

NORTHAMPTON BOROUGH COUNCIL

LICENSING AUTHORITY

NOTICE OF HEARING

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

Tuesday, 21 February 2012 at 3:30 pm

In The Council Chamber, St. Giles Square, Northampton, NN1
1DE. The Guildhall, Northampton
to hear the relevant representations and notices raised in respect of

**Review of the Prince of Wales
101 Harborough Road
Kingsthorpe
Northampton
NN2 8DZ**

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.

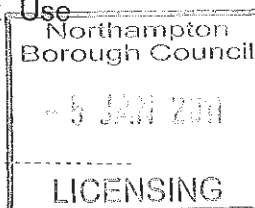
Agenda Item 1

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 Bryan on behalf of the Chief Officer of Police
(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 The Prince of Wales, 101, Harborough Road, Kingsthorpe,	
Post town Northampton	Post code (if known) NN2 8DZ

Name of premises licence holder or club holding club premises certificate (if known) IDP Services, P Frost, I O'Toole, D Bampkin

Number of premises licence or club premises certificate (if known) PL0516

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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Police Constable 113 D.Bryan, C/O Campbell Square Police Station, The Mounts, Northampton, NN1 3EL
Telephone number (if any) 101 EXT 8634
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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

I Constable 113 Bryan acting on behalf of the Chief Officer of Police in Northamptonshire Mr Lee, call for a Review of the Premises Licence for the Prince of Wales Public House. I call for the Review under the Licensing Objectives of the Prevention of Crime and Disorder and the Prevention of Public Nuisance. The premises holds a Premises Licence that authorises the sale by retail of alcohol until 23:00 hours and the premises must close to the public by 23:30 hours, this is Monday through to Sunday. The Premises Licence also authorises Regulated Entertainment namely, the Performance of Live Music and the playing of Recorded Music. Live music must cease at 23:00hrs Monday to Saturday and 22:30 hours on Sunday. Recorded music must cease 23:20 hours Monday to Saturday and 22:50 hours on Sunday.

On the 22nd of April 2011 at 01:28 hours Northamptonshire Police took a report from a resident within the vicinity of the Prince of Wales Public House, that loud music was blaring out from within the premises. The member of the public also stated that this type of activity had become more of an issue over the past two months and has disturbed their sleep. Northampton Borough Council CCTV operators monitored the premises as they were made aware of this complaint by Northamptonshire Police. It was at this CCTV reported that three males had exited the premises and were now fighting. On arrival Police Officers ascertained that one of the males had just left the premises prior to their arrival and had left his car keys at the premises, he had returned to look for them but could not find them, he then refused to leave until they were found. The Police Officers stated that all the persons involved were in their expert opinion intoxicated and drunk. The Officers stated that all persons involved were unhelpful and it took some time to clam all parties involved down. The premises only has authorisation to play recorded music until 23:20 hours in addition the premises should be closed to the public by 23:30 hours. The question also needs to be addressed in relation to the intoxication of the males involved in this incident and

how they were permitted to get into that level of intoxication as Section 141 of the Licensing Act 2003 makes it an offence to sell alcohol to a drunk.

On the 30th of October 2011 at 01:16 hours Police Sergeant 637 WATTERS attended the Prince of Wales Public House, his findings are detailed in the attached section 9 statement dated the 12th of November 2011.

On the 13th of November 2011 again at approximately 01:16 hours Police Sergeant 637 WATTERS and Police Sergeant 316 NEAL attended the Prince of Wales Public House. Police Sergeant 637 WATTERS findings can be detailed in the attached section 9 statement dated the 13th of November 2011.

On the 12th of December 2011 at approximately 00:25 hours PC 113 BRYAN (Licensing Officer) Police Sergeant 1056 WORTHINGTON (Licensing Sergeant) Mrs Faulkner, Northampton Borough Council Licensing Enforcement Officer, and Mr Richards Northamptonshire Fire and Rescue Service Fire Protection Officer attended the Prince of Wales Public House. PC 113 BRYAN findings can be detailed in his section 9 statement dated the 12th of December 2011. In addition there is audio and visual evidence of this particular visit that can be produced at the Hearing and presented to the Licensing Sub Committee.

