

PREMISES LICENCE APPLICATION – 91 Wycliffe Rd, Northampton

Licensing Sub-Committee

Date 1.00pm 23rd November 2021

Remote Hearing via ZOOM

1.0 Purpose of Report

- 1.1 To consider an application for a new premises licence in accordance with section 16 of the Licensing Act 2003 (“the Act”) made by Mr Arben Lleshi (“the Applicant”) in respect of 91 Wycliffe Road Northampton NN1 5JQ (“the Application”).

2.0 Summary

- 2.1 The Application, which can be found at **Appendix A**, was received by West Northamptonshire Council on 6th October 2021.

3.0 Application Details

- 3.1 The premises is intended for use as a convenience store and previously has been a retail outlet that has not been in use for some time.

The licensable activities applied for in the Application are:

- **The Sale of Alcohol by Retail (Off the premises only)**

Monday - Sunday 07.00 – 23.00hrs

- **Opening Hours**

Monday – Sunday 07.00 – 23.00hrs

4.0 Consultations/Representations

- 4.1 When an application for a new premises licence or club premises certificate is received, the applicant must display a “Blue Site Notice” (“the Notice”) at or near the premises and serve a copy of the application on the responsible authorities defined under the Act. A copy of the Notice displayed by the Applicant can be found at **Appendix D**. For electronic applications it is a requirement of the local authority to serve a copy of the Application on the responsible authorities.

This gives responsible authorities and any member of the public the opportunity to make written relevant representations in relation to the application to the local authority within 28 calendar days of receiving the notice or the date on which the notice was first displayed at or near the premises. The last date for making relevant representations in relation to this Application was 3rd November 2021.

- 4.2. The Notice was displayed at the premises and notification of the Application was published in the Northants Chronicle and Echo, as verified by licensing officers.
- 4.3 West Northamptonshire Council have received three relevant representations regarding the licensing objectives of the prevention of crime & disorder and the prevention of public nuisance. These are mainly based on the problems already experienced in the local area with litter and anti-social behaviour, which local residents are concerned about being added to by another shop with an alcohol licence in close proximity to several others nearby. Full email chains between the objectors and the licensing officer (redacted of personal email addresses and home addresses) are included in the additional papers at **Appendix E**.
- 4.4 Northamptonshire Police have also submitted a relevant representation and proposed a number of conditions that they feel would be proportionate in order to promote the licensing objectives, particularly those related to the prevention of crime and disorder and the protection of children from harm. A copy of this can be found at **Appendix F**.

5.0 Attendance

- 5.1 The Council is also required to send a notice of hearing to all persons and responsible authorities that have submitted a relevant representation and request confirmation of their intention to attend that hearing. A notice of hearing was sent to the following persons, as well as the Applicant on 3rd November 2021:

- Mr John & Mrs Pauline Whittall
- Emma Clarke-Taylor
- Claire Overton-Arch
- PC Sandy Tracey (on behalf of the Chief Officer of Northamptonshire Police)

6.0 Plan of Premises Layout & Location

Please see a copy of a premises plan submitted with the Application at **Appendix C**

7.0 Options

7.1 If relevant representations are received, then at the end of the consultation period the licensing authority must hold a hearing to consider them. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and,
- the protection of children from harm.

7.2. The options available to the Sub-Committee are to;

- Grant the Application,
- Grant it and add appropriate conditions to the new Premises License or
- refuse it.

8.0 Financial & Resource Implications

8.1. There are no financial implications arising directly from this report.

Comments checked by Antony Russell, Finance Business Partner

9.0. Legal Implications

9.1. The decision made with regard to an application for a new premises license under section 16 of the Licensing Act 2003 (“the Act”) must comply with the requirements of section 17 the Act. It must take into account the revised statutory guidance issued under section 182 of the Act (April 2018 version) and, as of the date of the Sub-Committee hearing, the Northampton Borough Council Licensing Act 2003 Statement of Licensing Policy (2020).

9.2. In accordance with section 17 of the Act, where relevant representations are made by a responsible authority or other person, and which are about the likely effect of the grant of the application on the promotion of the four licensing objectives, a hearing must be held to consider them, unless the Members of the Sub-Committee, the Applicant and each person or

responsible authority that has submitted a relevant representation agree that a hearing is unnecessary or all representation are withdrawn.

- 9.3. Having regard to the relevant representations, the Sub-Committee must take such reasonable and proportionate steps as it considers appropriate, if any, for the promotion of the four licensing objectives. These steps are restricted to either;
- (a) Granting the licence subject to—
 - i. Such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers [appropriate] for the promotion of the licensing objectives, and
 - ii. Any condition which must under section 19, 20 or 21 be included in the licence;
 - (b) Excluding from the scope of the licence any of the licensable activities to which the application relates;
 - (c) Refusing to specify a person in the licence as the premises supervisor;
 - (d) Rejecting the application.
- 9.4. A decision must be made by the Sub-Committee within the period of five working days beginning the day on which the hearing was held. Once the decision has been made, a written notice containing the full reasons for that decision must be supplied forthwith to the Applicant and any person or responsible authority that submitted a relevant representation
- 9.5. In accordance with section 181 and Schedule 5 of the Act, only the Applicant and any person or responsible authority that submitted a relevant representation may appeal to a Magistrates' Court if they are aggrieved at the decision of the Sub-Committee. Any such appeal must be submitted by way of complaint to the Court within 21 days commencing with the day on which the person in question **received** a copy of the written notice of the Sub-Committee's decision.

Comments checked by James Chadwick, Senior Licensing and Litigation Solicitor.

10.0. Committee

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.

Additional Documents	Title
A.	Application for new premises licence (redacted of personal information)
B.	DPS Consent Form – (redacted of personal information)
C.	Premises Plans
D.	Blue Site Notice
E.	Relevant representations - Emails and photos (Redacted of personal information)
F.	Police Relevant Representation and Proposed Conditions
Report Author	Martin O'Connell Senior Licensing Enforcement Officer