



Northumberland County Council

Licensing Subcommittee

21st May 2024

Licensing Act 2003, Application for a premises licence – Edens Lawn Service Station, Haltwhistle, NE49 0HH

Responsible Officer(s): Darin Wilson, Head of Public Protection

Link to Key Priorities of the Corporate Plan

Not applicable

Purpose of the Report

To determine an application for a premises licence from Refuel Forecourts Ltd, on behalf of Edens Lawn Service Station, Haltwhistle, NE49 0HH.

The applicant has applied for the licensable activities of: -

- the supply of alcohol Monday to Sunday from 00:00 – 00:00
- Late Night Refreshment Monday to Sunday from 23:00 – 05:00

Two objections have been received from interested parties and accepted on the grounds of prevention of crime and disorder.

Recommendation

Members are asked to consider the application, and all supporting written and verbal submissions and make their determination at the conclusion of the hearing.

Determination of application

Having considered the report, all relevant representations and verbal submissions from those persons entitled to speak at the hearing; the Sub-committee is required to make its determination in respect of the application at the conclusion of the hearing.

In this case, the sub-Committee **may**:

1. Grant the licence subject to conditions consistent with the operating schedule accompanying the application, modified to such extent as the Sub-committee considers appropriate for the promotion of the licensing objectives. All conditions should be precise and capable of being interpreted and applied by the applicant.
(Conditions may be modified if any of them is altered or omitted or any new condition is added)
and
Any mandatory condition under section 19 of the Act be included in the licence
2. Exclude from the scope of the licence any of the licensable activities to which the application relates or;
3. Reject the application if it is not possible to promote one or more of the licensing objectives by any other means.

Members are reminded that they may only attach additional conditions:

In respect of those matters that are subject to the application and in respect of which a relevant representation has been made; and that are appropriate for the promotion of the licensing objectives.

5. Licensing objectives and aims

Legislation provides a clear focus on the promotion of the four statutory objectives which must be addressed when licensing functions are undertaken.

An application for a premises licence must be considered on whether the licence holder can demonstrate that the licence will not create any issues in relation to the licensing objectives.

The licensing objectives being: -

- **The prevention of crime and disorder** - relating to any crime, disorder or anti-social behaviour at the premises or related to the management of the premises.
- **Public safety** - relating to the safety of the public on the premises, i.e., fire safety, electrical circuitry, lighting, building safety or capacity, and first aid.
- **The prevention of public nuisance** - relating to issues such as hours of operation, noise emanating from the premises, vibrations, lighting and litter.
- **The protection of children from harm** - relating to protecting children from the activities carried out on the premises whilst they are there. The law already provides special protections for children under 18 to buy alcohol.

Members are reminded that each objective is of equal importance. There are no other statutory licensing objectives, therefore the promotion of the four objectives is always a paramount consideration.

6. The Application

On the 27th of February 2024, an application was received from Refuel Forecourts Ltd, for Edens Lawn Service Station, Haltwhistle, NE49 0HH. A copy of the application is attached as **Appendix A**.

The applicant has applied for the licensable activities of: -

- the supply of alcohol Monday to Sunday from 00:00 – 00:00
- Late Night Refreshment Monday to Sunday from 23:00 – 05:00

Two objections have been received from interested parties and accepted on the grounds of the prevention of crime and disorder.

7. Consultation

In accordance with the requirements of the Licensing Act 2003 and regulations made there under, the applicant has undertaken the following consultation in respect of the application:

A copy of the application has been sent to all Responsible Authorities as defined in the Licensing Act 2003 Section 13 (4).

A notice setting out details of the application has been displayed at the premises for a minimum period of 28 consecutive days starting on the day after the application was received by the licensing authority.

By publishing a notice in a local newspaper on at least one occasion during the period of 10 working days starting the day after the application was received by the licensing authority.

8. Details of Representations

Two objections have been received from interested parties on the grounds of the prevention of crime and disorder (**Appendix B**).

Representations objecting to the application:

Responsible Authorities

Chief Officer of Police None

The Fire Authority None

Body Responsible for Health and Safety Enforcement None

Local Planning Authority None

Body Responsible for Minimising or

Preventing the Risk of Pollution of the Environment or of Harm to Human Health	None
Northumberland Area Child Protection Committee	None
Trading Standards Authority	None
Representations in support of the application	None
Interested Parties	Appendix B

9. Licensing Policy

In considering the application, Elected Members are also directed to have regard to the Councils Statement of Licensing Policy; specifically:

Introduction	3.1 – 3.1.6
Premises Licences - applications	Schedule 2
Decision making process	Schedule 5
Prevention of crime & disorder	Appendix A
Prevention of Public Nuisance	Appendix C

10. Guidance – Licensing Act 2003 – Section 182

In considering the application, Elected Members are also directed to have regard to the guidance issued by the Secretary of State for Culture, Media and Sport under Section 182 of the Licensing Act 2003; specifically:

Section 2 - The Licensing objectives	2.1 – 2.31
Section 8 – Applications for premises licences	8.20 – 8.34 8.66 – 8.70
Section 9 – Determining applications	9.3 – 9.10 9.42 - 9.44
Section 10 – Conditions attached to premises licences	10.1 – 10.68

11. Appeal Information

If the applicant, responsible authority or interested party who may have made a representation is aggrieved by the decision of the Licensing Sub-Committee in respect of:

- the decision to grant the licence or any part of it as set out in the attached document, or
- failure to exclude from the licence any of the licensable activities requested, or
- the decision to impose the specified conditions, or
- failure to modify or attach different or additional conditions appropriate for the promotion of the licensing objectives.

They may appeal to the Magistrates' Court within the period of twenty-one days beginning with the day on which they receive formal written notification of the determination.

12. Implications

Policy	The Sub Committee should have regard to the Statement of Licensing Policy however each application should be considered on its merit.
Finance and value for money	None
Legal	Identified above
Procurement	None
Human resources	None
Property	None
The Equalities Act: is a full impact assessment required and attached?	No - no equalities issues identified
Risk assessment	None
Crime and disorder	None
Customer considerations	None
Carbon reduction	None
Health and wellbeing	none
Wards	

13. Background papers

Appendix A	Application for a premises licence
Appendix B	Objections from Interested Parties

The Licensing Act 2003 and secondary legislation there under
The Council's Statement of Licensing Policy
The Guidance issued by the Secretary of State for Culture, Media and Sport under
section 182 of the Licensing Act 2003

14. Author and Contact Details

Heather Gebbie, Senior Licensing Officer

Email: heather.gebbie@northumberland.gov.uk