I would ask the Licensing Sub Committee to consider the following points, the premises had been advised of the breaches of its Premises Licence by Northamptonshire Police Officers however has continued to operate outside the authorisation of its Premises Licence. The Premises has impacted on the well being of residents living within the vicinity. On the occasions that have been detailed the Designated Premises Supervisor has not been present. I submit this Review for your consideration.

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

1	6	0	4	2	0	0	8
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If you have made representations before relating to this premises please state what they were and when you made them

Please see attached Review application for the previous Hearing.

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 

Date 

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.

Incident Number	38 - 22/4/2011
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RECORD OF INCIDENT SUBMITTED BY			
Officer name	Colin Bowers		
Collar number	p0139	Rank/Title	Irt Officer
Telephone	03000 111222 ext 2796	Area	Territorial Policing
Department	Response - Incident Response	Date and time	22/04/2011, 03:42:00

PREMISES DETAILS			
Premises name	prince of wales	Address line 3	
Address line 1	101 Harborough Road	Address line 4	
Address line 2	Northampton	Postcode	NN2 8DL

INCIDENT DETAILS			
Date and time of incident	22/04/2011, 01:30:00	Date and time of premises visit	22/04/2011, 01:30:00
Relevant area	<input type="checkbox"/> WB - WN	<input type="checkbox"/> WB - WD/WS	<input type="checkbox"/> NB - NC/NK <input type="checkbox"/> NB - NE/NW
Brief details of incident	<p>Incident started as loud music coming from the above location but CCTV have then seen a altercation between two males at the location. On arrival neither males where very helpful and refused to talk to officers to start with. Officers established that a male now known to be Chris NAYLOR BN 18/05/1966 of 8 Gifford Court, Northampton (who was very intoxicated) had left the pub just prior to police arrival but lost his keys so had returned to the pub. They had looked for the keys in the pub but couldn't find them so NAYLOR refused to leave until he had his keys. The other male a Michael BEVINGTON BN 27/9/1946 (these details from FIS but we believe he was the landlord of the pub) was arguing with NAYLOR and was also intoxicated. Neither party was helpful with police and when officers managed to calm NAYLOR down BEVINGTON was still abusive towards him ignoring officers and what they where requesting them to do. No offences have been recorded as no party would assist police or provide details</p>		

Designated Premises Supervisor present at the scene? Yes (give name here) No (name staff member spoken to) Pub landlord believed to be Michael BEVINGTON

Attitude of licensee/staff to Officer(s) Was not helpful at all and refused to assist officers or calm down with officers. Details had to be taken from FIS.

Offences disclosed and names of offenders etc No offence disclosed.

Verbal caution administered? Yes No Date and time of verbal caution N/A

Adminstered by
 Collar number Rank

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: Sean WATTERS

Age if under 18 : 0/18 (if over 18 insert 'over 18') Occupation : Police Seargent 637

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:  637 Date: ~~08/09/11~~ 12/11/11

Tick if witness evidence is visually recorded (supply witness details on rear)

On Sunday 30th October 2011 at approximately 01:16 hrs I was on duty in full uniform on mobile patrol in the area of HARABOROUGH ROAD, NORTHAMPTON.

At the above time and date I attended the PRINCE OF WALES PUBLIC HOUSE. On my arrival I parked my my marked Police Vehicle on the HARABOROUGH ROAD and could hear music coming from the PRINCE OF WALES. The music was that loud I could clearly hear it.

