

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Wednesday, 16 October 2013

- COUNCILLORS PRESENT:** Councillor Malpas (Chairman); Councillors Duncan and Stone.
- OFFICERS:** M Kassam – LGSS Solicitor.  
B Edwards – NBC Senior Licensing Officer.
- FOR THE APPLICANT:** Josef Raca (applicant) and Pawel Cander (personal licence holder)
- FOR THE REPRESENTORS:** Sergeant M Worthington – Northamptonshire Police.

### 1. NEW APPLICATION - FRESH, 19A/21 ABINGTON SQUARE, NORTHAMPTON NN1 4AE

The Chair welcomed everyone to the meeting.

The Senior Licensing Officer outlined the purpose of the hearing and explained that on 28 August 2013 an application was received for a Premises Licence in respect of Fresh, 19A/21 Abington Square, Northampton NN1 4AE to enable the provision of late night refreshment and the sale of alcohol between the hours of 05.00 and 23.00 Sunday – Thursday and 05.00 and 24.00 hours on Saturday and Sunday.

An objection to the application had been received from Northamptonshire Police on 4 September 2013 on the grounds of the Prevention of Crime and Disorder as the applicant had not indicated how he would meet this and the other licensing objectives.

The Chair stated that he knew the applicant as a fellow member of the Conservative Party but had no personal relationship with him. The Solicitor confirmed that this did not prevent the Chair from sitting on the Sub-Committee.

### Application for Premises Licence

The applicant stated that he had been a former Borough Councillor, a former member of the Northamptonshire Police Authority for 6-8 years and the former owner of a shop selling specialist food and drink in Sheep Street. He stated that the application was for a delicatessen to sell high quality, specialist food and drink from European countries to offer more choice for the people of Northampton. There would be no consumption on the premises of any of the products sold by the shop, which would be sold to take home. People would not be allowed to drink on the premises or as they left the shop. There would be CCTV cameras in the shop and supervision of the premises. There would always be someone present on the premises at all times the shop was open.

There were other shops selling specialist foods and drink across the road from the shop but this shop would allow people to buy specialist food and drink without the need to cross busy roads to get to those shops.

The applicant stated that he had been a former licensee in Northampton for over forty years

in Sheep Street and had the best reputation in the county.

### **Questions to the Applicant**

In response to questions from the Sub Committee and the respondent the applicant and the personal licence holder stated that:

- There would be no consumption on the premises of items bought in the shop. All items would be sold to take home.
- The hours applied for were as set out in the report and alcohol would be sold at all times the shop was open.
- Alcohol sold in the shop would be sold according to the brew, not the strength and would usually be low alcohol for consumption with food. There would be no sales of cheap alcohol.
- The applicant confirmed that no hot refreshments would be supplied after 23:00 hours on the premises. He agreed to withdraw section I of the application form relating to this aspect as it did not apply to his application.
- Mr Cander was confirmed as the DPS.
- The applicant apologised for not completing the information on the application form in respect of meeting the licensing objectives. He had thought they related only to pubs and clubs and had not believed they were relevant to the premises he intended to operate.
- After two explanations by the Solicitor of the requirements of the Licensing Act and the steps required to demonstrate how the licensing objectives would be promoted the applicant stated that he would promote the licensing objective for the Prevention of Crime and Disorder through the provision of CCTV cameras, a manager on the premises, supervising and assisting staff and full control and supervision of the premises for the good of the public and the town and would support the police. There had never been any issues at his former premises in Sheep Street.
- Again, after questioning the personal licence holder stated that there would be CCTV cameras both inside and outside the premises, an age policy of 25 would be operated for sales of alcohol and all staff would be trained in that policy.
- Alcohol would be sold at all times the shop was open as people wished to buy it at various times in the day.
- Any persons seeking to buy alcohol early in the morning when returning from nightclubs would not be served and would be refused entry if they appeared to be drunk.
- The applicant would seek to meet the provisions of the licensing objectives by exercising supervision, taking good advice and working with the police, fire service and other agencies.
- Mr Cander was the only personal licence holder. He could not be in the shop all the hours it was open but other staff, trained in health and safety and licensing issues would be on the premises at those times. The applicant stated that not all people wanted to, or were able, to go through the process of obtaining a personal licence.

It was noted that the form as submitted by the applicant was incomplete in the information provided.

- The personal licence holder stated that he completed the training course four months ago and that this had covered licensing legislation but was unable to state what the licensing objectives were.

### **Representations by the Respondent**

Sergeant Worthington stated that:

- The application form was incomplete.
- The applicant had no grasp of licensing legislation and did not understand the legislation in relation to licensing.
- The personal licence holder had admitted to not knowing the licensing objectives.

### **Questions to the Respondent**

There were no questions to the respondent.

### **Summing up by the Applicant**

The applicant stated that the respondent had asked the personal licence holder a question which he had not understood because of his knowledge of English but that the personal licence holder definitely knew what the licensing objectives were.

### **Summing up by the Respondent**

Sergeant Worthington stated that he had nothing further to add.

There being no further questions, the Sub Committee adjourned at 11.36am to make a decision. The Solicitor was called for advice.

### **The Determination**

The Sub-committee reconvened at 12.16pm.

Thank you all for attending the application for a premises licence at 19A/21 Abington Square, Northampton, NN14AE

The Sub-Committee took into account the representations from the applicant and their representative and the objectors namely the Police.

The decision of the Sub-Committee is that the application for a premises licence be refused as the granting of the licence would not on a balance of probability promote the licensing objectives.

The reasons for the refusal were:

The application form did not contain any detail the applicant would take in promoting the licensing objectives, indeed the application in this regard had not been completed at all.

It was noted that the representative had attempted orally to state what steps they would take but this was in insufficient detail

The applicant did not understand the concept of the Licensing Act 2003 and the requirements of promoting the licensing objective and were of the understanding that the relevant parts of the form did not apply to them as they were not intending to operate a club or a pub.

The applicant had not therefore understood that the supply of alcohol is a licensable

activity and hence the requirements under the Licensing Act 2003 were applicable irrespective of whether the application related to premises other than a bar or club.

It was further noted that the application for late night refreshment was also misunderstood and was completed incorrectly in terms of the hours. It was noted that this part of the application was withdrawn at the Sub-Committee.

The matters were further compounded when the DPS could not answer what the four licensing objectives were and hence further evidenced that the application was misconceived.

The applicants have a right to appeal the decision from the receipt of the decision to the Magistrates Court any such appeal must be within 21 days of receiving the decision notice.

The meeting concluded at 12:20 pm