

NORTHAMPTON BOROUGH COUNCIL

LICENSING ACT 2003

LICENSING SUB COMMITTEE

A Meeting of the Licensing Sub-Committee will be held in The Jeffrey Room,
The Guildhall, St. Giles Square, Northampton, NN1 1DE
on Friday, 28 March 2014 at 9:30 am

D Kennedy
Chief Executive

AGENDA

- 1. WELCOMES**
- 2. DECLARATIONS OF INTEREST**
- 3. REVIEW OF A PREMISES LICENCE: ICE LOUNGE, BRIDGE STREET, NORTHAMPTON**
- 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



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 Constable 113 D.Bryan

(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 Ice Lounge 16 Bridge Street	
Post town Northampton	Post code (if known) NN1 1NW

Name of premises licence holder or club holding club premises certificate (if known) Ice Lounge Ltd

Number of premises licence or club premises certificate (if known) PLO118

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 Police Constable 113 D.Bryan C/O Northamptonshire Police Campbell Square Police Station The Upper Mounts Northampton NN1 3EL
Telephone number (if any) 101 EXT 343409
E-mail address (optional) david.bryan@northants.police.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)
I have been delegated to act on the behalf of Adrian Lee, Chief Constable of Northamptonshire Police, with regard to representations made by Northamptonshire Police to Licensing Authorities across the county of Northamptonshire.

Northamptonshire Police call for the Review of the premises license for "Ice Lounge" situated in Bridge Street, Northampton on grounds relevant to the Prevention of Crime and Disorder and the Public Safety licensing objective.

This Review will centre around the activities of an OCG (Organised Crime Group) who were operating the Ice Lounge and using the premises as a front to 'launder' money. The money in question was derived from the proceeds of crime, in particular, a large scale illegal drug supply operation, trafficking Class A drugs into the county of Northamptonshire and beyond.

These papers will contain names of people who were involved in the OCG and names of members of the OCG who were involved with the Ice Lounge premises.

It also details incidents held on the police licensing database relevant to the premises.

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

On the 1st of September 2011 an application was made to transfer the Premises Licence from the previous owner, Mr Storm Bennett, into the ownership of the OCG, trading as Ice Lounge Ltd, on the face of it a bone-fide company. The paperwork in relation to the premises was signed by one of the company directors, a Mr Joseph O'Neill.

On the 4th of October 2011 an application was made to vary the Designated Premises Supervisor (DPS) into the name of a Mr Michael Wilson.

On the 19th of December 2011 a further application to vary the DPS was made following the conviction of Mr Michael Wilson for rape and him being given a custodial sentence. This application changed the DPS to a Mr Jon Paul Tovey.

On the 14th of August 2013, after Mr Tovey departed company with the business, an application was made to designate a Mr Piotr Frackowiak as the DPS and at this time this is the current position.

On the 19th of December 2013 Joseph O'Neill and two of his main co-defendants (Paul Wesley and Sean Byrne) were found guilty of Conspiracy to Supply Class A Controlled Drugs - namely Cocaine, at Leicester Crown Court.

A further main co-defendant John James Monteith had already pleaded guilty to this indictment at an earlier hearing, as had Michael Wilson (the person convicted of rape in 2011 above).

O'Neill, Monteith, and Wilson are highlighted as they are all connected to the Ice Lounge, Bridge Street, Northampton.

On Thursday 6th February 2014 O'Neill was sentenced to 20 years imprisonment, Monteith was sentenced to 10 years imprisonment with Wilson being sentenced to 7.5 years imprisonment on the same day. Confiscation proceedings under the Proceeds of Crime Act 2002 have been initiated and are ongoing in relation the defendants.

It is alleged that this business was, and still is being used to 'launder' the proceeds of wholesale cocaine trafficking.

The investigation into Joseph O'Neill and the trafficking network began in early 2010. On the 23rd of February 2010 Northants Police intercepted a delivery of a quarter kilogram of cocaine at a purity of over 30% being transported by Natalie Wood (a girlfriend of O'Neill at the time). She was prosecuted and received a lengthy custodial sentence.

Analysis of her mobile phone, and tracking her car journeys on the ANPR (Automated Number Plate Recognition system) database revealed regular trips to Southampton, which involved her travelling there and straight, back late at night.

