

NORTHAMPTON BOROUGH COUNCIL

LICENSING AUTHORITY

NOTICE OF HEARING

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

Friday, 7 June 2013 at 10:00 am

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 Body Fuel
8 Kingsley Park Terrace
Northampton
NN2 7HG**

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.

1. Review of Body Fuel, 8 Kingsley Park Terrace, Northampton NN2 7HG

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.

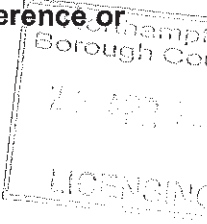
I Constable 113 D.Bryan

(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 Body Fuel, 8, Kingsley Park Terrace,	
Post town Northampton	Post code (if known) NN2 7HG



Name of premises licence holder or club holding club premises certificate (if known) Jaswinder Kaur and Jaspal THIND
--

Number of premises licence or club premises certificate (if known) PL0334

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 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
- 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)

I act on behalf of the Chief Officer of Police for Northamptonshire Mr Lee, and call for the Review of the Premises Licence for Body Fuel situated on Kingsley Park Terrace in Northampton.

The Review is called under the Licensing Objective of the Protection of Children from harm.

A brief history of the premises which is recorded on Northamptonshire Police's Licensing Database. This incidents that are mentioned in these papers are relevant to the Licensing Objective under which this Review is called.

On the 17th of October 2010 Northamptonshire Police conducted a Test Purchase operation at the premises in relation to underage sales of alcohol. The member of staff present sold alcohol to the two Test Purchaser's who were both under the age of 18 years. The seller was dealt with by way of a Penalty Notice for Disorder for the offence of Section 146 of the Licensing Act 2003.

On the 4th of May 2011 a local PCSO dealt with a 15 year old youth on the Racecourse which is in the immediate vicinity of the premises. The PCSO confiscated a bottle of alcohol from the youth who stated that he had purchased it from Body Fuel. The PCSO visited the premises and spoke with the member of staff present who denied any knowledge of this sale when informed about it by the PCSO. On the 6th of May 2011 the same PCSO had cause to visit the same youth where he resided. The youth stated that the previous evening the 5th of May 2011 he again visited Body Fuel and purchased alcohol, the youth stated that it was easy to buy as none of the staff ask for ID. Northamptonshire Police cannot verify that these sales took place, only that the conversation with the youth took place. The name of the youth is kept on the Northamptonshire Police Licensing Database and other Police systems however is not mentioned in these papers as the hearing is a public hearing. In addition this information is disclosed to the Licensing Sub Committee as it will assist in giving a more holistic representation of the premises. It will be down to the

committee on the balance of probabilities as to how much weight if any it regards this information.

On the 13th of May 2011 Northamptonshire Police conducted a Test Purchase operation at the premises in relation to underage sales of alcohol. The member of staff present sold alcohol to the two Test Purchaser's who were both under the age of 18 years. The seller was dealt with by way of a Penalty Notice for Disorder for the offence of section 146 of the Licensing Act 2003.

In July 2011 another Test Purchase operation was conducted at the premises on this visit the Test Purchaser's were not sold alcohol.

On the 7th of December 2012 Northamptonshire Police conducted a Test Purchase operation at the premises. The member of staff present at the time sold alcohol to the two Test Purchaser's who were both under the age of 18 years. The seller was dealt with by way of a Penalty Notice for Disorder for the offence of section 146 of the Licensing Act 2003.

On the 22nd of February 2013 Northamptonshire Police conducted a Test Purchase operation at the premises. The member of staff present sold to the two Test Purchasers who were both under the age of 18 years. The seller was dealt with by way of a Penalty Notice for Disorder for the offence of section 146 of the Licensing Act 2003.

Due to the two most recent sales being within 3 consecutive months the more serious offence of Persistently Selling Alcohol to minors, section 147a of The Licensing Act 2003. Northamptonshire Police have offered the Premises Licence Holders the option of accepting a section 169a(2) Closure Notice for Persistently Selling Alcohol to Children, this is contained within the Licensing Act 2003. This would be an alternative to prosecution and the closure would last 14 days. The notice would have been served week commencing the 15th of April 2013 and at the hearing Northamptonshire Police will be in a position to inform the Licensing Sub Committee of the outcome.

Northamptonshire Police are aware that the links between anti-social behaviour and disorder and underage sales of alcohol are well documented. Insuring that alcohol is sold and consumed responsibly is a key priority for Northamptonshire Police, all too often young persons who have consumed excessive amounts of alcohol are either directly involved in crime and disorder or are the victims of crime.

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 

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.



