

NORTHAMPTON BOROUGH COUNCIL

LICENSING AUTHORITY

NOTICE OF HEARING

A Meeting of the Licensing Sub-Committee will be held on

Monday, 23 May 2011 at 3:00 pm

in The Council Chamber, The Guildhall, Northampton
to hear the relevant representations and notices raised in respect of an
Application for the review of a Premises Licence.

**Bargain Booze, Unit 11,
Limehurst Square, Duston,
Northampton, NN5 6LP**

PROCEDURES FOR LICENSING SUB-COMMITTEE HEARING

- **Welcome** – Chairman welcomes the Applicant, Representors, Responsible Authorities and Interested Parties and introduces members of the sub-committee (+ other officers e.g. Solicitor, Licensing Officer, Meetings Services clerk etc).
- **Reason for Hearing** – to be outlined by the **Licensing Officer** or the **Chair**.
- **Format of the hearing** – an explanation of the format of the proceedings:
 1. **Applicant** (or his/her representative) will address the sub-committee first and put their case.
 2. **The Chair** leads an examination of the **Applicant's case**. First, the panel may ask questions and then the Chair invites Responsible and Interested Parties to participate. Questions may only relate to the points made by the applicant.
 3. **The Representors** (and responsible and Interested Parties) then state their case.
 4. **The Chair** leads an examination of the **Representor's case**.

Each party will be given an equal maximum period of time in which to present their case and may, if given permission by the Chair, question any other party.

- **Summing Up**
 - By the Representors
 - By the Applicant
- **Sub-committee retires** – and may call for the Solicitor for advice if required.
- **Sub-Committee deliver their decision and reasons for their decision at the conclusion of the meeting IF:**
 1. Application for conversion of existing licence
 2. Application for conversion of existing club certificate
 3. Application by holder of justices' licence for grant of personal licence
 4. Application for conversion and variation of premises licence (including variation of DPS)
 5. Application for conversion and variation of club premises certificate
 6. Counter notice following police objection to temporary event notice
 7. Review of Premises Licence following Closure Order

In all other cases, the Sub-committee delivers its decision and reasons for its decision within five working days beginning with the day on which the hearing was held.

Agenda Item 1

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Constable 113 D.Bryan

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description Bargain Booze, Unit 11, Limehurst Square, Duston, | |
| Post town Northampton | Post code (if known) NN5 6LP |

| |
|---------------------------------------------------------------------------------------------------------------------|
| Name of premises licence holder or club holding club premises certificate (if known) Mr Jayeshkumar PATEL |
|---------------------------------------------------------------------------------------------------------------------|

| |
|-------------------------------------------------------------------------------------|
| Number of premises licence or club premises certificate (if known) PL0072 |
|-------------------------------------------------------------------------------------|

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name and address Constable 113 D.Bryan, Northamptonshire Police, Campbell Square Police Station, The Mounts, Northampton, NN1 3EL. |
| Telephone number (if any) 03000 111 222 |
| E-mail address (optional) david.bryan@northants.police.uk |

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

Northamptonshire Police call for the Review of the above premises under the Licensing Objectives of the Prevention of Crime and Disorder and the Protection of Children from Harm.

On the 16th of July 2010 a Police Test Purchase Operation was conducted at the premises. The Designated Premises Supervisor and Premises Licence Holder Mr Jayeskumar PATEL sold alcohol to a person under the age of 18 years old.

On the 2nd of October 2010 a Police Test Purchase Operation was conducted at the premises. The Designated Premises Supervisor and Premises Licence Holder Mr Jayeshkumar PATEL sold alcohol to a person under the age of 18 years old.

Both the above offences were heard on the 18th of January 2011 and Mr Patel was convicted of both offences.

On the 19th of February 2011 another sale of alcohol to a person under the age of 18 years took place. The seller again was Mr Jayeshkumar PATEL, this was not done as part of a Police Test Purchase operation.

On the 19th of February 2011 at 08:00pm PCSO Emberton was on duty in the Limehurst Square area. He witnessed a male leave Bargain Booze he recognised the male and knows that he is 16 years old. The PCSO entered the shop and noticed on the counter a blue bag containing a bottle of KIROV VODKA, the PCSO also noticed that the person standing behind the counter was Jayeshkumar PATEL, PCSO Emberton states that he recognised Mr PATEL. The PCSO asked Mr PATEL who the vodka belonged to, he stated it belonged to the male who had just left the store, Mr PATEL stated that the male had paid for the vodka and stated, when questioned about the male leaving that he had just gone to get some chinese food. A few minutes later the PCSO asked Mr PATEL again whether the male had paid for the vodka this time he said no. The PCSO checked the bag and found the receipt which detailed the purchase, also on the receipt was an ID check which stated the person buying the vodka was twenty five years old.

The PCSO asked Mr PATEL how did he know the male was over twenty five years old, Mr PATEL stated that he showed me his driving licence and he described it as being green in colour. Whilst this conversation was taking place the male who had purchased the vodka walked back into the store. The PCSO asked the male whether he had purchased the vodka to which he said 'yes', he also stated that he did not want to get Mr PATEL into trouble and just wanted his money back and wanted to leave. PCSO Emberton then contacted PC 304 Dursley who seized the vodka and the receipt and the male was then escorted home.

