

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Tuesday, 15 February 2011

**COUNCILLORS PRESENT:** Councillors Reeve, Wilson and Woods  
**OFFICERS:** Mohammed Rahman (NBC Solicitor)  
Steven Holder (NBC Trainee Solicitor)  
Louise Faulkner (Licensing Administrator)

**FOR THE APPLICANT:** Palanivelu Vimalaswarah (Applicant)  
Naga Rajesh (Business Consultant)

**FOR THE REPRESENTORS:** PC Dave Bryan (Northamptonshire Police)

### 2. **ABINGTON WINES & SPIRITS, 18 ABINGTON SQUARE, NORTHAMPTON, NN1 4AA**

The Chair introduced the Sub-Committee and welcomed everyone to the meeting.

#### **Outline of the Application by the Licensing Officer**

The Licensing Officer outlined the application by Mr Palanivelu Vimalaswarah for an Off Sales Premises Licence in respect of 18 Abington Square, Northampton and noted that there had been an objection received from Northamptonshire Police. She then explained the procedure for the hearing.

#### **Application for the Premises Licence**

Representing the Applicant, Naga Rajesh, Business Consultant, noted that the Applicant was a responsible businessman who had held and been working in a Licensed Premises since 1987. The area was well known to him and he would be available at the premises throughout the opening hours.

The reason for the application was stated as a change from a Licensed restaurant into a grocery store with alcohol sale on the premises. Due to the financial downturn the Applicant was struggling to make a profit and felt that transforming the business into a grocery shop selling Asian produce with alcohol would be a more viable business in this climate. The decision to apply for a 24 hour Licence was due to the needs of his current customers who found parking an issue in the daytime and they often had unusual working patterns. The long hours would also aid the success of the business in helping the Applicant to compete against the larger 24 hour supermarkets who also offered the Asian produce.

In regard to the objection from the Police it was noted that he had no issues with his current Licence or complaints against him at his current premises, in regard to the Licensing Objective of the Prevention of Crime and Disorder. There had been discussion with Trading Standards and the Health and Safety Executive but the Applicant had found it difficult to engage in discussion with Northamptonshire Police.

Mr Rajesh noted the report sent by the Police detailing criminal behaviour in the locality of the premises for an 8 month period between midnight and 4:00 am and stated that 13 incidents were in Off Sales premises and 10 were on the streets. Only 2 of the incidents were specifically attributed to the consumption of alcohol. It was also noted that the application for the Licence was presented to the Council on 22 December 2011 and the Police objection was received 20 December 2011. The Applicant believes this to be outside of the consultation period.

## **Questions to the Applicant**

Members requested details on the businesses the Applicant was involved in from 1987 to this current Licensed restaurant. The Applicant confirmed that he worked in an Off Licence in Chelsea, London from 1987 till 2007, which was when he purchased the current premises.

Members requested details on the percentage of the shop that would be dedicated to alcohol sales. This was confirmed as approximately 15-20%.

Members questioned how the Applicant would be available for the opening hours of the premises if a 24 hour Licence were granted. The Applicant confirmed that, although he resided in Uxbridge he would ensure that he was always contactable and noted that he had the option to stay on the upper residential floor of the business premises when required.

PC Bryan requested the Applicant explain his process when dealing with an out of control intoxicated customer. The Applicant confirmed that he would talk to the customer and only if necessary contact the Police. PC Bryan also wished to note that in regard to the 10 on street incidents it was not possible to access, which were alcohol related unless an Officer attended the incident.

## **Representation by the Representors**

Representing the Representors, PC Bryan of Northamptonshire Police, wished to note their objection. Due to the time period between midnight and 4:00 am being the busiest for Officers paired with the location of the premises within the 'Leisure Zone' area with proximity to busy on sale premises, it was deemed that any grant of a Licence within these busy hours would have an impact on the Licensing Objective of the Prevention of Crime and Disorder. As this time period between midnight and 4:00 am was the busiest time for Northamptonshire Police in regard to Crime and Disorder and to add a burden of a 24 hour Licensed Off Sales where, as confessed by the Applicant, he would be relying on Police support.

