

NORTHAMPTON BOROUGH COUNCIL

LICENSING ACT 2003

LICENSING SUB COMMITTEE

A Meeting of the Licensing Sub-Committee will be held at The Council Chamber, The Guildhall, St. Giles Square, Northampton, NN1 1DE on Friday, 10 January 2014 at 10:00 am

D Kennedy
Chief Executive

AGENDA

- 1. WELCOMES**
- 2. DECLARATIONS OF INTEREST**
- 3. PREMISES LICENCE REVIEW - JA JA GENERAL STORE, 51 KETTERING ROAD, NORTHAMPTON NN1 4AJ,**
- 4. EXCLUSION OF PUBLIC AND PRESS**

The Chair to move:

“That the public and press be excluded from the remainder of the meeting on the grounds that there is likely to be disclosure to them of such categories of exempt information as defined by Section 100(1) of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12A to such act.”

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, Democratic Services Officer etc).
- **Declarations of Interest by Councillors**
- **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.

If you require any further information regarding this meeting please contact Democratic Services on 01604 837722 or democraticservices@northampton.gov

Agenda Item 3

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 Paul Maylunn on behalf of Northamptonshire County Council Trading Standards Service

(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 JA JA General Store 51 Kettering Road	
Post town Northampton	Post code (if known) NN1 4AJ

Name of premises licence holder or club holding club premises certificate (if known) Mr Bakhtiyar Ahmed HAMAD Personal Alcohol Licence PA2199 from 07/01/13 to 06/01/23 59 St Stephens House Grafton Street NORTHAMPTON NN1 2JR

Number of premises licence or club premises certificate (if known) PL0783 From 28/01/13 to indefinite
--

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 Paul Maylunn, Section Manager Trading Standards Service Northamptonshire County Council Wootton Hall Park NORTHAMPTON NN4 0GB
Telephone number (if any) 01604 362433
E-mail address (optional) Paul.Maylunn@northamptonshire.gcsx.gov.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 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)

Northamptonshire County Council Trading Standards Service are seeking a review under the licensing objectives of 'The Prevention of Crime and Disorder', and 'The Protection of Children from Harm' on the grounds that the business has sold cigarettes to a person under the age of 18 and has sold counterfeit cigarettes, which did not carry the required written and pictorial warnings, evading Tobacco Duty.

Bakhtiyar HAMAD was prosecuted for offences committed in February and April 2013. They were for the sale at the above premises of counterfeit cigarettes which also did not bear the required warnings in words and pictures, and for a sale of cigarettes to a child under 18.

In September 2013 at Ja Ja General store illicit cigarettes were sold and then a quantity of cigarettes and hand-rolling tobacco were seized at the premises as smuggled goods without the required warnings and some were also found to be counterfeit.

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

Prevention of Crime and Disorder

Mr Bakhtiyar Ahmed HAMAD was prosecuted for the following offences:

1. On the 4th April 2013 at JaJa General Store, 51a Kettering Road, Northampton, you sold tobacco, namely a packet of 20 Mayfair Cigarettes to a person under the age of eighteen years, whose date of birth is 20th January 1998. Contrary to Section 7 (1) of the Children and Young Persons Act 1933 (as amended).
2. On 4th April 2013, at JaJa General Store, 51a Kettering Road, Northampton, with a view to gain for yourself or another and without the consent of the proprietor, you sold a packet of 20 cigarettes, the packaging of which bore the word "Mayfair" being a sign identical to, or likely to be mistaken for, a registered trade mark of Gallaher Ltd. Contrary to Section 92(1)(b) of the Trade Marks Act 1994
3. On 6th February 2013 at JaJa General Store, 51a Kettering Road, Northampton you supplied 10 packets of cigarettes that were not labelled with the warnings required by Regulation 7(1) of The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 as amended. Contrary to Regulation 14(1) of the aforesaid Regulations and Section 12 of the Consumer Protection Act 1987.