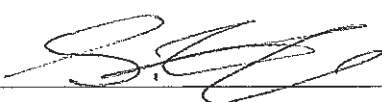
I walked round to the entrance of the PUB and found the door open. I entered the pub and could see persons sat at the bar immediately to my right sat at the bar drinking alcohol. There were two persons behind the bar at this time, a male and female. The male later identified himself to me as Conor McKWEOWN bn: 23/04/80. On seeing me McKEWON stopped what he was doing and came straight of too me. He was very nervous and I could smell alcohol on his breath. I asked where was the licensee for the PUB and he stated "THAT WOULD BE ME" he went on to explain "I LIVE UPSTAIRS AND COULD SEE THINGS WERE GETTING A BIT OUT OF HAND SO I CAME TOOK CHARGE" I immediately asked him to turn of the music that was still playing and was making it hard to hear McKEWON talk.

McKEWON suggested we move to the toilets where the music was dampened down. On entering the male toilets I could see one male urinating with a lit cigarette in his mouth. He continued to smoke and urinate and smoke despite my presence. I asked McKEWON as self appointed manager for the bar "ARE YOU FIRST AID TRAINED?" He replied "NO". I then asked "WHAT TIME DOES THE LICENSE FOR THE PUB ALLOW TO STAY OPEN TILL?" to which he replied "DON'T KNOW" At this point we were joined by Kelly FULLTHORPE bn:27/07/80 who informed me she was the barmaid. At this point I instructed McKEWON to turn the music off and went out of the toilets where another male was about to light up cigarette inside the premises. On seeing me he stopped and went back to the bar.

The crowd inside the PUB were very drunk and there were approximately 10-15 people in the bar. Their glasses were quite full which made me believe that they had recently acquired them.

I informed MCKEWON that he had 20 minutes to empty the PUB and that his details would be passed to the licensing officer.

 637

Signature :  637 Signature witnessed by :

RESTRICTED – FOR POLICE AND PROSECUTION ONLY
(when complete)

Witness Contact Details

Home address: C/O CAMPBELL SQUARE POLICE STATION

Home telephone No:	NA	Postcode:	NA
Mobile/Pager No:	07891932981	Work telephone No:	NA
Preferred means of contact:	MOBILE	E-mail address:	NA
Sex:	Male	Date and place of birth:	03/02/82 COVENTRY
Former Name:	NA	Height:	6'2" Ethnicity Code: W1

Dates of witness non-availability: NA

Witness care

- a) Is the witness willing and likely to attend court? Yes. If 'No', include reason(s) on form MG6. What can be done to ensure attendance?
- b) Does the witness require 'special measures' as a vulnerable or intimidated witness? No. If 'Yes' submit MG2 with file.
- c) Does the witness have any specific care needs? No. If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me:	No
b) I have been given the leaflet 'Giving a witness statement to the Police – What happens next?'	No
c) I consent to the Police having access to my medical record(s) in relation to this matter: Note: A separate medical consent form will always be required.	N/A
d) I consent to my medical record in relation to this matter being disclosed to the defence: Note: A separate medical consent form is required.	N/A
e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable):	N/A
f) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:	<input type="checkbox"/>
g) Victim Support is the independent charity which helps people cope with the effects of crime. Tick this box to decline their services:	<input type="checkbox"/>

Signature of witness:  637

Statement taken by (print name): SELF Station: CAMPBELL SQUARE

Time and place statement taken: 04:01 HRS CAMPBELL SQUARE STATION

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

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Statement of: Sean WATTERS

Age if under 18 : 0/18 (if over 18 insert 'over 18') Occupation : Police Seargent 637

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:

 637

Date: ~~08/09/11~~

13/11/11

Tick if witness evidence is visually recorded (supply witness details on rear)

On Sunday the 13th November at approximately 01:16 hrs I was on duty in full uniform in company with PS 316 NEAL on mobile patrol in the area of the HARBOROUGH ROAD, NORTHAMPTON.

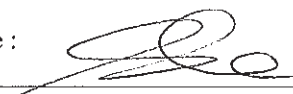
At the above date and time I attended THE PRINCE OF WALES PUBLIC HOUSE. My attention was drawn to the location due to the loud music coming from the location. I attempted to gain entry through the entrance on the HARABOROUGH ROAD but the door was locked. I knocked on the door which was opened by a male who let me in.

