

Report To:	LICENSING SUB-COMMITTEE
Date:	11TH APRIL 2024
Heading:	APPLICATION TO VARY A PREMISES LICENCE: TOP DRINKS, 61 HIGH STREET, HUCKNALL
Executive Lead Member:	COUNCILLOR TOM HOLLIS, DEPUTY LEADER AND EXECUTIVE LEAD FOR STRATEGIC HOUSING AND CLIMATE CHANGE
Ward/s:	HUCKNALL CENTRAL
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

For Members to consider the details contained within this report, alongside any evidence presented, and/ or representations made, at the hearing of an application to Vary a Premises Licence made by Falah Hassan Ibrahim in relation to Top Drinks, 61 High Street, Hucknall, Nottinghamshire, NG15 7AW; and to determine the application by taking such of the steps set out below as the Sub-Committee considers necessary for the promotion of the licensing objectives.

Recommendation(s)

Members having regard to the application and any relevant representations, take such of the following steps as they consider appropriate for the promotion of the licensing objectives:

The Sub-Committee must take such of the following steps as it considers appropriate for the promotion of the licensing objectives:

- a) Grant the licence in accordance with the application.**
- b) Modify the conditions of the operating schedule by altering or omitting or adding to them.**
- c) Exclude or restrict from the scope of the licence any of the licensable activities to which the application relates.**
- d) Reject the whole of the application.**

The Sub-Committee may also grant the licence subject to different conditions for different parts of the premises or the different licensable activities.

Reasons for Recommendation(s)

Members must consider all evidence offered at the Hearing and make an unbiased decision on the evidence offered. In making any decision, Members must also have regard to the Home Office statutory guidance issued under section 182 of the Licensing Act 2003 (which can be found online at):

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised guidance issued under section 182 of the Licensing Act 2003 April 2018 .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018.pdf)

and the Council's own Statement of Licensing Policy (which can be found online at):

<https://www.ashfield.gov.uk/your-council/strategies-plans-policies/policies/>

Alternative Options Considered

None

Detailed Information

The Licensing Act 2003 came in to force in September 2005. It passed the powers to the Local Authority to licence premises for any of the following licensable activities:

- **The sale by retail of alcohol;**
- **The supply of alcohol by or on behalf of a club or to the order of a member of the club;**
- **The provision of regulated entertainment; and**
- **The provision of late night refreshment.**

The licensing objectives are:

- **The prevention of crime and disorder;**
- **The promotion of public safety;**
- **The prevention of public nuisance; and**
- **The protection of children from harm.**

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times. However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

Section 18 of the 2003 Act, allows Interested Persons, and Responsible Authorities, to make representations in favour or against applications for the grant of a Premises Licence. Should representations be made that cannot be resolved between the parties during any consultation period, then the application must be determined by a Licensing Committee or Sub-Committee Hearing.

Under the 2003 Act the Licensing Authority is itself a 'Responsible Authority' and can make representations in a formal capacity where it is considered necessary for the promotion of one or more of the licensing objectives. This role is separate from the general licensing functions of the Authority.

Other Relevant Considerations

The Sub-Committee is reminded of its responsibilities under the Crime and Disorder Act 1998 (to co-operate in the reduction of crime and disorder in the Ashfield District) and the Human Rights Act (which guarantees the right to a fair hearing for all parties in the determination of their civil rights, and also provides for the protection of property, which may include licences in existence, and the protection of private and family life) when considering the fair balance between the interests of the all parties to this Hearing.

Any decision taken by the Sub-Committee must be necessary and proportionate to the objectives being pursued. Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.

When considering any representations, only those issues relating to the licensing objectives should be considered, and appropriate weight given to the importance and relevance of each representation.

Members should note that the applicant or persons making representations have the right of appeal against the decision made by the Sub-Committee.

Summary of Application

On 19th February 2024, the Licensing Authority received an application from Mr Ibrahim seeking to Vary the current Premises Licence for Top Drinks, 61 High Street, Hucknall, by extending the permitted hours for the off sales of alcohol from the premises.

A summary of the current licensable activities and the currently permitted times for these activities can be found detailed below.

Sale of Alcohol (off sales only):

Monday – Thursday	10:00	Until	23:00
Friday – Saturday	10:00	Until	24:00
Sunday	10:00	Until	20:00

A summary of the current licensable activities and the currently permitted times for these activities can be found detailed below.

Sale of Alcohol (off sales only):

Monday – Thursday	08:00	Until	24:00
Friday – Saturday	08:00	Until	02:00
Sunday	08:00	Until	23:00

The premises will not be open after 24:00 daily in relation to allowing customers into the shop.

The application (including the steps that the applicant intends to take to promote the licensing objectives) can be found at **Appendix One**. A copy of the current Premises Licence is attached at **Appendix Two**.

During the consultation period, the applicant agreed a condition with Nottinghamshire Police (attached at **Appendix Three**), and also with the Licensing Authority (attached at **Appendix Four**).

These two agreed conditions that will be imposed on any licence granted by the Licensing Sub-Committee (should the Sub-Committee grant the application as applied for) require the following of the licence holder:

- 1. Between the hours of 00:00 and 02:00 the front door to the premises will be locked so as to exclude customers from the licensed area and all service will be via a serving hatch.**
- 2. The Premises Licence holder shall when the sales of alcohol take place via the Service Hatch, place a notice in a prominent position for all customers to see, requesting that:**
 - Alcohol shall not be drunk on or in the immediate vicinity of the premises.**
 - Customers are reminded to be respectful to the needs of local residents when queuing to purchase alcohol and when departing from the premises.**
 - All bottles and cans purchased shall be disposed of in a responsible manner.**

Both Responsible Authorities (the Police and the Licensing Authority) believe that the imposition of the above conditions will be sufficient to promote the Licensing Objectives. Since the original grant of the Premises Licence on 19th March 2023, there has been no cause to take enforcement action against this premises by either the Licensing Authority or Nottinghamshire Police in relation to the current Premises Licence held.

One representation has been received from a local resident objecting to the application. Whilst a majority of matters raised do not fall within the context of what is relevant when considering an

application made under the Licensing Act 2003 and that such matters are dealt with by way of alternative legislation, the concerns about potential crime and disorder and public nuisance directly relating to this application may be considered. A copy of the representation is attached at **Appendix Five**.

A map of the local area detailing the general location of the premises is attached at **Appendix Six**.

Implications

Corporate Plan:

Licensing Act 2003 is a statutory duty of the Council.

Ensuring that Premises and Clubs operate with the correct Licence, having regard to the Council's Statement of Licensing Policy on alcohol, regulated entertainment, and late refreshment licensing, will contribute towards the reduction of crime and disorder within the district and to improve community safety and environmental quality.

Legal:

Legal advice will be given at the hearing.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
It is important that due process is followed in considering this application to ensure that the correct decision is reached which could not be challenged on the grounds that the specified procedures have not been followed.	The hearing has been organised to ensure that due process is followed, with appropriate support from the Council's legal representative to ensure this.

Human Resources:

There are no direct HR implications contained within this report.

Environmental/Sustainability:

There are no environmental/sustainability implications contained within this report.

Equalities:

Statutory requirement of the Licensing Act 2003, there no diversity or equality implications.

Other Implications:

None

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

- Appendix One:** Application to Vary a Premises Licence
Appendix Two: Current Premises Licence
Appendix Three: Agreed Conditions with Nottinghamshire Police
Appendix Four: Agreed Condition with Licensing Authority
Appendix Five: Representation from Interested Party
Appendix Six: Map of general locality

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