

**Variation of Premises License Application – Dave’s Supermarket,  
59-61 High Street, Hardingstone, Northampton NN4 0BZ**

**Licensing Sub-Committee**

**Date 10.00am 31 March 2022**

**Remote Hearing via ZOOM**

**1.0 Purpose of Report**

1.1 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”).

**2.0 Summary**

2.1 The Application, which can be found at **Appendix A**, was received by West Northamptonshire Council on 7<sup>th</sup> February 2022.

**3.0 Application Details**

3.1 The premises are a retail premises (small supermarket) in a village location on the outskirts of Northampton selling a range of goods and services. This includes the sale of alcohol by retail for consumption off the premises.

The current licensable activities applied for in the Application are:

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

Monday – Saturday 08.00 – 23.00hrs

Sunday 10.00 – 22.30hrs

Bank Holidays 08.00 – 22.30hrs

Christmas Day 12.00 – 15.00hrs & 19.00 – 22.30hrs

The designated premises supervisor is Sritharan Thampapillai a holder of a personal licence issued by Milton Keynes Council

The proposed variation seeks to amend the licence as follows:

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

Monday – Sunday 06.00 – 23.00hrs

In making this application, Mr Frank Fender, the agent working on behalf of Darren's Family Ltd, has outlined in the operating schedule of the application a number of conditions that the applicants will uphold in support of the four licensing objectives.

A copy of the current premises licence as per the council's licensing register can be found at **Appendix B**.

#### **4.0 Consultations/Representations**

4.1 When an application for a full variation of a 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. 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 7<sup>th</sup> March 2022.

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 one relevant representation from a resident on the grounds of the Prevention of Public Nuisance and it can be seen at **Appendix C**.

4.4 There have been no representations from any of the responsible authorities.

#### **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 10th March 2022:

- Mr Frank Fender (Licensing Consultant on behalf of Darren's Family Ltd)
- Laura O'Leary (resident)

#### **6.0 Plan of Premises Layout & Location**

No new plan has been submitted with this application as no material changes to the layout of the premises are being made as part of this variation.

## **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.

## **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 variation of a premises license under section 34 of the Licensing Act 2003 (“the Act”) must comply with the requirements of section 35 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 35 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) Grant the application
- (b) Modify the conditions of the licence, or
- (c) To reject the whole or part of 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 Ruksana Munir, 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.	Current Premises Licence
C.	Relevant Representation from resident
Report Author	Martin O'Connell

	Senior Licensing Enforcement Officer
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## APPENDIX A – APPLICATION

# Application for a full variation to a premises licence

Reference	VPL398999245
Date	2022-02-06 14:38:29
<b>Introduction</b>	
<p>Before completing this form <a href="#">please read the guidance notes</a>.</p> <p>You will also need to upload a site plan of the area to be licensed, for information on what this should contain please visit <a href="#">the gov.uk legislation site</a>.</p>	
<b>Data protection</b>	
<p>In this form, we will ask for some personal information (such as name, address, postcode) in order to fulfil your request for information or services.</p> <p>This information will be held securely and will be used to provide you with the service you have requested.</p> <p>Any processing will be performed in line with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation.</p> <p>West Northamptonshire is registered as a Data Controller with the Information Commissioner's Office under the reference number ZA896620.</p> <p>Further details about how we process personal data can be found in our <a href="#">privacy notice</a>.</p>	
Do you agree with the above?	I agree
Which area does the premises to be licensed fall in?	Northampton
<b>Premises details</b>	
Premises trading name	Daves Supermarket
Does the premises have a postcode?	Yes
Address	59-61 High Street,Hardingatone,,NN4 0BZ
Premises telephone number	01604 762357
Non-domestic rateable value of premises	12000
Property band	Band B (£4301.00 to £33,000.00)

<b>Applicant details</b>	
Name	Darrens Family Ltd
Is your current residential address different to premises address?	Yes
Address	[REDACTED]
Telephone number	[REDACTED]
Email address	[REDACTED]
Are there other applicants?	No
<b>Variation</b>	
Do you want the proposed variation to have effect as soon as possible?	Yes
Do you want the proposed variation to have effect in relation to the introduction of the late-night levy?	No
Please describe briefly the nature of the proposed variation	To change the hours for the sale of alcohol to 06.00hrs - 23.00hrs Monday to Sunday
Would you like to vary the operating schedule conditions?	Yes
Are you wishing to vary the capacity?	No
Are you looking to vary the premises plan?	No
<b>Operating schedule conditions</b>	
Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence variation you are seeking.	N/A

