

RECORD OF DECISION

LICENSING SUB-COMMITTEE

DATE OF HEARING: TUESDAY, 12 NOVEMBER 2024

MEMBERS: Councillors M L Beuttell (Chair), I D Gardener and S A Howell

APPLICATION CONSIDERED: 96 CAMBRIDGE STREET, ST NEOTS PE19 1PJ

We heard representations from the following persons:

The Applicant – Nobel Trading (UK) Limited represented by Mr Semper
Other Persons – 2 other persons

We found the following facts:

- The Applicant runs several other convenience stores
- None of the Applicant's other stores have experienced issues with the Responsible Authorities
- The Applicant is also making a planning application in respect of a change of use of the Premises from public house to retail

In making our decision we considered the following:

- ❖ The Licensing Act 2003 and supporting Regulations
- ❖ The Section 182 Guidance
- ❖ Huntingdonshire District Council's Statement of Licensing Policy
- ❖ The Agenda Papers as presented
- ❖ Submissions from the Applicant and Other Persons
- ❖ Responses to questions

We did not consider the following matters to be relevant:

- Instances of antisocial behaviour and/or noise nuisance when the Premises operated as a public house
- Previous licensing decisions in respect of other Premises

Our reasons for this are:

- The Applicant's representative assured us that there have been no issues at other stores. This is supported by the lack of representations from other Responsible Authorities who, being aware of the Applicant's other stores, have not made representations in relation to this application.
- Licensing and planning are separate regimes governed by separate legislation, but the Applicant's representative confirmed that an application is underway.
- Instances of antisocial behaviour and noise nuisance that have occurred previously are not necessarily indicative of how this Premises will operate moving forwards, particularly given the change in operation from public house to retail shop.
- Each licensing application must be determined on its own merits. This is recognised by the Licensing Authority's Statement of Licensing Policy and the Section 182 Guidance. Any previous decision made by another Sub-Committee must not affect the decision making of a future committee including this decision.

Our decision is as follows:

To GRANT the application for a new premises licence for 96 Cambridge Street, St Neots PE19 1PJ as follows:

Sale of Alcohol (Off-Sales)

- From 06:00 to 00:00 Monday to Sunday

Subject to the conditions contained within the Application and the following additional conditions:

1. The Premises Licence Holder shall provide a suitably sized receptacle for litter at a convenient location outside the Premises.
2. The Premises Licence Holder shall ensure that the litter receptacle is emptied regularly and that this takes place between 09:00 and 20:00 only.
3. The Premises Licence Holder shall ensure that the area outside the Premises is kept clean, tidy, and free from litter and shall conduct regular checks to ensure compliance with this condition.
4. The Premises Licence Holder shall provide contact details (telephone number and email address) for the Retail Support Manager (from time to time) to the Licensing Authority. Should these details change, the Premises Licence Holder shall notify the Licensing Authority within 28 days.

Our reasons for reaching the decision are as follows:

This was an application for a new Premises Licence by Nobel Trading (UK) Limited.

The Sub-Committee considered all the evidence before them, both written and oral, and determined to GRANT the application as applied for, subject to four (4) additional conditions.

The Sub-Committee considered that the Applicant has a strong track record of managing similar licensed premises and noted the conditions offered with the application as being persuasive to the promotion of the licensing objectives. The Sub-Committee noted that there were no representations from Responsible Authorities and no challenge to the Applicant's credentials.

The Sub-Committee were sympathetic to the issues that had been experienced by Other Persons previously, however, there was no causal link between those issues and this Applicant. The Sub-Committee did not consider that the issues experienced previously, particularly those linked to the operation of the Premises as a public house would be likely to be repeated if the Premises operates as a convenience store.

The Sub-Committee recognise that litter is unsightly and a public nuisance and have therefore imposed conditions to promote the licensing objective of the prevention of public nuisance. The Sub-Committee welcomed the commitment from the Applicant to provide a litter receptacle.

The Sub-Committee listened to the concerns about the hours of operation. The Sub-Committee's main concern is the promotion of the Licensing Objectives and did not consider that there was sufficient evidence to provide for a reduction in hours. The Sub-Committee disregarded references to "The Godfather" as each application must be determined on its own merits. The Sub-Committee also noted that the Section 182 Guidance supports the sale of alcohol from retail premises during all hours they are open.

As a responsible operator, the Sub-Committee hopes that the Applicant will liaise with local residents and to that extent have imposed a condition that the Applicant (Premises Licence Holder) provide contact details for the Regional Support Manager to the Licensing Authority to enable local residents to highlight any issues they may be experiencing. The Sub-Committee felt this was an appropriate and proportionate condition to strike a balance between the needs of the business, the local residents, and the licensing objectives.

Date: 12 November 2024

PLEASE NOTE

You have a right of appeal to the Magistrates Court against the decision above. You MUST lodge any appeal with the Magistrates Court within 21 days from the date of this decision.

The address of the Magistrates Court is:-
Peterborough Magistrates Court, Bridge Street, Peterborough PE1 1ED