Northamptonshire County Council

Mr Phil Bayliss
Licensing
Northampton Borough Council
The Guildhall
St. Giles Square
Northampton
NN1 1DE

Please ask for: Ian Grieve
Tel: 01604 797104
Our Ref: 00105704
Your Ref:
Date: 26 April 2013

If you have any difficulty in obtaining the above telephone number please ring (01604) 797000 or email enquiries@northantsfire.org.uk.

FPS2

Dear Sir

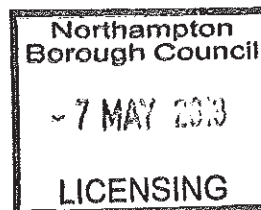
REGULATORY REFORM (FIRE SAFETY) ORDER 2005
Body Fuel 8 Kingsley Park Terrace Northampton NN2 7HG

In respect of the Licensing Review called by Northamptonshire Police in respect of these premises, the Fire Authority does not wish to make any representation in respect of these proceedings.

Any enquires concerning these matters may be addressed to the inspector named at the address below.

Yours faithfully

I Grieve
Ian Grieve
Fire Protection Officer



Northamptonshire Fire and Rescue Service
Walker House, 3 Pondwood Close, Moulton Park,
Northampton, NN3 6RT
w. www.northamptonshire.gov.uk
f. 01604 797140



**NORTHAMPTON
BOROUGH COUNCIL**

Phil Bayliss
Principal Licensing Officer
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

Tel: (01604) 837837
Fax: (01604) 837565
Minicom: (01604) 838970
DX 703139 Northampton 6

PC Dave Bryan
Northamptonshire Police
Safer Stronger Community Partnership
14 Fish Street
Northampton

Our Ref: PL0334
Please Contact: Bill Edwards
Ext/Direct Line 01604 838986
Date: 22nd May 2013
E-mail: licensing@northampton.gov.uk

Dear Sir,

LICENSING ACT 2003 – REVIEW
BODYFUEL, 8 KINGSLEY PARK TERRACE, NORTHAMPTON, NN2 7HG

I refer to the above application received 22nd April 2013 and as a result of your request the Council, as Licensing Authority, is required to hold a hearing so members of the Licensing Committee may consider the application and determine the outcome.

The public hearing relating to the review of the above premises will be held at the following time and location: -

Date: 7th June 2103
Time: 10:00am
Location: Council Chambers
The Guildhall
St Giles Square
Northampton
NN1 1DE

Please complete and return the enclosed Receipt of Notice of Hearing by the date stated. In the meantime if you have any queries, please contact my office on the above number.

Yours faithfully,

P Bayliss
Principal Licensing Officer



J Thind
BodyFuel
8 Kingsley Park Terrace
Northampton
NN2 7HG

Our Ref: PL0334
Please Contact: Mr Bill Edwards
Ext/Direct Line 01604 838986
Date: 22nd May 2013
E-mail: licensing@northampton.gov.uk

Dear Sir,

LICENSING ACT 2003 – REVIEW
BODYFUEL, 8 KINGSLEY PARK TERRACE

As a result of the review application received 22nd April 2012 from Northamptonshire Police, in respect of the above premises, the Licensing Authority is required to hold a hearing to consider the review and to determine the outcome.

The public hearing will be held at the following time and location: -

Date: 7th June 2013
Time: 10:00am
Location: Council Chambers
The Guildhall
St Giles Square
Northampton
NN1 1DE

Please complete and return the enclosed Receipt of Notice of Hearing by the date stated. In the meantime if you have any queries, please contact my office on the above number.

Yours faithfully,

Bill Edwards
Senior Licensing Officer



**NORTHAMPTON
BOROUGH COUNCIL**

Phil Bayliss
Principal Licensing Officer
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

Tel: (01604) 837837
Fax: (01604) 837565
M/nicom: (01604) 838970
DX 703139 Northampton 6

J Kaur
BodyFuel
8 Kingsley Park Terrace
Northampton
NN2 7HG

Our Ref: PL0334
Please Contact: Mr Bill Edwards
Ext/Direct Line 01604 838986
Date: 22nd May 2013
E-mail: licensing@northampton.gov.uk

Dear Sirs,

LICENSING ACT 2003 – REVIEW
BODYFUEL, 8 KINGSLEY PARK TERRACE

As a result of the review application received 22nd April 2012 from Northamptonshire Police, in respect of the above premises, the Licensing Authority is required to hold a hearing to consider the review and to determine the outcome.

The public hearing will be held at the following time and location: -

Date: 7th June 2013
Time: 10:00am
Location: Council Chambers
The Guildhall
St Giles Square
Northampton
NN1 1DE

Please complete and return the enclosed Receipt of Notice of Hearing by the date stated. In the meantime if you have any queries, please contact my office on the above number.

Yours faithfully,

Bill Edwards
Senior Licensing Officer