

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Thursday, 30 June 2011

COUNCILLORS PRESENT: Councillors Wire DL (Chair) Duncan and Ford

OFFICERS: Mohammed Rahman (Solicitor)
Phil Bayliss (Licensing Officer)

FOR THE APPLICANT: Mr Carr

FOR THE REPRESENTORS:

1. **APPLICATION FOR A PREMISES LICENCE - 45-49 OULTON RISE, NORTHAMPTON, NN3 6EW**

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 for a Premises Licence in as set out in the report in respect of Nisa Local, 45-49 Oulton Rise, Northampton. He summarised the objections that had been received and it was noted that a petition had also been submitted. He then explained the procedure for the hearing.

Application for the Premises Licence

Representing the Applicant, Mr Carr outlined the reasons for the application for a Premises License and informed Members that no representation had been made by any responsible authority, which included the Police. He explained that Mr Nimalathan was a seasoned retailer with 11 years of experience and had been a personal license holder for the past 7 years. It was noted that the applicant had previously worked for Nisa in Birchfield Road (Northampton) and considered them to be a reputable company who had been pro-active with regards to fulfilling the Licensing Objectives. All Nisa staff received training every 3 months and in house training was provided to spot counterfeit ID as well as adhering to the 'Challenge 25 policy'.

Mr Carr informed the Committee that the store would promote the 4 licensing objectives, which included the installation of 13 internal CCTV cameras and 3 external cameras and the DPS was fully aware of the prevention of harm to children and the consequences of selling to under age persons.

Questions to the Applicant

In response to a question from Councillor Duncan, Mr Carr confirmed that Nisa was a national chain with approximately 2,500 members and had been trading for 25 years and was part of the Costcutter group.

In response to questions asked by Councillor Wire, Mr Carr explained that there had been a failed test purchase at the Nisa store in Birchfield Road, but that this had occurred four years ago and there had since been no problems. It was explained that the store would employ 7 members of staff, 3 of whom would be personal license holders.

Mr Carr confirmed that the application had been for the sale of alcohol between the hours of 6am and 11pm as this was the proposed opening hours of the store.

The Solicitor commented that the sale of alcohol should be in line with the shop opening hours.

Representation by the Representors

Councillor Hallam, as the Ward Councillor for Parklands, confirmed that he was in attendance to represent the views of the Parklands Residents Association and other concerned residents. He informed the Committee that the main objection to the application was on the grounds that an off licence in the area would exacerbate Anti-Social Behaviour (ASB) in the area, which had been problematic in the area for a considerable time. There had been a number of incidents involving Anti Social Behaviour which included proxy sales of alcohol at the Tesco store i.e. youths asking people going into the shop to buy booze for them with threats / abuse if they did not do so, anti-social behaviour at the nearby allotments, graffiti believed to be by youths, the local post office closing in part due to ASB and damage to a nearby electricity sub-station believed to be by youths.

Councillor Hallam also stated that traffic and parking was an issue in the area, which had been caused by people (including students) parking outside the premises for Northampton School for Girls, dog walkers parking outside the premises and people attending Spinny Hill theatre parking outside the premises. He stated that as a result that NCC money had been spent on highways projects to encourage people in the area to walk instead of using their cars (with some success) to relieve some of the pressure on roads and parking.

He further explained that 15 years ago there had been persistent problems with youths who would congregate in an external part of the shop which had provided some cover and that the area could be subjected to further Anti-Social behaviour. He commented that there had been an extensive amount of vandalism to a local bus stop and that numerous alleyways had provided areas in which youths would gather which were in close proximity to Parklands Open Space, damage of which was evident in the children's play area. Councillor Hallam reported that the local veterinary practice had installed external CCTV to their property in an attempt to reduce incidents of anti-social behaviour with some success.

Questions to the Representors

Councillor Duncan asked whether actions taken by the Residents' Association had resulted in a decrease in crime rates in the area. Councillor Hallam reported that through work carried out by the Residents' Association and other agencies, including the police and a local school, had resulted in a reduction of crime and stated that in April 2010 there had been 13 reports of anti-social behaviour which had reduced to just 2 or 3 in April 2011.

Councillor Wire commented that there were a number of people who having signed the petition, were not residents of the area. Councillor Hallam responded by stating that Northampton School for Girls was located in the area and therefore people who had been transporting their children to school would have put their name to the petition.

Mr Carr questioned the relevance of the design issues of the shop and commented that his client could not be held responsible for problems experienced 15 years ago.

In response to questions from Mr Carr, Cllr Hallam (in addition to agreeing that there is a local PCSO) accepted that the local Police are aware of the ASB issues he had outlined and that despite this they had not made any representations about the application. Mr Carr questioned if the installation of external CCTV had helped to disperse crowds of youths gathering in the area, which Councillor Hallam agreed that it had.

Councillor Ford asked what percentage of gross sales would be for alcohol. Mr Carr replied that without selling alcohol, the store may not be able to open and he emphasised that the store was for convenience to its customers, which would offer a broad spectrum of products. Councillor Wire asked if the Licensing Officer was aware if there were any problems with the neighbouring newsagents. The Licensing Officer reported that the Police having made no representation indicated that there were no significant problems.

The Determination

There being no further questions, the Committee adjourned at 10.44 to make a decision and the Solicitor was called for advice.

The Committee reconvened at 11.04.

The Sub-Committee having considered the application for a Premises Licence for 45 – 49 Oulton Rise, Northampton made by Mr Carr on behalf of the Applicant.

In addition to reading all the objections submitted in writing, the Sub- Committee listened to all representations made by Councillor Mike Hallam.

Based on the Licensing Objectives,

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

it was decided the Licence for the times the Applicant has applied for be granted.

The main justification for the decision was that the Objectors had failed to establish any link between the current problems and the application for the sale of alcohol at the store. It was noted that there was no Police objection to the application.

The Chair commented that should anybody at a later date, feel that the licensing objectives were not being promoted, legislation would allow them to call a Review of the Premises Licence.

The chair informed all parties to their right to appeal the Sub-Committees decision to the Magistrates Court within 21 days of the date of decision.

The meeting concluded at 11.07