

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

Application for the grant of a Premises Licence in respect of premises known as 91 Wycliffe Road in Northampton (“the Premises”) under section 16 of the Licensing Act 2003 (“the Application”).

Applicant – Mr Arben Lleshi

Hearing Date – 23rd November 2021.

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

- The written report (“the Report”) prepared by a Senior Licensing Enforcement Officer 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 in support of the Application;
- The written relevant representations of the Chief Officer of Northamptonshire Police (“the Police”) appended to the Report at Appendix C, particularly the conditions proposed by the Police to be added to any new Premises License granted to the Applicant;
- The written relevant representations of;
 - a) Pauline and John Whittall
 - b) Emma Clarke-Taylor
 - c) Claire Overton-Arch
- The statutory guidance issued under section 182 of the Licensing Act 2003.

The Hearing

Prior to this hearing, the Police indicated by way of email that they would not be represented at the Sub-Committee, as they were satisfied that the Applicant was in agreement with them that the conditions set out at Appendix 3 of the Report should be added to any Premises License that may be granted to the Applicant.

The Applicant confirmed this agreement and requested that the said conditions be added to the Premises License, if granted by the Sub-Committee.

John Whittall and Clarke-Taylor attended the hearing and made the following representations;

- a) John Whittall – Made verbal representations concerning litter and anti-social behaviour connected with the number of “off licenses” in the general Wycliffe Road area. He also raised the issue of general parking problems in that area.
- b) Emma Clarke-Taylor – Re-iterated Mr Whittall’s concerns re litter and anti-social behaviour. She also raised the potential for increased traffic as a result of the proposed premises, the increased potential for drink driving as a result of having another “off-license”, and that generally there was no “need” for another “off-license” in the wider Wycliffe Road area.

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 the Police were set out in the Report.
3. There is no cumulative impact policy in place for the Wycliffe Road area and therefore any issues regarding the number of “off-licenses” in that area cannot lawfully be taken into account.

Paragraph 9.44 of the statutory guidance published under section 182 of the Licensing Act 2003 states that

“... it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters.”

4. In general, any decision not to grant the Application must be based upon evidence that either the Applicant or the proposed premises are likely, on the balance of probability, likely to fail to promote the four licensing objectives.
5. 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 the Police.
6. The options legally available to the Sub-Committee were set out in the Report.
7. Any action taken should be appropriate and proportionate and should be the minimum necessary in promote the licensing objectives, taking into account the evidence before the Sub-Committee.

Decision and Reasons

The Sub-Committee decided to grant a new Premises License to the Applicant in respect of the proposed Premises. They decided that, on the balance of probabilities, there was insufficient evidence to believe that granting the Application would lead to a failure to promote the licensing objectives.

The Sub-Committee also decided that it was appropriate for the promotion of the licensing objectives to add the specific conditions listed at the Schedule to this Notification, having noted that the Applicant was now requesting that they be added to this Premises License.

The Applicant or any persons making relevant representations 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 23rd November 2021

Dated: 29th November 2021

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SCHEDULE

1. A fully working and maintained CCTV system capable of recording and storing images will be installed on the premises. The system must record at all times whilst the premises are open to the public and images must be stored for a minimum of 31 days with date & time stamping. As a minimum this must cover all entry and exit points.
2. A person conversant with the retrieval and downloading of CCTV footage must be present on the premises at all times whilst they are open.
3. All CCTV recordings will be made available to an officer from a responsible authority upon reasonable request and in line with the provisions of the current Data Protection Legislation.
4. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.
5. All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale. This training must be completed prior to them being authorised to sell alcohol and refreshed every 12 months as a minimum. A record of this training must be kept, maintained and made available to an officer from a responsible authority upon reasonable request.
6. A Challenge 21 or 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) All crimes reported to the premises,
 - b) Any complaints received concerning crime and disorder,

- c) Any incidents of disorder,
 - d) Any faults in the CCTV system and
 - e) Any visit by a relevant authority or emergency service.
8. There shall be no self-service of spirits. All spirits shall be kept behind the counter.