



WEST NORTHAMPTONSHIRE COUNCIL ALCOHOL AND GAMBLING LICENSING SUB-COMMITTEE NOTIFICATION OF DETERMINATION

To consider an application for a variation to a premises licence in accordance with section 34 of the Licensing Act 2003 (“the Act”) made by Darren’s Family Ltd (“the Applicant”) in respect of Dave’s Supermarket, 59-61 High Street, Northampton NN4 0BZ (“the Application”).

Applicant: Darren’s Family Ltd

Hearing date: 31st March 2022

The Alcohol and Gambling Licensing Sub-Committee (“the Sub-Committee”) carefully considered the following:

- The written report (“the Report”) prepared by a Team Leader for Licensing Enforcement for the Licensing Authority, West Northamptonshire Council (“the Council”);
- A copy of the Application appended to the Report at Appendix **A**
- The verbal representations of the Applicant’s representative accompanied by the DPS in support of the Application;
- The written relevant representation of Mrs O’Leary (resident) who attend today and her verbal representations
- The statutory guidance issued under section 182 of the Licensing Act 2003

The Hearing

The Sub-Committee heard from the representative for the Applicant who informed the Sub-Committee that his client had over 20 years’ experience, of running shops and owns other businesses in Northampton that he has been running without any issues. This Newsagents shop was acquired in January 2022 and the variation is requested to allow his customers to purchase alcohol from 6am when they come to purchase other items from the shop rather than come back at 8am. The Applicant indicated that he is a responsible DPS and wishes to work with the community. The Applicant also volunteered additional conditions to be added to the licence to ensure smooth running of the premises.

The Sub-Committee heard from the resident objector Mrs O’Leary who confirmed that she was unaware of the actual licensing hours when putting in her objection however she still believes that allowing the shop to sell alcohol from 6am was too early and that 7am would be better. She feels that due to her close proximity she would be subjected to disturbance from vehicles visiting the shop too early in the morning. She agreed that any incidents of anti-social behaviour highlighted in her written objection were prior to the Applicant taking over the shop and welcomes the fact that the Applicant is willing to work with her and the community to alleviate any concerns.

Legal Advice

The Sub-committee received legal advice as follows:

1. There were no questions of fact to be determined in relation to this matter.
2. The relevant licensing objectives raised in the relevant representation by public objector were set out in the Report.
3. The relevant Statement of Licensing Policy, namely the Northampton Borough Council Statement of Licensing Policy 2020, contained no specific provisions in relation to the issues raised in the relevant representation made by resident.
4. The options legally available to the Sub-Committee were set out in the Report.

5. Any action taken should be appropriate and proportionate and should be the minimum necessary in promote the licensing objectives, considering the evidence before the Sub-Committee.

Decision and Reasons

The Sub-Committee unanimously decided to grant the Application for variation to the premises licence as applied. The additional voluntary conditions put forward by the Applicant will be added to the licence.

The Applicant or Objector may appeal this decision to a Magistrates' Court within 21 days of receipt of a written copy of this decision.

Councillor Mike Warren Chair of the West Northamptonshire Council Alcohol and Gambling Licensing Sub-Committee held on 31st March 2022

Dated: 31st March 2022