In September 2010 a connected investigation identified the same journeys being conducted by a tenant of an address owned by Mr O'Neill in Burton Latimer. Both Michael Turricki, and his associate Robert McClintock were arrested resulting in the recovery of over a kilogram of import quality (over 80% purity) cocaine, along with cash. Both McClintock and Turricki then also received lengthy custodial sentences.

Both enquiries identified O'Neill as a common contact and a lengthy covert policing

operation was launched, initially by Northamptonshire Police and completed by the East Midlands Special Operations Unit (EMSOU).

This operation identified that the "import quality" cocaine was being obtained in Cambridgeshire, and two key defendants Paul Wesley, and his right hand man Cyrus Kazak, were providing the Northamptonshire part of the supply chain with this product.

Large cash transactions were identified, and arrests of couriers acting for the OCG resulted in the recovery of further kilogram amounts of "import quality" cocaine.

These arrests and the subsequent investigation had now identified after collection of the imported cocaine, it was being 'cut' in Northamptonshire to 30% purity and then transported to Hampshire, via other couriers, to a further gang led by Darryl Sims and Daniel Taylor.

Taylor, an ex-doorman from Northamptonshire, was seen to be in constant contact with O'Neill via phone, and both were directing couriers, often via Monteith and Wilson, in the delivery of cocaine and/or the collection of cash payments in return.

Monteith was seen to be a right hand man to O'Neill and after the arrest of Turricki was directing Michael Wilson and others to trips to Cambridgeshire and Hampshire.

To place the scale of trafficking in context, the case against O'Neill and others dates from January 2010 to February 2012. During this period some 150 courier runs were identified, and with the average deal weight being estimated at half a kilogram, this equates to twenty-five kilograms of cocaine, or some £1,250,000 worth of drugs. (before any additional profits are taken into account from 'cutting' the drugs further).

In 2010 O'Neill was involved in running a gym business in Freehold Street, Northampton, but it has been established that he did not take any income from this business, which he owned and run with an un-connected person. It has also been established that O'Neill ceased his moderately paid employment, (as an IT salesman), in June 2010, with no discernable savings.

O'Neill claimed he was running a boxing promotions company, (with a further key co-defendant Sean Byrne), in the period after he left his job, to the point of the opening of the Ice Lounge. Financial investigation revealed the company made no discernable profits in this period.

In September 2011 O'Neill purchase the premises, then known as Bar Soviet, from Mr Storm Bennett. O'Neill then began to refurbish the premises to open it as the Ice Lounge.

Even without the refurbishment costs of the premises (please see attached document) O'Neill was spending £3,000.00 per calendar month, just on his lifestyle, which included rental of a modern flat, maintenance of his estranged wife's 5 bed-roomed property, and an un-let house in Burton Latimer along with the costs of several high powered vehicles.

Monteith and Wilson also had no declared employment in the same period and similarly had an expensive flat and vehicles to maintain including the regular spend of approximately £800 per calendar month on hire cars used in the courier runs.

In July 2011, the then tenant of Bar Soviet (now the Ice Lounge), was in severe financial difficulties and made a deal with O'Neill to sell the business with having his liquidation costs covered as payment.

The lease to the property was then taken over and at the end of August 2011 the premises closed to allow refurbishment. A planned re-opening was set for mid-October 2011 as the Ice Lounge.

On 9th August 2011 a new company was formed and registered with Companies House. This company had 3 directors, namely, O'Neill, Monteith and a further male called Taulant Hazizaj. A company bank account controlled by O'Neill was also set up.

Each of the Directors held a third of the company shares and O'Neill applied for the Transfer of the Premises Licence into the name of the company, Ice Lounge Ltd, together with designating Michael Wilson as the DPS, a role he continued in right up to his conviction.

The Police assert that O'Neills large profits from drug trafficking, provided him and his associates with a large wage income, covering their respective roles in drugs supply. In light of his minimal income prior to the purchase of the bar the only plausible explanation is that the profits from the drug supply operation were used to purchase and refurbish the bar initially.

The document attached identifies the large expenditure on the Ice Lounge compared to the takings when it opened, and cover a period between the purchase and the 6th of December 2011 on which date a search warrant was executed at the Ice Lounge, and O'Neill arrested for the drugs conspiracy.

It shows that even allowing minimal wages, and defaults on many debts incurred in the building work, there was a shortfall of some £55,000.00 upon opening of the bar. Taking this into account together with the added costs demanded by the gangs lavish lifestyle, the only way in which to sustain the level of spending would have been with significant cash injections entering the organisations hands.

