

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 28 April 2011

COUNCILLORS PRESENT: Councillors Woods, Conroy and Reeve
OFFICERS: Mohammed Rahman (NBC Solicitor)
Steven Holder (NBC Trainee Solicitor)
Phillip Bayliss (Principle Licensing Officer)
Louise Faulkner (Licensing Administrator)

FOR THE APPLICANT: Mehmet Dermen Bayran (Applicant)
Alan Aylott (Applicants Solicitor)

FOR THE REPRESENTORS: Mr Payne of Horsey Lightly Fynn Solicitors (on behalf of KP News Off Licence)
Kunal Patel (KP News Off Licence)
Steve Young (Manager/Representative of Beacon Bingo)
S Getty (Resident)
V Graham-Hole (Resident)

1. DECLARATIONS OF INTEREST

Councillor R Conroy confirmed a Personal and Non-Prejudicial Interest, as his wife is the Ward Councillor for the location of the premises. It was noted that there had been no discussion or correspondence with his wife on this matter.

Councillor Woods' confirmed a Personal and Non-Prejudicial Interest in that that he was aware that an acquaintance County Councillor Patel, owned KP News who was objecting to the Application.

2. BEST ONE (MED FOOD CENTRE), 85-87 WEEDON ROAD, NORTHAMPTON, NN5 5BG

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

At this point in the meeting the Chair asked Mr Bayliss, The Licensing Officer why some of the applications had been accepted for the previous application for this premises but had been rejected on this occasion. It was confirmed that Mr Bayliss had been on holiday at the time of the previous meeting and that some of the objections that had been accepted should have been rejected, in line with the relevant guidance. He also stated that this was a new application and looked at independently.

Outline of the Application by the Licensing Officer

The Licensing Officer outlined the application by Mehmet Dermen Bayran for a Premises Licence in respect of 85-87 Weedon Road, Northampton. He then explained the procedure for the hearing.

Application for the Review

Representing the Applicant, Mr Alan Aylott, Solicitor, wished to confirm that the agenda pack that he had been provided contained the correct objections and information submitted for this application. The Licensing Officer and the Sub-Committee confirmed this and that any information contained in the previous application would be disregarded as this was a new application and would be considered as such.

Mr Aylott wished to note the suitability of the Applicant due to objections raising concerns about the previous premises, which had led to problems in the area. He confirmed that previous to owning this premises the Applicant had managed a Turkish Food Store in London for 6 years and in his management of this premises, for the last 14 months, he had received no concerns from relevant authorities. As a Personal Licence holder it was also noted to the Sub-Committee that the Applicant had been deemed 'Fit and Proper' by a Licensing Authority.

The opening times of the store were confirmed as 09:00 to 20:00 and that these hours would continue if any Licence were to be granted and that this was a reasonable request. It was noted that the objectors KP News Off License had a Licence to sell alcohol from 05:00 to 22:00 and that it should only be in certain circumstances that the Licensing Authority amend the premises opening hours for the sale of alcohol.

Mr Aylott wished to note to the Sub-Committee that none of the responsible Authorities had made objections to this application and if they had any concerns about the application and the Applicants ability to meet the Licensing Objectives, they would be duty bound to make an objection.

It was confirmed that the application was simple with a comprehensive operating schedule and that the Applicant had placed additional conditions on the application in an attempt to allay some of the concerns of the Objectors and to help to substantiate his suitability to meet the Licensing Objectives. It was noted that there was a comprehensive Training Manual in English and Turkish originally designed for Threshers Off Licence and adapted for the Applicant.

Mr Aylott wished to note that 19 objections had been received, likely from customers of KP News Off licence and that that there relevance should be weighed against the 149 signatories on the Applicants Petition and the localities of those objectors and supporters.

The Applicants Solicitors referred to 'Paterson's Licensing Acts 2011' parts 1:26, 2:1, 2:19, 2:38, 2:39 and 2:47 in regard of the Licening Application and the Applicants responsibility in regard of the Licensing Objectives. Mr Aylott reiterated that none of the responsible authorities had made any objections or representations in regard of this Licence. It was noted that the Applicant was able to meet the Licensing Objectives and would be taking reasonable steps to prevent Crime and Disorder by installing signage on the exit of the premises asking customers to leave quietly and operating a 'Challenge 25' policy.