<p>General – all four licensing objectives</p>	<p>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 by the DPS. A record of this training must be kept and maintained with a copy of the syllabus attached. The recipient of the training must sign to state they have received and understood the training and this should be dated.</p> <p>This record should be kept on the premises at all times and made available for inspection following a reasonable request from an officer from a responsible authority.</p>
<p>The prevention of crime and disorder</p>	<p>A CCTV system shall be installed and maintained at the premises. The system must be capable of recording and storing moving images and record at all times when the premises is open to the public.</p> <p>The system must cover all public entry and exit points and any area where alcohol is exposed for sale. All images must be stored for a period of no less than 31 days and made available to an officer from a responsible authority following a reasonable request.</p> <p>Ensure an incident book is maintained at the premises to record details of any incidents the nature of which may have compromised any of the licensing objectives under the Licensing Act 2003. CCTV recording dates &amp; times shall be linked to incident book entries.</p> <p>A comprehensive record of staff members must be kept and maintained. This record must include names, dates of birth, home addresses and current, valid documentation demonstrating the right to work of the individual with photographic ID. this record must be kept on the premises at all times and employees details must be retained for a period of no less than six months after their employment has ceased. The records must be made available to an officer from a responsible authority including an immigration officer upon a reasonable request.</p>



The prevention of public nuisance	<p>A notice shall be displayed in a prominent position requesting customers not to congregate in the area immediately in front of the premises.</p> <p>The area immediately in front of the premises shall be kept clean and tidy when the premises are open to the public.</p>
The protection of children from harm	<p>Ensure that an age verification policy with a minimum standard of challenge 25 must be operated at the premises. Signs advertising this policy must be displayed in a prominent location behind the till area.</p> <p>Ensure a 'refusals register' is in use at the premises to record age related and other refused sales in electronic form or in a hard copy.</p>
<b>Operating schedule</b>	
Please complete those parts of the operating schedule below which would be subject to change if this application to vary is successful	Supply of Alcohol
Are there any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children?	No
<b>Supply of alcohol</b>	
Will the activity take place indoors or outdoors or both?	Off the premises
Please give any additional information	<p>This application is being made to extend the hours for the sale of alcohol mainly in the mornings - this is due to the premises operating as a newsagents also, and opens earlier than the permitted time for selling alcohol. The amended hours will also provide consistent times for the sale of alcohol rather than the current hours which differ depending on what day it is.</p>
What days will your activity take place?	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday
Monday - Start and end times	Starts at 06.00hrs and ends at 23.00hrs.

Tuesday - Start and end times	Starts at 06.00hrs and ends at 23.00hrs.
Wednesday - Start and end times	Starts at 06.00hrs and ends at 23.00hrs.
Thursday - Start and end times	Starts at 06.00hrs and ends at 23.00hrs.
Friday - Start and end times	Starts at 06.00hrs and ends at 23.00hrs.
Saturday - Start and end times	Starts at 06.00hrs and ends at 23.00hrs.
Sunday - Start and end times	Starts at 06.00hrs and ends at 23.00hrs.
State any seasonal variations for supply of alcohol	
Please state any non-standard timing where you intend to use the premises for supply of alcohol at different times to those listed	
<b>Opening times</b>	
What days will your premises be open to the public?	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday
Monday - Start and end times	Opens at 06.00hrs and closes at 23.00hrs.
Tuesday - Start and end times	Opens at 06.00hrs and closes at 23.00hrs.
Wednesday - Start and end times	Opens at 06.00hrs and closes at 23.00hrs.
Thursday - Start and end times	Opens at 06.00hrs and closes at 23.00hrs.
Friday - Start and end times	Opens at 06.00hrs and closes at 23.00hrs.
Saturday - Start and end times	Opens at 06.00hrs and closes at 23.00hrs.
Sunday - Start and end times	Opens at 06.00hrs and closes at 23.00hrs.
<b>Supporting documentation</b>	
Please select what you have enclosed	I have enclosed the premises licence
Please upload the premises licence	<b>Document uploaded successfully.</b>
<b>Declaration</b>	