On entering the PUB I could see about 10 persons in the pub all drinking alcohol and drunk in my expert opinion. Most of the glasses of alcohol I could see were nearly full. One male was sat down smoking a lit cigarette inside the main bar area and continued to smoke despite our presence. The music was so loud in the premises I had to keep repeating my self to persons in the location. A female, who later identified herself to me as Tina DOWNING bn: 01/09/1963, was behind the bar. When asked "WHO IS THE MANAGER TONIGHT?" she stated to me "I AM". I then explained that this was the second time in as many weeks that I had attend this location there had been late servings and again this was in clear breach of their license. With this I asked DOWNING "ARE ALL THE TILL OFF AND EMPTIED?" which she clearly replied to both PS NEAL and I "YES". I then advised DOWNING that she had 10 minutes to empty the premises.

On my way out of the premises I could clearly see the till was not off and had a display of £4.60 on the register screen, which I believe was from sales of alcohol moments before our arrival.

 637

Signature :

 637

Signature witnessed by :

RESTRICTED – FOR POLICE AND PROSECUTION ONLY
(when complete)

Witness Contact Details

Home address: C/O CAMPBELL SQUARE POLICE STATION

Home telephone No:	NA	Postcode:	NA
Mobile/Pager No:	07891932981	Work telephone No:	NA
Preferred means of contact:	MOBILE	E-mail address:	NA
Sex:	Male	Date and place of birth:	03/02/82 COVENTRY
Former Name:	NA	Height:	6'2" Ethnicity Code: W1


Dates of witness non-availability: NA

Witness care

- a) Is the witness willing and likely to attend court? Yes. If 'No', include reason(s) on form MG6. What can be done to ensure attendance?
- b) Does the witness require 'special measures' as a vulnerable or intimidated witness? No. If 'Yes' submit MG2 with file.
- c) Does the witness have any specific care needs? No. If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me:	No
b) I have been given the leaflet 'Giving a witness statement to the Police – What happens next?'	No
c) I consent to the Police having access to my medical record(s) in relation to this matter: Note: A separate medical consent form will always be required.	N/A
d) I consent to my medical record in relation to this matter being disclosed to the defence: Note: A separate medical consent form is required.	N/A
e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable):	N/A
f) The information recorded above will be disclosed to the Witness Service so that they can offer help and support, unless you ask them not to. Tick this box to decline their services:	<input type="checkbox"/>
g) Victim Support is the independent charity which helps people cope with the effects of crime. Tick this box to decline their services:	<input type="checkbox"/>

Signature of witness: 

Statement taken by (print name): SELF Station: CAMPBELL SQUARE

Time and place statement taken: 04:01 HRS CAMPBELL SQUARE STATION

RESTRICTED (when complete)

STATEMENT OF WITNESS

(Criminal Procedure Rules, r.27.2;
Criminal Justice Act 1967, s. 9, Magistrates Courts Act 1980, s.5B)

URN

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Statement of : David BRYAN

Age if under 18 : 0/18 (if over 18 insert 'over 18') Occupation : Police Constable 113

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:



Date: 12th of December 2011

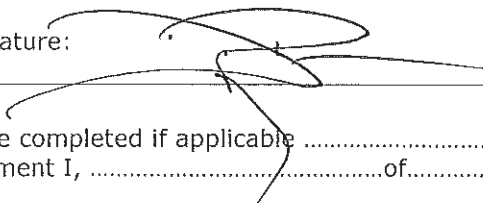
Tick if witness evidence is visually recorded (supply witness details on rear)

On Saturday the 12th of December 2011 At approximately 00:25hrs I was on duty in full uniform in the company of PS 1056 WORTHINGTON. I was employed on a licensing operation with a Northampton Borough Council Licensing Enforcement Officer and an Environmental Health Officer, also a member of Northants Fire Service.

At this time I was a front seat passenger in an unmarked Police vehicle parked on the street approximately 20 metres from the entrance to the PRINCE OF WALES Public House in Kingsthorpe, Northampton, the lights were on in the public area of the premises. At this time I noticed two white males leaving the premises, they looked in my direction and once they recognised my police uniform turned around in a panicked state and ran back inside the premises. I immediately exited the Police vehicle and ran after the males, I ran up the steps that lead to the front door of the premises, the door was closed but unlocked and I went through the door which opens into the main public area of the premises.