Mr Aylott concluded by summarising that many of the objections had raised issues with a previous Licence holder at a different premises, and the Applicant had been operating for over a year with no cause for concern. Much of the evidence and objections provided was the speculation of potential problems not based on fact or evidence and Mr Aylott wished to note that the Applicant was a responsible manager.

Questions to the Applicant

Members questioned how the training would be provided to the staff and how the management would monitor this. It was confirmed that in addition to 'Challenge 25' and a till prompt on alcohol products requesting age verification, training would be provided on induction, repeated on a three monthly basis and parties would initial the training manual.

Objectors questioned the suitability of the Applicant as a Licence holder. It was confirmed that as a Personal Licence holder, the Applicant had already been deemed 'Fit and Proper' by a Licensing Authority and in addition there had been no objections from the Police.

There were discussions around the relevance of crime figures on www.police.uk for the immediate area of the premises, the number of staff that work on location and how the Applicant would deal with proxy sales. It was confirmed that there were 2 staff on the premises and 12 CCTV cameras located in and around the premises.

Members noted that appropriate weight that would be given to the Applicants petition and the Objector's letters.

Representation by the Representors and Questions

Mr Patel described the area as not terrible but there were issues of youths congregating, their attempts to get hold of and their consumption of alcohol. It was noted that if the youths were unable to get served they would ask others to obtain it for them. He also wished to note the detrimental effects of this behaviour, in that resident's cars get broken into and there is an increase in burglaries and Anti Social Behaviour (ASB).

Mr Aylott questioned if any of these problems had been specifically attributed to the Applicants premises. It was confirmed that as the premises did not yet sell alcohol and therefore none of the issues could be related specifically to the Applicants premises.

Mr Young wished to reiterate that the businesses and residents were mindful of issues in the past and concerned that issues may return with an increase of alcohol sales in the locality. Mr Young noted the underground car park, which was frequented by youths and drunks, and how previously his business was required to supply additional security in order to assist customers to and from their vehicles. He noted that a return to this would be at a cost to businesses, the Council, in regard of increased litter and residents in regard of damaged vehicles.

Members questioned if one additional licensed premises would make much of a difference, as youth were already able to obtain alcoholic products in the locality from the many current licensed premises. Mr Young confirmed that other alcohol sales premises were well controlled and that the addition of one premises will add to and exacerbate existing issues.

Mr Aylott questioned if Mr Young was a customer of Mr Patel's and if he had obtained transport from him in order to attend the previous hearing. Mr Young confirmed that he was a customer of Mr Patel's and confirmed that for the previous hearing he had offered space in his vehicle for other objectors.

The Chair of the Sub-Committee noted that it was legitimate practice to canvass for support and would strike these implications from their evidence.

Mr Getty confirmed that he had lived in the area for three years and felt there had been an increase in intoxicated youths and general disturbances since December 2010. He noted evidence retrieved from www.police.uk where the three miles radius of the premises had been confirmed as an area high in crime, including ASB, violence and robbery. Mr Getty also wished to note that he had been mugged twice, though not in the location of the premises. He confirmed that as a resident he felt vulnerable in the locality and detailed an unreported incident where he entered a retail premises due to greatly fearing an intoxicated member of the public at 09:00. Mr Getty wished to express his concerns that the Licence holder would have no responsibility for any occurrences outside of the premises, confirming that as a house owner he had to take responsibility for the area outside of his property. He also noted his concerns that in only having two members of staff working that there would be no possibility of monitoring for proxy sales or the 12 CCTV cameras. Declaring his position in a retail hypermarket, he reported that they required a dedicated member of staff to monitor their CCTV 24 hours a day. Mr Getty was unable to confirm specific issues of

crime and disorder related to the Applicants premises but he feared any grant of a Licence could be a contributing factor in increasing problems in the area.

Members questioned if the unreported incident was related specifically to the Applicants premises. It was confirmed that the incident was related to the locality not the premises and Mr Getty reiterated his fear that an increase in alcohol sales could increase problems in the area.

