

# Licensing Officer Report

**Licence Reference:** New Application

**Application Type:** New

**Licensing Enforcement Officer:** Andrea Hill

**Parish:** Brixworth (in the Brixworth Ward)

**Premises:** Co-Op Stores, Harborough Road, Brixworth, NN6 9BU

**Applicants Name:** Co-Operative Food Group Limited

**Licensable activities requested by the applicant:**

1. The premises will be open to the public, between 06:00hrs and 23:00hrs daily
2. Supply of alcohol for consumption off the premises only, between 06:00hrs and 23:00hrs daily.

**Current conditions on Applicant's Licences** – *Not applicable as New Application*

**Proposed conditions from Applicant (via their Operating Schedule)** – *Appendix A*

**Number of representations made:** 2

**All** Statutory Authorities have been served with a Notice of Application.

**Relevant representations have been received from:**

**Statutory Authorities:** 0

**Interested Parties:** 2  
Local residents who live in Brixworth

***Please refer to A to D (starting on this page) for valid representations.***

Refer to Appendix B for a full copy of the representations

**Summary of nature of representations:**

**The prevention of crime and disorder:**

- Potential for increase in antisocial behaviour as a result of the long opening hours being sought, sale of alcohol, and close proximity to two public houses.

**Public Safety:**

- Potential for increase in antisocial behaviour as a result of the long opening hours being sought, sale of alcohol, and close proximity to two public houses.
- Potential for increase in road safety hazards, due to lack of parking directly outside the premises

**Prevention of public nuisance:**

- Potential for increase in antisocial behaviour as a result of the long opening hours being sought, sale of alcohol, and close proximity to two public houses.

### **Protection of children from harm:**

- Potential for increase in antisocial behaviour as a result of the long opening hours being sought, sale of alcohol, and close proximity to two public houses.

No statutory authorities have made any comments in relation to this premises licence application.

### **Applicants information of "Additional steps proposed to promote the four licensing objectives if the application is granted:**

#### **(a) General:**

1. The applicant has given thought to the potential impact of the grant of this application on the four licensing objectives and, having regard to the locality, considers that the following conditions are appropriate and proportionate.

#### **(b) The Prevention of Crime and Disorder:**

1. The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.
2. There shall be "CCTV in Operation" signs prominently displayed at the premises.
3. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.
4. The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.
5. The premises will be fitted with a burglar alarm system
6. The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

#### **(c) Public Safety:**

1. The premises licence holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.

#### **(d) The prevention of public nuisance:**

1. A complaints procedure will be maintained, details of which will be made available in store and upon request.

#### **(e) The Protection of Children from harm**

1. All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
2. An age till prompt system will be utilised at the premises in respect of age restricted products.

3. A refusals register (whether kept and written or electronic form) will be maintained at the premises

**Application received on:** 20 May 2021

**Proposed Hearing Date and time:** Wednesday 14 July 2021

**Date invitations sent:** 23 June 2021

**Licensing Officer's Statement:** As the West Northants Council Licensing Enforcement Officer (Daventry Area) I would advise the committee of their obligations to determine this application with a view to promoting the four licensing objectives.

The applicant is applying for a new premises licence for sale of alcohol in the convenience store, for consumption off the premises. If approved, the licence would enable customers to purchase alcohol between 6:00hrs and 23:00hrs daily. It is not unusual for a shop of this type to apply for hours of this length, in a large or small village or town setting, right next to residential properties. This is not the longest opening hours we have in the district for a convenience store, there are some that start even earlier in the morning. Each case is dealt with on its own merits.

The building has been sat empty for a few years and is now being demolished, and construction of a new retail unit is underway. It was previously the Red Lion hotel and public house. Planning permission was approved by an inspector in 2020 on appeal, as the council originally refused the change from a pub to a shop, mainly due to consideration of the conservation area and plans.

The representations we received were in relation to potential antisocial behaviour, length of opening hours and potential safety concerns with lack of parking available.

I have been negotiating with the interested parties to attempt to resolve their concerns prior to the hearing, but it is looking unlikely that this will be successful as they have different views regarding the suitability of the conditions and opening hours.

When granting a premises licence it does not grant any permission under the Town and Country Planning Act 1990. The applicant should check that any use, activities and hours of operation permitted by a licence are within the conditions and limitations of the existing planning permission. The applicant could be liable to enforcement action under the Town and Country Planning Act 1990 if there is any breach of any existing planning permission. Any planning breaches would be dealt with by Planning Enforcement Officers.

Some of the comments made by the parties who made valid representations are not strictly in respect of licensing matters. We can only take into account and apply weight at a licensing hearing, to anything that falls within the four licensing objectives. We cannot deal with planning matters during a hearing, and vice versa, a planning committee is not able to deal with licensing matters during a committee meeting. Therefore, any reference to the Conservation Area which strictly relates to a planning issue, will not be addressed at the licensing hearing. If the concerns relate to a consequence of one or more of the four licensing objectives, it may be discussed and considered.

The applicant has supplied a list of conditions they believe address any issues. For the applicant proposed conditions refer to *Appendix A*.

Councillors you need to consider if the conditions proposed by the applicant are robust enough, or if you need to consider further conditions. Any that are considered necessary, proportionate and appropriate to promote the four licensing objectives may be adopted. You also have the option of refusing the application in full or part; amending the extent of the licensable activities by reducing the timings; or, adding or amending proposed conditions. Any of these options can be applied if you feel they are necessary, appropriate and proportionate.

The applicant's legal advisor has supplied a Welcome Pack and Age Matters presentation, that is given to new recruits and he will be referring to them both, during the hearing. They have also supplied some plans of how the premises will look when it is finished. They will be made available in advance of the hearing.

I have nothing further to add as this is a matter for the committee to determine in the light of the above matters and any others, it considers material.

**Andrea Hill**  
**Licensing Enforcement Officer**