At this stage I noticed approximately 20 patrons still in the premises, some were drinking pints of lager and bitter. I could see one person behind the bar and the lights were on behind the bar loud music was also being played from an internal sound system. I could see that the till was switched on and the internal till roll was still attached. I identified myself to the person in charge who was behind the bar, she gave details as being Tina DOWNING. I explained to DOWNING that the premises licence only permitted the sale of

Signature:



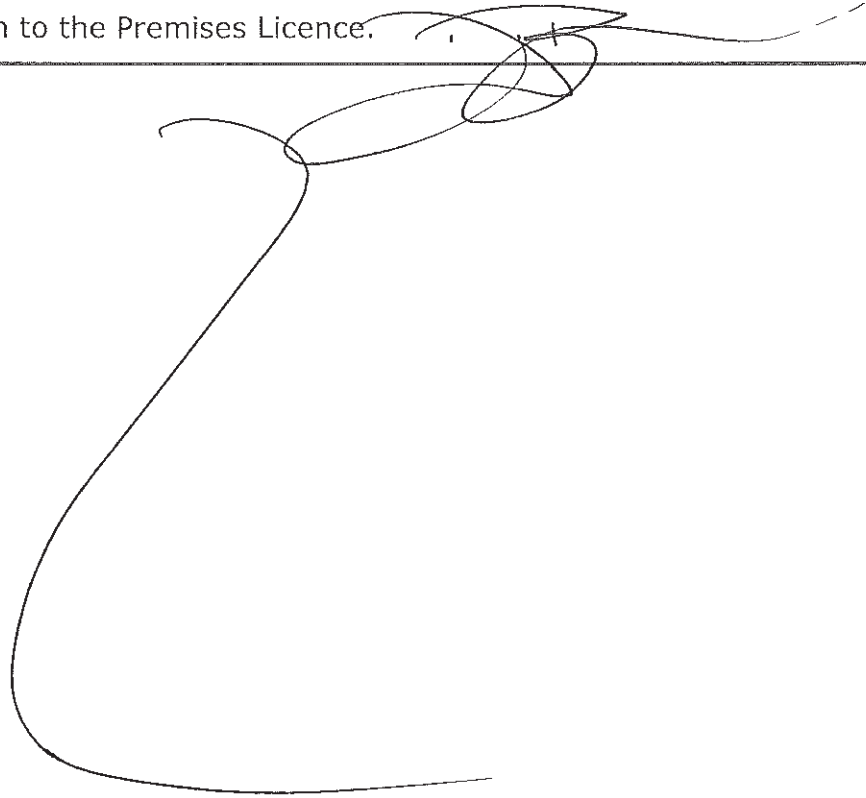
Signature witnessed by:

(To be completed if applicablebeing unable to read the above statement I,of..... read it to him/her before he/she signed it.)

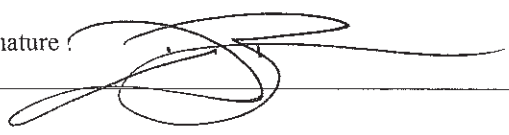
Signed..... Date.....)