Also arrested on 6th of December 2011 was Hazizaj who was found to be in possession of a small amount of cannabis for which he was cautioned. He was also in possession of a number of bank cards from un-related persons. Hazizaj claimed to Police Officers on interview that he found the cards during the refurbishment of the Ice Lounge but they were all recovered from his home address.

Hazizaj has not been charged with any matters relating to the particular drugs conspiracy, however he was arrested again on the 19th of December 2012, following CCTV identifying him directing customers from outside of the Ice Lounge to an Eastern European male who was found to be in possession of small gram deals of 'cutting agents' when stopped. There was insufficient evidence to proceed with this matter, but it is believed that was Hazizaj was part of a team ripping off drug buyers by supplying them with cutting agent.

The matter could not be proceeded with as the substance used for the 'cutting agent' was not illegal but the inference is that it was being sold as a Class A drug.

In addition to the drug trafficking and money laundering issues discussed above there have also been the following incidents:-

On Saturday the 13th of April 2013 a Door Supervisor working at the Ice Lounge was arrested for an assault on one of the bar's patrons. An altercation had taken place within the gents toilets where the patron had refused to pay the toilet attendant. This patron was ejected by the Door Supervisors however once outside the front of the

premises; a door supervisor punched this patron knocking him unconscious. This was witnessed by police officers close by. The door supervisors was duly arrested and officers spoke with the DPS in an effort to secure the CCTV footage covering the front door area where the assault took place, however the CCTV was 'not available' at that time, and it was the officers opinion that the DPS was using 'stalling tactics' as when the CCTV system was examined some time later for some 'unknown reason' the incident had not been captured. The Door Supervisor is still to be processed by the Courts and he is next due in Northampton Magistrates court on the 8th of May 2014.

On the 7th of September 2013, Inspector Rayfield and Sergeant 645 Wright as part of a planned patrol plan attended the Ice Lounge to conduct a 'walkthrough' in line with Section 179 of the Licensing Act 2003. As he approached the Door Supervisor Inspector Rayfield explained that he was going to conduct a 'walkthrough.' At this the Door Supervisor put his arm out blocking the Inspectors path. The other Door Supervisor working mirrored this action to Sergeant Wright. The Door Supervisor said to Inspector Rayfield 'you are not coming in here without a search warrant.' Inspector Rayfield explained that he had a lawful power of entry and that he was going to enter the premises. Eventually the Police were permitted access but only following threats by Police to arrest the doorstaff for obstructing Police. The doorstaff & manager at that time did not appear to be aware of Police powers of entry. It maybe that the delay in permitting the entry of the officers was due to other nefarious activity taking place inside the premises.

Also on the 7th of September 2013 Sergeant 645 Wright saw Taulant Hazizaj (see above) entering another bar in Northampton town centre. At this time Sergeant Wright was aware that Hazizaj was wanted for suspected criminal matters. Sergeant Wright stopped Hazizaj outside the front of the bar and began to speak to him. Hazizaj suddenly became aggressive and shouted 'fuck off I don't want to talk to you.' Sergeant Wright went into the doorway and Hazizaj pushed Sergeant Wright in the chest. Hazizaj then said to him 'you can't come in here without a warrant.' He then went into the bar and joined a group of associates. Sergeant Wright risk assessed the situation and decided to await the arrival of other Police Officers before entering the bar to arrest Hazizaj, however once other Officers had arrived Hazizaj could not be found and it was strongly suspected that he left via the rear of the premises as he had not exited via the front. Although this incident happened at another premises and it is not this premises that is the subject of this Review it does give an indication of the behaviours of one the Directors of the Ice Lounge and who is responsible for the Premises Licence of the Ice Lounge and upholding the Licensing Objectives in respect of the Ice Lounge.

A meeting did take place between PC 113 Bryan and the management of the Ice Lounge following Inspector Rayfield's complaint. The management informed me that the Door Supervisor who spoke with the Inspector was no longer being employed by them at the bar, however the other Door Supervisor who blocked Sergeant Wright from entering was still working at the bar. At the meeting they said they were unaware that the other Door Supervisor had been involved. That said this individual is still employed at the bar in the capacity of a Door Supervisor with the management having knowledge of this complaint from the Police.

