

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Friday, 28 March 2014

COUNCILLORS PRESENT: Councillors Malpas (Chair), Hibbert and Stone

OFFICERS: Mehboob Kassam, Solicitor
Bill Edwards, Senior Licensing Officer
Nathan Birch, Democratic Services Officer

FOR THE APPLICANT: PC Bryan
DC Thoroughgood
Sgt Worthington

FOR THE RESPONDENT: David Dadds, Solicitor

1. WELCOMES

The Chair welcomed everyone to the meeting and introduced the Councillors and Officers present.

2. DECLARATIONS OF INTEREST

None.

3. REVIEW OF A PREMISES LICENCE: ICE LOUNGE, BRIDGE STREET, NORTHAMPTON

Introduction by the Licensing Officer

The Chair invited the Senior Licensing Officer to outline the reason for the hearing and the procedure that would be followed. The Senior Licensing Officer stated that on 13th February 2014 an application had been received for a Review of the Premises Licence in respect of Ice Lounge, 16 Bridge Street, Northampton. The application had been submitted by PC David Bryan, representing Northamptonshire Police and related to evidence linking an organised crime group to illegal activities, including money laundering being carried at the premises, which is in breach of the Licensing Objective regarding the Prevention of Crime and Disorder. Obligatory notices with regard to this review had been displayed at the premises.

Northamptonshire Police, represented by PC Bryan and Sgt Worthington, would address the sub-committee first and put forward the case for review of this premises license. DC Thoroughgood, the investigating officer in the criminal case was also in attendance and available should the Sub-committee wish to ask questions of him.

Following the presentation of the Review application followed by any questions, led by the chair that the committee may wish to ask the police officers.

The original respondents were no longer represented by Debellolaw, but Simon Moore,

employed at Ice Lounge, wished to attend to represent the Ice Lounge management. Mr Moore had previously asked to be given the opportunity to ask any questions of clarification of the Police.

Mr Moore had also asked to address the committee in response to the application for review.

The Committee, led by the Chair, would then be given the opportunity to ask any questions of Mr Moore followed by an opportunity for the Police representatives to ask any questions of clarification.

Also in attendance was David Dadds, of Dadds Solicitors, who represents the owners of the building 16 Bridge Street. Mr Dadds had expressed a willingness to assist in this review by providing any relevant information from the owner point of view that the Sub-Committee consider appropriate.

There would then be a summing up by all parties before the sub-committee retired to make their decision. The decision of the sub-committee would be given following their deliberations.

With the permission of the Chair Mr Dadds explained that following the transfer of the Premises Licence to his clients, the property landlords, he would be representing them at the hearing. Mr Dadds explained that 48 hours earlier his clients had evicted the leaseholder and applied for the transfer of the Premises Licence. Following discussions with Mr Moore he had agreed he therefore had no standing at these proceedings. The Chair thanked Mr Dadds for his clarification.

Representation by the Applicant – Northamptonshire Police

The Chair invited PC Bryan to present the application on behalf of Northamptonshire Police. PC Bryan explained that the Premises licence had been held in the name of Ice Lounge Ltd, for whom the sole director and company secretary was Joseph O'Neil. Mr O'Neil had been the subject of a long standing investigation and February 2014 had been sentenced to 20 years imprisonment as the head of a crime gang and on various drugs charges. It been submitted and accepted at the trial that the Ice Lounge as a business had been used to launder then proceeds of the crimes committed by Mr O'Neil and his co-accused.

The owners of the premises, who were not local, had been informed of the Police request for a Licence Review when it was made. As far as PC Bryan knew this was the first time they had been made aware of full extent of the activities at the premises. In the previous 48 hours the Designated Premises Supervisor (DPS) had resigned and asked to be removed. As per Section 42, Licensing Act 2003 the premises had therefore closed.

PC Bryan added that the Police had considered the transfer application and were happy to with the owners and their legal representative Mr Dadds. The owners had agreed to allow the Police to vet and proposed new leaseholders/business operator for the premises.

In response to a question from the Sub-Committee PC Bryan confirmed that the Police were

content with the transfer to the building owners.

In response to a question from Mr Dadds PC Bryan confirmed that given the immediate transfer the Licensing Objectives would be upheld.

Representation by the Licence Holder

The Chair invited Mr Dadds to make his representation to the Sub-Committee. Mr Dadds explained that as the owner his clients had collected rent from the previous leaseholder, but had not been aware of the extent of the criminal activity until the review had been called. They had removed the previous leaseholder, Ice Lounge Ltd, and would be looking for a new occupier and DPS. None of the previous business operators would be involved and he believed this in itself would promote the Licensing Objectives.

In response to questions from the Sub-Committee Mr Dadds supplied the following information. His clients would be involved as premises owners, but they did not intend to operate the business directly. To avoid any repeat of the previous events the owners would work in partnership with the Police and Licensing Authority to vet those involved. He reminded the Sub-Committee that his clients had also been the victims of this crime. It was accepted that the owners were not local, but the responsibility for the management Premises Licence would fall to the DPS.

In response to a request from Mr Dadds the Sub-Committee **RESOLVED:**

That the public and press be excluded from the meeting until further notice 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.

The Sub-Committee moved into private session from 10:24 – 10:34

RESOLVED:

That the meeting move back into public session

Mr Dadds explained that the process of a leaseholder holding the lease in the name of a Limited Company was normal practise. He believed that with the previous operators removed the Licensing Objectives would be promoted. Mr Dadds believed that his clients had taken all reasonable steps to contact the previous Licence Holder regarding the transfer.

Summaries

On behalf of his clients, the new the Licence Holders, Mr Dadds explained that he believed they had taken all steps necessary to remove the previous leaseholders and take control of the premises. They would work closely with the responsible authorities to ensure and

appropriate operator and DPS are put in place. The previous Premises Licence Holder, Ice Lounge Ltd, was in the process of being struck off by Companies House. He believed any conditions should be appropriate and necessary and given the Police had no objections he would suggest no additional conditions were required. He would however be happy to consider specific suggestions.

PC Bryan, on behalf of Northamptonshire Police, reminded the Sub-Committee that ultimately those involved in illegal activities including money laundering had been removed from the premises. The Police were happy to work with the building owners and new operators to ensure that they upheld the Licensing Objectives.

The meeting adjourned at 10:36 and reconvened at 11:18

Decision

RESOLVED: The Sub-Committee noted that there had been significant developments since the Review was called for by Northamptonshire Police.

It was accepted that the Premises Licence had been transferred to the Landlord of 16 Bridge Street, pursuant to Section 42-46, Licensing Act 2003. The Sub-Committee, being satisfied that the requirements for such a transfer, including there being no Police objection to the transfer, had been met and that reasonable steps to obtain the Licence Holder's consent had been taken.

The Sub-Committee appreciated the attendance of the legal representative for the landlords in attending the hearing to clarify the transfer application.

It was therefore decided unanimously:

1. That the Premises Licence in its current form, with current conditions, for 16 Bridge Street, Northampton be transferred to Iqbal Singh Atwal and Charis Orthodoxou pursuant to Section 42, Licensing Act 2003.

As a way forward for the future operation of the premises the Sub-Committee recommended that the Police and Premises Licence Holders ensure that CCTV covers any areas not currently covered by CCTV, as it was clear from incidents under the previous Premises Licence Holder, some areas were evident where CCTV coverage was not present.

Also that any future operator of the premises ensures that no alcoholic drinks are served in open glass bottles.