Mr Aylott questioned if Mr Getty was a customer of Mr Patel's and if there was any specific incidents relating to the Applicants premises. He confirmed that he was a customer of both Mr Patel and the Applicant and that none of his noted incidents could be attributed to this premises but the premises was located in a problem area.

Mr Graham-Hole noted that he was as a friend and customer of Mr Patel but had not had any discussion with him regarding this application. He wished to note his concern with the locality of the Applicants premises and stated that groups of youths regularly intimidated shop owners into the sale of alcohol. He hoped that the Sub-Committee would note this and consider how to stop this abuse if they were minded to grant the Licence.

Mr Aylott questioned if Mr Graham-Hole had noted any specific issues with the Applicants premises and if he was aware of whom in the locality was making alcohol available to underage youths. He confirmed that the Applicants premises were not selling alcohol so there were no current issues and he was unable to verify where the youths currently obtained their alcohol.

Summing up by the Representors

Mr Payne wished to sum up by noting the application was indeed straightforward but it was important for the Sub-Committee to be aware of the previous problems in the area and that they were likely to occur again. He wished to confirm that he had no issues with Mr Bayram's fitness and propriety to hold a Licence but objected on the basis that there was not enough staff to adequately monitor the premises (inside and out) and his expression that issues occurring outside the premises were not the Applicants responsibility. It was also Mr Payne's view that the Petition was not worth the same weight as the objector's individual letter as many of them did not live in the locality of the premises. It was his view that the conditions that had been offered by the Applicant were vague and unenforceable and he wished to note that it was not uncommon for the Police to object at the application stage but to use their powers once any Licence had been granted.

Mr Young summed up by asking the Sub-Committee to ensure that sufficient controls were in place, in respect of ASB in the area, if they were minded to grant the Licence.

Mr Getty wished to reiterate his concern that the License did not require the Applicant to have controls over any occurrences outside of his premises and noted that the petition should not hold much weight, as they were only the views of the Applicants customers and not the wider community. It was his view that one more premises selling alcohol was one too many.

Mr Graham-Hole confirmed his objection as a resident of the area.

Summing up by the Applicant

Mr Aylott wished to sum up by confirming that the premises was only to stock a small amount of closely supervised alcohol, as it was to be located behind and adjacent to the counter. The Applicant was aware of past problems in the area and he believed that the

conditions put forward reflected that awareness. It was also confirmed that in answer to some of the objectors concerns, the 2 staff members in store would be in addition to the Applicant and his wife so there would always be a minimum of 4 staff on the premises and the License did require that reasonable control outside the premises. There had been no specific problems related to the premises and any talk of issues was general or prior to the Applicants ownership and were therefore irrelevant. My Aylott also disagreed that the Police would not object at the application stage stating that the Police did not object because they had no objections. He directed the Sub-Committee to consider that the objections were made for trade reasons due to many of the objectors being fiends and customers of a competing licensed premises.

The Determination

The Sub-Committee then considered the application for a Premises Licence for 85 – 87 Weedon Road, Northampton made by Mr Aylott on behalf of Mr Mehemt Bayram (the Applicant).

In addition to reading all the objections submitted in writing, the Sub- Committee had listened to all representations made by:

- Mr Payne representing Mr Patel;
- Mr Young;
- Mr Getty; and
- Mr Graham-Hole.

in relation to the Licensing Objectives:

- Prevention of Crime & Disorder;
- Public Safety;
- Prevention of Public Nuisance; and
- Protection of Children from Harm.

The Sub-Committee had noted that there was a petition with 149 signatures in support of the application. Although, the petition was accepted, it was noted that the same weight had not been given to the signatures, as would have been given to individual letters from each of those signatories.

The Sub-Committee had heard all the representations made by all those who spoke and considered all the written submissions, including the petition, and upon taking all these into consideration, it was decided to grant the application for the sale of alcohol between the hours of 08:00 and 20:00 (as requested).

The Sub-Committee had accepted the conditions as proposed by the Applicant, with the exception of the condition relating to refresher training (Page 24, point 5). This would now read:

Refresher Training to be satisfactorily completed at least every 3 months for all staff and documented with the training records.

The Sub Committee noted that none of the responsible authorities, including the police, had raised any objections or concerns to the application.

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 12:05