On 4th November 2013 Mr HAMAD pleaded guilty to each charge in the magistrates' court and was fined £190 per offence = £570, plus a Victim Surcharge of £20 and full costs of £1427.12 totalling £2017.12

In September this Service used an authorised test purchaser to purchase a pack of 20 Marlboro Gold cigarettes which were found to be illicit. On 13th September 2013 a warrant was executed at the premises where in the shop and the flat above a quantity of 2050 packets of cigarettes and hand-rolling tobacco was seized. 195 packets of which have been confirmed to be counterfeit copies of trade marked brands. At the time Mr HAMAD was not present and the person in charge on the day was Mr Said Faze AHMED. Mr AHMED said he was not the owner and Mr HAMAD was, but he did not know where he was or how to contact him

At court on 4th November 2013, under oath, Mr HAMAD said that he had sold the business and had not been in charge since 31st May 2013. The current Premises Licence for JA JA General Store details Mr HAMAD as the Premises Licence Holder and the Designated Premises Supervisor. This means that currently and for over five months no person has taken over the role of premises Licence Holder and Designated Premises Supervisor. Therefore no person has taken day to day responsibility for the sale of alcohol. Mr Hamad stated at the hearing that he would surrender his personal licence and premises licence to NBC as he is no longer connected to the business.

Under the Licensing Act 2003 section 144 there is an offence for the keeping of smuggled goods

(1) A person [*] commits an offence if he knowingly keeps or allows to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

* this includes any person working at the business whether paid or unpaid, who has authority to prevent the storage of such goods, the Designated Premises Supervisor and the Premises Licence Holder.

In the Amended Guidance Issued Under Section 182 Of The Licensing Act 2003 issued by the Home Secretary it states:

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- [...]
- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- [...] and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

As a result of the incidents and the subsequent investigations Northamptonshire County Council Trading Standards Service considers that there are serious concerns about the proper operation of the business, and therefore asks for the Premises Licence to be revoked.

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

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 14th November 2013

Capacity Section Manager,
Northamptonshire County Council Trading Standards Service

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)
Paul Maylunn
Northamptonshire County Council Trading Standards Service
See (C) above

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.

Isobel Thompson

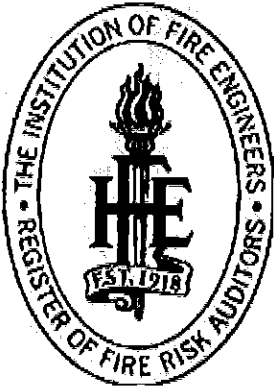
From: Ian Grieve <IGrieve@northantsfire.org.uk>
Sent: 15 November 2013 06:16
To: Paul Maylunn; Licensing
Subject: RE: UNCLASSIFIED: Licence Review - JA Ja General Store

Thank you and we do not wish to make any representations.

Regards
Ian Grieve
Fire Protection Officer

Northamptonshire Fire And Rescue Service
Walker House
3 Pondwood Close
Moulton Park
Northampton
NN3 6RT

Tel – 01604 797104
Fax – 01604 797140
Email – igrieve@northantsfire.org.uk



From: Paul Maylunn [<mailto:Paul.Maylunn@northamptonshire.gcsx.gov.uk>]
Sent: 14 November 2013 14:25
To: 'licensing@northampton.gov.uk'; 'ehealth@northampton.gov.uk'; 'planning@northampton.gov.uk'; 'liquorlicensing@northants.pnn.police.uk'; 'david.bryan@northants.pnn.police.uk'; licensing-mailbox; Licensing-NRCS; Akeem Ali; Julie Barnes
Subject: UNCLASSIFIED: Licence Review - JA Ja General Store

Dear Sirs,

Please find attached an application for the review of the alcohol licence for Ja Ja General Store 51 Kettering Road Northampton NN1 4AJ.

I served the application this morning on Ja Ja General Store and hand delivered to the home address of Mr Bakhtiyar HAMAD, the address he gave in court (see form). There was no answer at the door.

If anyone requires a paper copy as well please reply to this email.

Paul Maylunn

Section Manager, Food & Health
Trading Standards Service | Northamptonshire County Council
Wootton Hall Park | NORTHAMPTON | NN4 0GB

NCC Customer Call Centre 0300 126 1000
Direct line: 01604 362433
Mobile 0773 44 95918
Trading Standards Reception 01604 368100



my county council

How do you find a trader that measures up?