The male was interviewed under caution at his home address, he stated that he was purchasing the vodka for some friends, the man behind the counter asked for identification and the male passed him his provisional licence which clearly displayed his correct date of birth and that he was 16 yaers old. The male stated that Mr PATEL looked at his licence then handed it back and asked he wanted, the male asked for a bottle of vodka which was sold to him. The male was issued with a Penalty Notice for Disorder for purchasing the alcohol as a minor, however for the police to pursue a prosecution in relation to Mr PATEL would need the support of the male in the form of a section 9 statement which he was not willing to make.

I have the detaild of the male in the form of a section 9 statement however due to the fact that the male was a minor would not disclose the name at a public hearing. Northamptonshire Police are of the opinion that the DPS has now sold alcohol on three occasions that we are aware of. The third sale was made one month after being convicted for two previous sales.

In addition please see attached E-mail with these papers from PS HELM to support the Review. PS HELM or a member of her team will be made available for the Hearing to field any questions that the Sub Committee may wish to ask.

Northamptonshire Police would ask the Licensing Sub Committee to consider a suspension of the Premises Licence, the previous two sales prior to the third have had no impact on the operation of the premises and Northamptonshire Police are of the opinion that the Licensing Objectives are being undermined.

Please provide as much information as possible to support the application
(please read guidance note 2)

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

.....
[Handwritten Signature]

Date

.....
21st March 2011

Capacity Northamptonshire Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Bryan David

From: Helm Jen
Sent: 20 March 2011 15:14
To: Bryan David
Subject: RE: Bargain Booze, Limehurst Square, Northampton.

David,

As you will be aware from the incidents there are numerous problems there, and I frequently receive information via my local officers regarding locals concerns about youths purchasing alcohol there and subsequently causing ASB. Unfortunately the intel inputters do not always see fit to enter it on FIS.

The manager sold to a TP operation in the summer of 2010, and recently he was found selling alcohol to a youth by one of our PCSOs' The PCSO went into the shop and it became apparent that the youth had bought Vodka, and he left it on the counter and ran out. The owner initially admitted he had sold the youth the vodka and that he had shown him ID in the form of a driving licence which (though he did not check his DOB) meant he must be old enough?... The licence turned out to be green and therefore provisional and available to a 16yr old for a moped. The youth then came back in and was clearly under age, and then the owner said he had not sold the youth the alcohol, only that the youth had asked for it, and then he tried to take the bottle in its bag off the counter. PCSO Emberton stopped him doing this and checked the bag only to find a receipt for the completed transaction. The owner lied to us.

The youth is/was to be dealt with and licencing have the owner to deal with.

The shop chain is represented regionally by ex police officer and legal advisor Gill Sherringham. I treid to engage with the owner to get him to sticker up his goods so we could see if adults were purchasing and passing on alcohol etc that was then ending up in ASB locations, but he was very unco-operative. I spoke with Gill to smooth the waters and she agreed to speak with him on the assurance that this would lead him to incriminate himself. However before I sent this it became apparent that it was best to pursue him legally and wait until he compromised himself again.

Intel suggests he serves locals only since the TP Op, and that he will sell out of the back as it is away from CCTV.

His explanation is often that he cannot see out of his large plate galss window, to see if adults are passing alcohol onto youths, as it is covered in posters. we gave the obvious advice but he repeatedly fails to take the posters down or move them. He has been considerably less co-operative and unhelpful than his predecessor, and the increase in ASB in the area of Limehurst Square may well reflect this.

Kind regards,

Jen

-----Original Message-----

From: Bryan David
Sent: 07 March 2011 16:44
To: Helm Jen
Subject: RE: Bargain Booze, Limehurst Square, Northampton.

Sgt,

Thank you,

Please could I have it by the 18th of March.

Regards

David Bryan Constable 113 | Licensing Officer | Safer Stronger Northampton Partnership
Northamptonshire West | Northamptonshire Police

☎ Telephone 03000 111222 Ext 8634 | 📠 Facsimile 01604 632645 |
✉ Email david.bryan@northants.police.uk
📍 Address First Floor, 14 Fish Street, Northampton. NN1 2AA

| Working in Partnership for Safer Stronger Communities |



Please consider the environment before printing this email. Thank you ...

-----Original Message-----

From: Helm Jen
Sent: 07 March 2011 16:34
To: Bryan David
Subject: RE: Bargain Booze, Limehurst Square, Northampton.

No problem, whats the deadline?

Jen

-----Original Message-----

From: Bryan David
Sent: 07 March 2011 15:46
To: Helm Jen
Subject: Bargain Booze, Limehurst Square, Northampton.

Hello Sgt,

I am compiling papers to serve on the premises to put the premises before the Licensing Committee.

Could you or one of your officers compile a small report in relation to the ASB problems there.

Thank you

Regards

David Bryan Constable 113 | Licensing Officer | Safer Stronger Northampton Partnership
Northamptonshire West | Northamptonshire Police

☎ Telephone 03000 111222 Ext 8634 | 📠 Facsimile 01604 632645 |
✉ Email david.bryan@northants.police.uk
📍 Address First Floor, 14 Fish Street, Northampton. NN1 2AA

| Working in Partnership for Safer Stronger Communities |



Please consider the environment before printing this email. Thank you ...