Continuation of Statement for : David BRYAN

alcohol until 23:00hrs. DOWNING looked at me and didn't answer, I noticed that the Premises Licence Summary was displayed at the other end of the bar. I walked behind the bar and showed DOWNING the Premises Licence Summary detailing the permitted times for the sale of alcohol and the provision of regulated entertainment and the time the premises should close. However as DOWNING walked in front of me she got to the till and pressed a button to 'zero' the last transaction and the till display showed zero. I pointed out to DOWNING from the Premises Licence Summary that the sale of alcohol was only permitted until 23:00hrs and that regulated entertainment, namely recorded music can only be played until 23:20hrs, the premises also needed to be closed to the public at 23:30hrs. I then went and looked at the internal till roll detailing all the transactions that had taken place. I noticed that the last transaction took place at 01:23hrs, I came to the opinion that the timer on the till had not been adjusted when the clocks went back and if the time had been adjusted it would have read 00:23hrs. I noticed that some of the filled pints that were on the bar containing lager and bitter were full and had not been touched. PS 1056 WORTHINGTON then told DOWNING to turn the music off which she did, I asked DOWNING where Marie HAYNES the Designated Premises Supervisor was, DOWNING stated that she was not on the premises. In addition the Premises Licence Holder was also not on the premises. PS 1056 WORTHINGTON and I then emptied the premises of the customers and informed DOWNING that the premises was now closed and there were implications in relation to the Premises Licence.



Signature :



Signature witnessed by :



**Application for the review of a premises licence ~~APPENDIX 1~~
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 The Prince of Wales 101 Harborough Road Kingsthorpe	
Post town Northampton	Post code (if known) NN2 8DZ

Name of premises licence holder or club holding club premises certificate (if known) Michael Paul Bevington

Number of premises licence or club premises certificate (if known) PLO516

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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Constable 113 D.Bryan Northamptonshire Police Authority Campbell Square Police Station The Upper Mounts Northampton NN1 3EL
Telephone number (if any) 08453 700 700 EXT 8634
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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

The police call for a review of the premises licence PL0516 under the licensing objectives of the Prevention of Crime and Disorder, the Protection of Children from Harm, and Public Safety.

On the evening of the 28th of March 2008 a warrant under the Misuse of Drugs Act 1971 was executed at the Prince of Wales Public House.

The operation was based on intelligence received by the police which i will detail later in this review.

The operation involved the Police, NBC Licensing Department and Northamptonshire Trading Standards Officers.

The total amount of personnel deployed on this operation was 57 including 1 dog handler and a general duties dog and three handlers with passive drug detecting dogs.

The police intelligence unit receive information from various sources, police officers, members of the public, partner agencies and registered police informants.

There is a process that has to been followed before any warrant can be sworn out and granted.

The first phase is intelligence has to be gathered and validated by the police intelligence unit.

This intelligence is then taken to an officer of the rank of Inspector whereby the

credability of the intelligence is interrogated if the Inspector feels that the intelligence is credible then he will sign the paperwork and authorise the warrant.

The next phase is to swear out the warrant before the local magistrates, again the intelligence is relayed to the magistrates who must decide if the intelligence is credible enough for the warrant to be granted. The magistrates granted the warrant.

As you can see the intelligence used to obtain the warrant had to pass through 3 rigorous vetting stages before the warrant was granted which would indicate that the intelligence was substantial.

The intelligence indicated that the premises licence holder and staff knowingly allowed illegal drug use and supply on the premises.

That it was common knowledge that the 'smoking' shelter situated in the premises public garden area was known as the 'Drugs Den'

That the premises licence holder knew that customers were still on the premises drinking intoxicating liquor until 02:00am on a regular basis. The premises has a licence for the sale of alcohol until 23:00hrs

Police Intelligence indicates that the premises licence holder directs customers smoking cannabis or about to inside his premises to the smoking shelter 'Drugs Den' in the public garden area.

Clearly the intelligence implicates the premises licence holder and as such it was on this information that the premises licence holder was not approached prior to the warrant being executed.

On the night of the operation the premises licence holder was not present on the premises, clearly this was not discovered until police officers entered the premises.

The Designated Premises Supervisor was present Marie Haynes and a number of persons were searched under the Misuse of Drugs Act 1971, of note which from a police licensing perspective are of concern are the following three persons (I have there names and addresses and dates of birth however due to this hearing being a public hearing would rather not mention there personal details but can supply them to the committee on request)

A 17 year old male who was found in possession of cannabis (2 bags) the male was also in possession of a bank pass book that had cocaine residue on the surface.

A 16 year old male who was found in possession of cannabis (1 bag)

Both males were together and were drinking alcohol which they stated to police officers they had purchased on the premises.

