

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Wednesday, 15 January 2014

**COUNCILLORS PRESENT:** Councillors Hill (Chair), Hibbert and Duncan

**OFFICERS:** Mehboob Kassam (Solicitor)  
Phillip Bayliss (Senior Licensing Officer)  
Nathan Birch (Democratic Services Officer)

**FOR THE APPLICANT:** Pawel Cander (Applicant)  
David Nizaliek (Owner)

**FOR THE REPRESENTORS:** PC David Bryan (Northamptonshire Police)

### 1. WELCOMES

The Chair welcomed everyone to the meeting.

### 2. DECLARATIONS OF INTEREST

None

### 3. PREMISES LICENCE APPLICATION - FRESH, 19/21 ABINGTON SQUARE, NORTHAMPTON NN1 4AE

#### Introduction by the Licensing Officer

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. This application had been heard on 16<sup>th</sup> October 2013 and had been refused. The current application was received on 13<sup>th</sup> November 2013 and, following some issues with the Statutory Notices being removed by persons unknown, the deadline for representations was extended to 28<sup>th</sup> December 2013. The applicant wished to amend the licensed hours of the premises to 08:00 – 22:00.

An objection to the application had been received from Northamptonshire Police, with regard to the Licensing Objectives being upheld. The Senior Licensing Officer explained that PC Bryan would address the Sub-Committee in relation to the objection, which would be followed by any questions from the Sub-Committee and then any questions of clarification to Sgt Bryan from the applicant.

Mr Cander would be given the opportunity to put his case for the application to the Sub-Committee, followed by questions from the Sub Committee led by the Chair. PC Bryan will then have the opportunity to ask the applicant any points of clarification.

Both the applicant and the responsible authority would be given an opportunity to sum up before the Sub-Committee retire to make their decision.

The decision of the Sub-Committee would be given following their deliberations.

## **Representation by a Responsible Authority – Northamptonshire Police**

The Chair invited PC Bryan to present the representation on behalf of Northamptonshire Police. PC Bryan explained that Northamptonshire Police had objected to the original application. He conceded that the latest application contained more detail, but the Police still had concerns that the Licensing Objectives had still not been addressed. They had been unable to contact the applicant to resolve the issues prior to the hearing and he intended to explore the application further during questions.

## **Representation by the Applicant**

The Chair invited Mr Cander to address the Sub-Committee. Mr Cander accepted that the previous application had been incomplete. He outlined the detail in the application, including how the premises would meet their obligation to meet the four Licensing Objectives. These changes included; improved lighting; 12 CCTV cameras; age sales posters to be displayed; any offences by customers to be reported; proper fire prevention controls; no service to drunken customers; no drinking of alcohol on the premises; maintenance of a refusals book; appropriate staff training in age related sales; he would be the Designated Premises Supervisor (DPS) for the premises and would maintain control over staffing abilities in relationship to appropriate sales.

In response to questions from the Sub-Committee Mr Cander supplied the following information.

- There would be two people working in the store at all times, at least one senior member of staff and both appropriately trained.
- The CCTV would maintain records for 3 months on a hard drive.
- The applicant had 10 years' experience working in retail, including alcohol sales. He was very used to ID and other checks.
- The hours had been varied from the application to 08:00 – 22:00.
- The business had been operating as a grocery store without alcohol sales.

In response to questions from PC Bryan on behalf of the Police Mr Cander supplied the following information.

- Mr Cander's Personal Licence was issued by East Northamptonshire District Council.
- Mr Cander was not aware of the details regarding the previous revocation of a Premises Licence at 19A/21 Abington Square.
- The "Other Applicant" section had been completed in error. The application should be in Mr Cander's name alone.
- 50% of the business was owned by Nizialek & Daughter and 50% by a Polish national who was the supplier to the shop.
- David Nizialek also worked on the premises and had previous retail experience and training in Poland. He had also worked at other premises in Northampton.
- The staff training would be supplied by the British Institute of Innkeeping Awarding Body (BIAB) and pertain to age responsible sales. Appropriate signed records would be kept.
- If the licence was granted the intention was to use the Challenge 25 protocol and

display the appropriate signs.

## **Summaries**

### **Applicant**

In summary the Mr Cander explained that he believed the application this time was much better. He wished to work with the Police and the Licensing Authority. The intention was to run a responsible business, with alcohol sales as ancillary to the grocery sales.

### **Responsible Authority**

In summary PC Bryan welcomed the opportunity to question the applicant and did not wish to add to the comments already made. He also advised the Sub-Committee that if they were minded to grant the application they consider attaching conditions, specifically around the issues of CCTV, training and refusals records.

The meeting adjourned at 10.59 and reconvened at 11:52

### **Decision**

The sub-committee have noted that the applicant seeks to amend the application for the supply of alcohol to Monday to Sunday 08:00 to 22:00

The sub-committee decided unanimously to grant the application, as to do so will not, on a balance of probability, undermine the licensing objectives.

The sub –committee have decided to attach the following conditions in addition to the mandatory conditions as follows:

1. A CCTV System which conforms to the provisions of the Data Protection Act 1998 is installed within the premises. The system will cover all public areas. There will be a camera sighted so that it covers the point of entry and images are of sufficient quality to afford facial identification of persons entering the premises. The CCTV system will record all images whilst the shop is open to the public. Images will be retained for at least 28 days. At all times the premises are open to the Public a suitably trained member of staff will be available to provide copies of the recorded footage on suitable media (compact disc/USB stick - to be supplied by the premises) to a Police Officer or authorised officer, at reasonable request.
2. One member of staff as well as any personal license holders to attend and pass the BIIAB course in responsible retailing as soon as is possible, but within the next 6 months. The premises license holder will ensure that all staff will receive recognised and auditable refresher training every 6 months.
3. The designated premises supervisor or duty manager will maintain a register indicating

the name of person in charge of the management of the premises. Further the register will contain detail regarding any incident relevant to the four licensing objectives. The register will record any refusals of entry or service to the premises on grounds of age restricted products or the attempt purchase of alcohol by persons who are drunk. This register shall be produced immediately on the request of an authorised officer.

Any register required under this condition will be

- accurate and up to date
- Bound and consecutively numbered
- Retained in a safe place on the premises for a minimum of 12 months after the date of the last entry or such longer period as required
- Readily available for examination by a Police officer or authorised Officer

It is recommended that such incident / refusal books be obtained from trading standards

The sub - committee received legal advice, in terms of:

1. The legal test to be applied
2. The options open to the sub committee

The reasons for the decision are:

That the applicant had demonstrated understanding of the areas of concern posed by the sub-committee and the responsible authority

The applicant had shown that he is keen to work with the local authority and other responsible authorities to ensure that the licensing objectives are promoted.

Any person aggrieved by this decision has a right of appeal to the Magistrate Court within 21 days of service of the decision notice.

The meeting concluded at 11:59 am