

WEST NORTHAMPTONSHIRE COUNCIL
ALCOHOL AND GAMBLING LICENSING SUB-COMMITTEE
15TH MARCH 2022 at 10AM

NOTIFICATION OF DETERMINATION

Application for the grant of a new premises licence (“the Application”) in respect of “Euro Foods” at 58 High Street, Daventry, NN11 4HU (“the Premises”), in accordance with section 17 of the Licensing Act 2003 (“the Act”).

Applicant: Mr Mustafa Hajji Haji – Did not attend but was represented by an agent, Mr Nankali of AMA UK Consultancy Ltd.

Representations had been made by two Responsible Authorities; namely the Council (acting through the Environmental Protection team) and Northamptonshire Police (“the Police”).

Held remotely via Zoom and streamed live via the Council’s YouTube channel.

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

- The written report (“the Report”) prepared by Andrea Hill, Licensing Enforcement Officer for West Northamptonshire Council (“the Council”),
- A copy of the Application appended to the Report at Appendix 1, the written representations of the Responsible Authorities at Appendix 2 and the additional conditions proposed to be added to any new premises license with the agreement of the Applicant and the Police.
- Oral submissions made on behalf of the Council acting as a Responsible Authority by Tracy Farrell, Environmental Protection Officer, in support of the Council’s written representation,
- Oral submissions made by Mr Nankali and
- The statutory guidance issued under section 182 of the Licensing Act 2003.

The Hearing

Northamptonshire Police did not attend the hearing.

The Applicant’s agent confirmed that his client had held discussions with the Police and had agreed to only pursue a premises license for the sale of alcohol for consumption off the premises from 08:00 hours until 22:00 hours, seven days per week. Furthermore, he confirmed that his client was happy to accept that the Police’s proposed additional conditions (see Appendices 4 and 5 to the Report) be added to the new premises license.

Ms Farrell of the Council’s Environmental Protection team confirmed that both the reduced licensable hours and proposed conditions were acceptable to the Council.

There was a suggestion that the Applicant may not have provided the Licensing Team with a copy of the “blue notice” required to be displayed at the proposed Premises advertising the Application, in accordance with the provisions of the Licensing Act 2003 (Premises Licenses and Club Premises Certificates) Regulations 2005. The Applicant’s agent confirmed this notice had been displayed and later provided a photograph showing it attached to the window of the Premises.

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 in relation to the review were the prevention of public nuisance and the protection of children from harm.
3. Neither the relevant Daventry District Council Licensing Act 2003 Statement of Licensing Policy 2020 nor the statutory guidance issued under section 182 of the Act contained any specific provisions in relation to the issues raised in the relevant representations made by the Council and the Police.
4. The options legally available to the Sub-Committee in accordance with section 18 of the Act were set out at paragraph 6 of the Report.
5. Any action taken should be appropriate and proportionate and should be the minimum necessary to promote the licensing objectives, considering the evidence before the hearing.

Decision and Reasons

The Hearing Members unanimously decided to grant a new premises license with the licensable hours of 08:00 hours to 22:00 hours, seven days per week.

They also decided to add only the conditions proposed by the Police and agreed by the Applicant to the new premises license in their entirety.

The reasons for this decision were that all parties were satisfied with a new premises license being issued with these licensable hours and which included the additional conditions proposed by the Police in their written representation. The Members therefore decided that it was appropriate to add those conditions to the new premises license in accordance with section 18 (4) (a) of the Act.

Any of the parties may appeal this decision to a Magistrates’ Court within 21 days of receipt of a written copy of this decision.

Councillor Andrew Kilbride

Chair of the West Northamptonshire Council Alcohol and Gambling Licensing Sub-Committee

Dated: 15th March 2022