when issuing a licence with hours beyond 23:00 hours, higher standards may be expected to be included in Operating Schedules to address the licensing objectives especially in premises which are situated near to residential properties.

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 1.15).
- 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 interested party 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 9.24).

### **6.2 Control of Licensee**

- Licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden, or in a smoking shelter, where and to the extent that these matters are within their control (para 1.26).

### **6.3 Conditions**

- Under former licensing regimes, 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 Act requires that licensing conditions should be tailored to the size, style, characteristics and activities taking place at the premises concerned. This rules out standardised conditions which ignore these individual aspects. It is important that conditions are proportionate and properly recognise significant differences between venues. For example, charities, community groups, voluntary groups, churches, schools and hospitals which host smaller events and festivals will not usually be pursuing these events commercially with a view to profit and will inevitably operate within limited resources (para 10.13).

### **Opening Hours**

- In some town and city centre areas where the number, type and density of premises selling alcohol for consumption on the premises are unusual, serious problems of nuisance and disorder may arise outside or some distance from licensed premises. For example, concentrations of young drinkers can result in

queues at fast food outlets and for public transport, which may in turn lead to conflict, disorder and anti-social behaviour. In some circumstances, flexible licensing hours may reduce this impact by allowing a more gradual dispersal of customers from premises (para 10.19).

- However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested (para 10.20).

## 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 whether to grant the Licence.

<b>Legal</b>	Power: Licensing Act 2003				
	Other considerations: Section 182 Guidance, October 2010; Statement of Licensing Policy				
<b>Background Papers:</b> None					
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