To find local businesses who are Trading Standards approved click here.
Call: 0300 126 1000 - Email: tsw@northamptonshire.gov.uk

BUY WITH CONFIDENCE

Northamptonshire County Council

IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only.

If you have received this email in error, please notify the system manager or the sender immediately and do not disclose the contents to anyone or make copies thereof.

***** eSafe scanned this email for viruses, vandals, and malicious content. *****

The information contained in this Document / Email is intended only for the named recipient(s) to whom it is addressed, and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking of any action in reliance upon its contents other than by the named recipient(s) is prohibited. Any views / remarks made by an individual are not necessarily the view shared by Northamptonshire Fire and Rescue Service.

Please also note the information contained in this e-mail, and your reply may be subject to disclosure under the Freedom of Information Act 2000 or other legislation, and its confidentiality cannot be guaranteed.

If you received this mail in error, please contact the sender and delete the email from your computer.
Northamptonshire Fire and Rescue Service - www.northantsfire.org.uk
Tel: (+44) 1604 797000

Licensing Act 2003
Premises Licence

PL0783

LOCAL AUTHORITY



Licensing Section
 The Guildhall
 St Giles Square
 NORTHAMPTON
 NN1 1DE

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

JA JA General Store

51 Kettering Road, Northampton, NN1 4AJ.

Telephone 07521122727

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday-Sunday	8:00am	10:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Sunday	8:00am	10:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Bakhtiyar Hamad

51 Kettering Road, Northampton, NN1 4JE.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Bakhtiyar Ahmed HAMAD

59A St Stephens House, Grafton Street, Northampton, NN1 2JR.



PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA2199

Issued by Northampton

ANNEXES**ANNEX 1 - MANDATORY CONDITIONS****Mandatory conditions where licence authorises supply of alcohol**

(1) No supply of alcohol may be made under the premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

ADDITIONAL MANDATORY CONDITIONS.

The following mandatory conditions are to be applied to the licence stated above in accordance with section 3 (1) of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

The following conditions shall come into force on 1st October 2010

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Licensing Objectives

Below are the additional steps that you have agreed to undertake to promote the four Licensing Objectives and which form a part of the operating schedule for these premises: -

To cooperate with the Police in sharing information to address incidents of crime and disorder.

To ensure the immediate vicinity to the front of the premises is kept free of glass and other materials that could contribute to the a reduction in public safety.

To ensure the placing of alcohol within the shop is appropriate bearing in mind the height of small children.



Solicitor to the Council



LOCAL AUTHORITY



NORTHAMPTON
BOROUGH COUNCIL

Licensing Section
The Guildhall
St Giles Square
NORTHAMPTON
NN1 1DE

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

JA JA General Store

51 Kettering Road, Northampton, NN1 4AJ.

Telephone 07521122727

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday-Sunday	8:00am	10:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Sunday	8:00am	10:00pm

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Bakhtiyar Hamad

51 Kettering Road, Northampton, NN1 4JE.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Bakhtiyar Ahmed HAMAD

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED





NORTHAMPTON
BOROUGH COUNCIL

NORTHAMPTON BOROUGH COUNCIL
LICENSING ACT 2003
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

Northamptonshire County Council Trading Standards Service, a responsible authority has applied for the REVIEW of a Premises Licence under Section 51 and (Section 182 as amended) of the Licensing Act 2003 in respect of JA JA General Store, 51 Kettering Road Northampton.

The grounds for the review are to secure the Licensing Objective of Prevention of Crime and Disorder and The Protection of Children due to criminal activity at the premises.

Any interested party or responsible authority wishing to make representation must do so in writing to the following address by Thursday 12th December 2013 to;

The Licensing Department
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

A copy of the application for the Review of the above Licence is kept by the Licensing Authority at the above address. The application can be viewed Monday to Friday 9am to 5pm, except on Bank Holidays.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine (£5,000) on the standard scale.

THIS NOTICE DATED: 15 November 2013