**Upon submitting this form I:**

- will have made payment of the fee.
- have enclosed the plan of the premises where relevant.
- understand this application and supporting documents will be sent to the responsible authorities.
- have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- understand that I must now advertise my application.
- understand that if I do not comply with the above requirements my application will be rejected.
- have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15) (Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships)

**Declaration**

It is an offence, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

Name	Frank Fender
Date	07/02/2022
Capacity	Authorised Licensing Consultant

**Correspondence details**

First name	Frank
Last name	Fender
Correspondence postal address	[REDACTED]
Email address	[REDACTED]
Telephone number	[REDACTED]

**Payment**

Total amount to pay today	190.00
Prepayment Timestamp	07/02/2022 15:20:04
Transaction status	successful
Transaction reference	0000414340
Postpayment Timestamp	07/02/2022 15:23:28

## APPENDIX B – Current Premises Licence



West Northamptonshire Council

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Licensing Act 2003 - Premises Licence Register as at 11:58 on 3 March 2022

### Daves Supermarket

59-61 High Street, Hardingstone, Northampton, NN4 0BZ

Premises Licence PL0023 from from 27/01/2022 to indefinite

#### Licence holder(s)

Full Name: Darrens Family Ltd

#### Designated Premises Supervisor

Full Name: Sritharan Thampapillai

#### Permitted Activities

- the sale by retail of alcohol

#### Activities - Times Granted

	Time From	Time To
<b>M. The sale by retail of alcohol for consumption OFF the premises only</b>		
Monday-Saturday	08:00	23:00
Sunday	10:00	22:30
Bank Holiday	08:00	22:30
Good Friday	08:00	22:30
Christmas Day	12:00	15:00
Christmas Day	19:00	22:30

#### Additional Conditions

##### MANDATORY CONDITIONS

##### 19 Mandatory conditions where licence authorises supply of alcohol

(1) No supply of alcohol may be made under the premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

## ANNEX 2 - ADDITIONAL MANDATORY CONDITIONS

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended by The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014.

### The following conditions shall come into force on 1<sup>st</sup> October 2014

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale of alcohol or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) A holographic mark, or
- (b) An ultraviolet feature.

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014.

### The following conditions shall come into force on 28th May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## APPENDIX C – Representations from residents

Laura OLeary

Sent: 01 March 2022 16:44

To: NBC Licensing <[Licensing.NBC@westnorthants.gov.uk](mailto:Licensing.NBC@westnorthants.gov.uk)>

Subject: Dave's supermarket extended hours objection

Dear Sir, Madam

I wish to object to the application to extend the sale of alcohol from 6am to 23hr And feel the hours 7am to 19.30hrs Monday to Saturday and 7am to 13hr (even Tesco's closes early on Sunday) are already suitable for being in a village location. Especially as there is a massive Tesco just 5 minutes away by car which is open to midnight 6 days a week in a non residential location. So consider there is a sufficient alcohol outlet nearby. Quite a few of the nearby residents and some of my neighbours are very vulnerable and elderly and won't have access to the internet to be able to object to this.

My objection is based on my concerns on the increase public nuisance for the many dwellings mine included. There are concerns of noise pollution from cars engines, doors slamming Headlights shining into our bedrooms/living rooms This issue is bad enough at present let alone while trying to sleep And as we're so close will not be able to sleep with windows open. vehicles playing loud music. People talking to each other Plus talking on their phones.

Anti social behaviour.

There has been issue previously with people gathering outside the shop sitting on the wall late at night drinking, urinating up against the wall. Last summer there was also an issue with ASB at cherry orchard of youngsters drinking alcohol and litter Going back and forth from Hardingstone to Wootton screaming, shouting at all hours overnight. And feel that being able to sell alcohol so late in the night. Will only encourage more of this behaviour. Bearing in mind that this a predominantly residential area. There is also the issue of litter which is bad enough now with bins overflowing rubbish blowing everywhere. Plus people dumping items from their cars Which will only increase. As seen during COVID. CCTV or signs will not stop People congregating outside the shop or the extra rubbish pollution and if there are customers still shopping at 23hrs this means it will be open later with more noise pollution affecting us the residents. I would like to know the outcome if possible. As feel that this going to have a big impact on our welfare and mental health.

Kind regards

Laura OLeary