In the smoking shelter (Drugs Den) a 16 year old male was found in possession of cannabis, the officers could not state whether the youth had been drinking alcohol or not, they could only state that there were a number of alcoholic drinks on the table in the shelter.

Other customers were searched on the premises as the intelligence suggested drugs were being used and supplied on the premises. One officer details he stopped and was involved in searching 4 juveniles in the smoking shelter that the passive drugs dog indicated to its handler that these juveniles may have come into contact with illegal substances, negative result.

I had concerns in relation to the premises licence and i served a closure notice under Section 19 of the Criminal Justice and Police Act 2001 in relation to the non display of the premises licence summary which is an offence in itself. I also had concerns in relation to fire safety on the premises which through NBC Licensing Department has been highlighted to Northamptonshire Fire and Rescue Service (No risk assessment available no fire safety records available no emergency lighting records available the D.P.S. could not produce them) I noticed that there was not any signage in relation to the illegal use of drugs on the premises and that the police would be notified if anybody was found to be carrying on this activity and no C.C.T.V. system (Although this is not a requirement of the premises licence)

A quantity of other items were seized x5 rolls of industrial cable was discovered in the cellar area amongst the beer barrels when the D.P.S was confronted about thses items she had no knowledge about them. This seems to concern me as the D.P.S. was the only member of staff on the premises and if a beer barrel needed to be changed then the cellar would have to be entered and to state that she was unaware of the items seems inconsistent to the police.

Finally i can inform the committee that the premises licence holder is currently under investigation by Northamptonshire Police in connection with Criminal Activity carried on in the premises.

I would ask the committee to consider revocation of the premises licence for the Prince of Wales as the premises is associated with criminal activity not only in relation to drugs but also to juveniles drinking alcohol on the premises. The three juveniles were cautioned for possession of the cannabis.

If revocation is not considered as the preferred option by the Licensing Committee then i would ask that they consider the installation of a C.C.T.V. system on the premises covering all the licensed areas including inside the smoking shelter with signage in each room to state that C.C.T.V. is in operation on the premises. The system should be digital and operating at all times the premises is open for business, any recordings are to be handed over to the police on request and without delay and are to be retained for one calendar month.

Also that the premises becomes a member of the Northampton Pubwatch Scheme and adheres by its rules.

However as mentioned before the police would consider a decision to revoke the licence as the preferred route so that the premises cannot operate in the future and any potential future criminal activity will not be taking place on the premises.

Please provide as much information as possible to support the application. APPENDIX 1
(please read guidance note 2)

APPENDIX 1
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

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

None

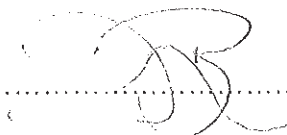
Please tick yes

- 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 

Date 18.04.2008

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.

Louise Faulkner

From: Paul Mallard
Sent: 10 January 2012 14:10
To: Licensing
Subject: WK/201112921
M3PPRef: WK/201112921
M3PPUnique: 0000000D7CE844D48292C48A3FE2304C2D39DFE0700B7261325C2587B469E6CAA37C311556A000000CFDED0000A121CB316C765D4EB23E4EEE4F3DFE1

Dear Louise,

Prince Of Wales, 101 Harborough Road, Kingsthorpe, Northampton, NN2 8DL

I refer to the review of the Premises Licence for the above premises called by the Police.

I would advise the Committee that Regulatory Services (Environmental Health) had not received any complaints of noise from the premises in 2011 and were unaware of any problems. As a result we were not investigating the premises and are unable to offer any corroborative evidence in respect of Public Nuisance due to music noise.

However, we would support the Police's contention about Public Nuisance by confirming that the playing of loud music late at night could affect a large number of people and would be contrary to the Licensing Objective to avoid Public Nuisance.

Regards.

P Mallard
Senior Environmental Health Officer

Northampton Borough Council
West Bridge Depot
St James Mill Road
NN5 5JW

01604 837649
pmallard@northampton.gov.uk