

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Thursday, 27 February 2014

**COUNCILLORS PRESENT:** Councillors Malpas (Chair) Hibbert and Duncan

**OFFICERS:** Mr Bayliss – Senior Licensing Officer  
Mr Rahman – Solicitor (LGSS Law)

**FOR THE APPLICANT:** Mr Vijayakumar.  
Mrs Vijayakumar.  
Mr Birch (Licensing Consultant)

**FOR THE REPRESENTORS:** Mr Barden

### 1. WELCOMES

The Chair welcomed everyone to the meeting.

### 2. PREMISE LICENCE VARIATION: ST JAMES SUPERSTORE, 110 ST JAMES ROAD, NORTHAMPTON

#### Introduction by the Licensing Officer

The Senior Licensing Officer outlined the purpose of the hearing and explained that on 8<sup>th</sup> January 2014 an application was received for a variation to the Premises Licence in respect of St James Superstore, 110 St James Road, Northampton NN1 1DE. The original application was for the sale of alcohol off the premises between the hours of 07:00 and 02:00 Monday-Sunday inclusive. The current hours were 07:00 to 23:00 Monday –Sunday inclusive.

Three objections had been received to the application from local residents, two of which were rejected as they related to the number of similar establishments in the area and not to these specific premises. The third objection had been accepted as it did refer to these premises.

The Senior Licensing Officer stated that that one valid objection had been received from Mr Barden, who 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 Mr Barden from the applicant.

The applicant's agent, John Birch, 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. Mr Barden would then have the opportunity to ask the applicant any points of clarification.

Both the applicant and the representors 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.

### **Presentation by the Applicant**

Mr John Birch, as the applicant's agent, presented the application, and stated that his clients had amended the original application and from 2am close to 12 midnight which had been volunteered. He also stated that there had been no objections received from any responsible Authority. Mr Birch stated that the premises licence had been granted in May 2013 but that trading had commenced in December 2013. Mr Birch also submitted a revised map of the premises and noted that they were also submitting a minor variation to the shop front.

### **Questions to the Applicant by the Sub-Committee and the Representor**

In response to questions from the Sub-Committee and the representor, the applicant's agent gave the information as summarised below:

- The flat above the premises was owned by the applicant's but it was rented out and they did not reside in the property
- They also owned another mini market in Northampton
- Both the applicant and his wife were Personal License Holders and the applicant's wife did not work in the shop alone in the evenings.
- Metal shutters were used to secure the shop overnight and the property had a security alarm.

### **Representation by the Representors**

The Chair invited Mr Barden to present his representation. He stated that his property was next door to the St James Superstore and that since the premises had been granted a licence to sell alcohol until 11pm there had been an unbearable amount of noise and damage to the road sign outside their home by drunken people waiting around outside the premises. He objected to the application as they feared more noise and the likelihood of more damage around their property. Mr Barden stated that he understood the need for people to be able to make a living but stated that an increase in licensing hours at the premises would result in more cars and wagons parking on the pavement and on zig zag markings (which would exacerbate the existing situation which was not being resolved). He stated that an extension of the licensing hours until 2:00am would bring mainly undesirables searching for more alcohol into the area, creating additional problems. It was noted that there was already a twenty-four hour off license available in the area and expressed his concerns about the safety of their home, business and themselves and did not believe that granting the variation to the premises Licence would be an asset to the area.

### **Questions to the Representor by the Sub-Committee and the Applicant**

In response to questions from the Sub-Committee and the applicant Mr Barden gave the information as summarised below:

- Mr Barden did not object to the original application

- The issues he experienced had been over a 1 month period.
- He had no evidence that the people hanging about outside the premises had made any purchases from the premises
- Incidents of noise could not specifically be related to the sale of alcohol

### **Summary by the Applicant**

Mr Birch commented that his clients were local people who owned the freehold property and it was in their best interests to have a positive relationship with residents in the area. He further stated that the running of any retail premises would generate an amount of noise but that this was sporadic and not deliberate. He commented that with regards to the issues relating to the unloading of deliveries, his clients would in future, use the parking bay situated further down the street. It was noted that the applicants would be willing to install a bin outside the premises to assist with any littering problems associated with the premises. It was explained that there had been no evidence of public nuisance relating to the premises and that the applicants did not serve alcohol to drunken people and did not allow them to drinking outside their property

### **Summary by the Representors**

Mr Barden commented that he did not agree that it was necessary for the premises to open longer than the licence already granted.

The meeting adjourned at 12.13pm and the solicitor was called. The meeting reconvened at 12.31 pm

### **Decision**

The Committee considered the application to vary a Premises Licence for the St James Superstore, 110 St James Road, Northampton made by Mr John Birch on behalf of the Applicants, Mr & Mrs Vijayakumar.

A representation from a resident in the local area was made by Mr Barden on the ground under the Prevention of Crime and Disorder and his representation was considered.

The Sub-Committee noted that there had been no representations made by the Police, Environmental Health or any other authority. Therefore they accepted that there were no concerns from these authorities.

It was also noted that the applicants had amended their application for the sale of alcohol to take place from 7am to midnight, 7 days a week.

In light of the lack of actual evidence that any incidents complained of in the local area were attributable to the present licence holders, the Committee decided to grant the application as requested.

The Sub-committee had considered the Licensing objectives and felt that there was a lack of evidence to show that the applicants were not promoting the licensing objectives, therefore could no reason to refuse the application.

The Sub Committee recommended that the premises licence holders communicate with

their neighbours, and although not a condition, they would encourage that a bin being placed within the vicinity of the premises.

The Chair reminded everyone that if there were concerns that the Licence as not being adhered to and they had actual evidence in relation to the premises, then they would have the option to apply for a Review of the Premises Licence.

It was noted that all parties had the right to appeal the Sub-Committees decision to the Magistrates Court within 21 days of the date of decision.

The meeting concluded at 12.33pm