In addition to the above mentioned interactions the Northamptonshire Police Licensing Database has been populated with the following incidents associated with the Ice Lounge:-

On the 7th of November 2011 the DPS and Premises Licence Holder was spoken to in relation to a private sixth form party that was to be held at the venue on the 8th of November 2011. The DPS made contact to state that 17 and 18 year olds would be

attending the party. It was pointed out to the DPS that contained within the operating schedule for the Ice Lounge, under 18's were not permitted on the premises. It was also pointed out that if the DPS went ahead with the event it would be down to the DPS to ensure it was run properly and within the terms of the Premises Licence.

On the 6th of December 2011 a search warrant was executed at the premises in relation to an investigation into the supply of Class A drugs and money laundering.

On the 29th of January 2012 a female reported that whilst standing within the Ice Lounge an unknown male approached her and pushed her over. She was pushed so hard to the floor that it caused an injury to her lower back which required hospital treatment. After she was pushed over the male responsible was taken over to the bar by the Door Staff and was seen to be laughing and joking with them. No member of staff or Door Staff helped the female and the female was left to get herself up and then left the venue with friends to go to the hospital. This offence was investigated however there was no CCTV retrieved, despite numerous visits to the venue, calling cards being left and even a letter written to the manager requesting contact. This offence remains undetected.

On the 29th of January 2012 a male leaving the venue bumped into another male entering the venue. One of the males squared up to the other and they start pushing each other. Police Officers then split the males up.

On the 12th of May 2012 a male was given a section 27 Violent Crime Reduction Act 2006 Notice to leave the town centre. CCTV witnesses the male entering the Ice Lounge after the notice had been issued. Police Officers point the male out to the Door Staff and he was then removed and arrested outside.

On the 16th of September 2012 Police Officers were conducting a covert operation within the Ice Lounge and other licensed premises. The Officers noted that one of the Door Staff seemed to be wearing 'kick boxing' style gloves.

On the 14th of October 2012 a Police Officer conducted a licence premise check at the Ice Lounge. It was noted that the rear fire doors were bolted shut at the top. The Door Supervisor when spoken to about this stated that it was bolted shut to prevent people getting in, as the doors were broken.

On the 20th of October 2012 a male was ejected from the Ice Lounge due to being in the female toilets. He complained that he was manhandled by the Door Staff however did not make a formal complaint to Police Officers.

On the 26th of January 2013 a male had an altercation within the bar whereby he was hit over the head with a bottle causing cuts. The offender was ejected by Door Staff and walked up Bridge Street.

On the 13th of April 2013 a customer exited the venue past the Door Staff with a bottle in his hand and proceeded to drink the contents outside the front of the venue in front of the Door Staff. Police Officers pointed this out to the Door Staff who then took the bottle from the customer.

On the 21st of April 2013 Police Officers were flagged down and informed that there was a fight outside the Ice Lounge. On arrival of the Police Officers a group of males who had been involved in the disturbance had began to disperse. One male was seen to be allowed back into the venue. The Officers reported that this male casually walked back into the venue even though Police Officers had made it clear that they wanted to talk with him. This was not pursued as all other parties involved were reluctant to give any information to the Police Officers as to what had happened.

On the 17th of May 2013 a female promoter for the venue was handing out flyers in the street and whilst she was doing so she was continually swearing. When Police Officers spoke with the DPS about this matter the DPS was very obstructive. In addition a member of Door Staff was spoken to about not wearing their SIA badge.

On the 18th of May 2013 two Police Officers were conducting covert observations in and around licensed premises in Northampton town centre. They describe the atmosphere within the Ice Lounge as hostile and intimidating. There was broken glass all over the dance floor and empty bottles rolling around. They add that there seemed to be no clear capacity monitoring going on. The Door Staff were allowing people to gather very close to the entrance and people were spilling out onto the road. They noted that the main clientele at the time of their visit were PPO's (Prolific Persistent Offenders) a high percentage of well known individuals, known to the Police. The Officers left the venue shortly after entering as they were at risk of being recognised by the clientele.

On the 14th of July 2013 a male alleged that he was punched to the face within the bar by another male and then removed by the Door Staff. The male stated that he was assaulted by a friend of the owner of the bar. Staff and Door Staff denied that any assault had taken place but did state that they saw two males pushing each other and they were removed. Staff seemed helpful and CCTV footage was viewed. The owner Taulant Hazizaj was passionate to show that no assault occurred in the bar. Frustratingly the area where the incident took place was not covered by the bar's internal CCTV system.