PC Bryan also noted that from personal experience there was an increase in customers leaving On Sales premises and purchasing cheaper Off Sales alcohol to consume before entering another On Sales premises. This increase in alcohol consumption could in turn lead to problems for the On Sales premises that may struggle to control intoxicated customers when they are not able to limit their alcohol consumption.

## **Questions to the Representors**

Members questioned the close time of the local On Sales premises. PC Bryan noted this to be varying hours between 2:00 am and 3:00 am and again pointed out to the Members that he was trying to illustrate this busy period between midnight and 4:00 am and also was concerned about customers pre loading, intermediate top ups and post loading with alcohol and causing Crime and Disorder in this busy street which is an access road to the centre of the town.

Members asked the Applicant how he was going to handle customers attempting to consume excessive alcohol, what measures he had in place before resorting to contacting the Police and what types of customers he was hoping to attract. Palanivelu Vimalaswarah confirmed that his typical customers would be Asian families due to the groceries stocked. Also, that all staff would be trained to handle difficult situations, if they deemed customers to be intoxicated they would not serve them and only if the measures in place failed they

would call the Police. It was also noted that the Applicant wished to provide staff assistance at the door of the premises but PC Bryan confirmed that a staff member on the door would be unable to vet customers as they would not be Licensed by the Security Industry Authority and that an Off Sales premises Licence holder would have no control over the alcohol and its consumption once it was removed from the premises. Due to this, Northamptonshire Police would only be satisfied if the Sub-Committee did not grant a 24 hour Off Sales Licence.

Members asked if the Applicant would consider any shorter hours or a store with no Off Sales and the Applicant confirmed that a 3:00 am close and 7:00 am start would be the only alternative for consideration, as he has to make the change of premises financially viable.

### **Summing up by the Applicant**

Representing the Applicant, Naga Rajesht, summed up by noting that the application was for a small section of Off Sales as part of a grocery shop and not a Wine Shop he also wished to confirm that the Applicant was changing his business in order to survive the financial downturn. The Applicant was confirmed to be a good businessman with a lot of experience in this field who promised to play his part as a Licence holder perfectly.

### **Summing up by the Representors**

PC Bryan summed up by noting that with a 24 hour Licence in the 'Leisure Zone' area there was a probability of customers having intermediate top ups and post loading on alcohol between midnight and 4:00 am. This would be out of the control of the Licence holder once it was removed from the premises and would compromise the Licensing Objective of the Prevention of Crime and Disorder.

### **The Determination**

The Committee considered the application for a Premises Licence for Abington Wines & Spirits, 18 Abington Square, Northampton made by Mr Rajesh on behalf of Mr Vimaleswaran (the Applicant).

The Members of the Sub-Committee noted the representations made by Northamptonshire Police on the basis of the Licensing Objective for the Prevention of Crime & Disorder.

The Sub-Committee heard all the representations by the Applicant and the Police, and considered all the written submissions. Taking these into consideration, it was decided to grant the application for the sale of alcohol, however not for 24 hours (as applied for), but instead between the hours of 7:00 am and midnight.

The reason for this decision was because the Sub-Committee felt that should a 24 hour Licence be granted there was a significant risk that the Licensing Objective of the Prevention of Crime & Disorder would be seriously compromised. The Sub-Committee were not satisfied that the security measures proposed by the Applicant demonstrated sufficient measures to promote the Licensing objective mentioned. This concern particularly related to the hours beyond midnight.

The Sub-Committee stated they trusted that the Applicant would work with the relevant authorities and that his business would be successful under the new License.

All parties have the right to appeal the Sub-Committees decision to the Magistrates Court within 21 days of the date of decision.

The meeting concluded at 3:11 pm