On the 11th of August 2013 a Police drugs dog operation took place in Northampton town centre with numerous licensed premises being visited. On attending the Ice Lounge and walking inside the Police Officers were challenged by the manager asking whether they had the right to walk straight in. When it was explained that the Officers had sought permission to enter by the Door Supervisors the manager was fine. It was noted by Officers that there were a lot of empty bottles lying around on the floor.

On the 28th of September 2013 three males were ejected from the Ice Lounge. It is the honest held belief of the Officer that dealt with this incident, that these males had taken other intoxicants based on their behaviour. The males were adamant that they were started on by the Door Staff, however despite the males being ejected by the Door Staff, when the Door Staff were spoken to by Police Officers the Door Staff stated they did not witness anything. The reporting Officer also stated that there were a number of melee's outside the Ice Lounge during the course of the evening involving patrons who were exiting the Ice Lounge.

On the 12th of October 2013 a male was issued with a section 27 Violent Crime Reduction Act 2006 Notice to leave Northampton town centre. CCTV witnessed this male enter the Ice Lounge after the notice has been issued. Door Staff were approached by Police Officers and the Door Staff removed the male from the bar with the male being arrested outside.

On the 31st of October 2013 a female was assaulted within the bar by another female whereby her hair was grabbed.

On the 1st of December 2013 a customer was standing near to the bar area within Ice Lounge. He was approached by an unknown male who punched him twice to the side of his head. The offender then walked away. Staff within the venue were spoken to by Police Officers and stated that they did not witness any incident and stated that

their CCTV system did not cover the area where the assault took place.

On the 11th of January 2014 a large group of females were involved in a fight within the bar and were all ejected.

The Section 182 Statutory Guidance that accompanies the Licensing Act 2003 states the following:-

At point 11:24,

A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

At point 11:25

Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously.

These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

At point 11:28,

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.

I would also point the Licensing Sub Committee in R (Bassetlaw District Council) v Worksop Magistrates Court [2008] EWHC 3530 (Admin):

This case involved the unlawful sales of alcohol to two 14 year old Test Purchasers sent into a licensed premises by the local Trading Standards Office who were duly sold alcohol. On Review of the Premises Licence the Local Authority suspended the Premises Licence for four weeks. On appeal of this decision to the Magistrates Court the District Judge overturned the Local Authorities determination and substituted it with six additional conditions to the Premises Licence. The Licensing Authority challenged this decision arguing that where premises had been used for criminal purposes (unlawful sales of alcohol) the Licensing Authority had a duty to take steps in the interests of the wider community. Upon Judicial Review, Mrs Justice Slade, held that where crime was involved wider considerations came into play. Those considerations might include the prevention of crime and at least deterrence, if not punishment.

Although this case relates to underage sales and a suspension, in respect of this Review I would ask the Licensing Sub Committee to consider Mrs Justice Slade's comments regarding the Licensing Authority having a duty to take steps in the interests of the wider community. Northamptonshire Police assert that the wider community also includes the licensed trade and any potential OCG's wishing to operate in Northampton.

Northamptonshire Police in consultation with EMSOU, took a careful and considered view on delaying this Review in that there was a very large and serious criminal investigation over a number of counties ongoing, which could have been jeopardised if the full or partial details had been disclosed prior to the conclusion of those criminal proceedings.

It is only recently that O'Neill and his associates have been tried and convicted of extremely serious offences. Accordingly Northamptonshire Police feel the disclosure to the Licensing Committee is appropriate at this stage.

Northamptonshire Police would ask the Licensing Sub Committee to seriously consider revoking the Premises Licence for the Ice Lounge. The Premises Licence cannot be modified with conditions to address these serious matters and it is submitted that the entire purpose of the Ice Lounge was for a criminal enterprise.

Northamptonshire Police has the view that in these individual circumstances, notwithstanding the numerous incidents of crime and disorder at the premises in the past and more recently, the premises has, and in our opinion, is still being used as a vehicle to 'launder' money from the proceeds of crime. Accordingly we ask the Licensing Sub Committee to seriously consider revoking the premises license for the Ice Lounge. The statutory guidance which I have mentioned supports the revocation outcome sought.

Supporting documents are contained within these papers.

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

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If you have made representations before relating to this premises please state what they were and when you made them

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

Capacity Northamptonshire Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

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.

NORTHAMPTON BOROUGH COUNCIL

LICENSING ACT 2003

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

Northamptonshire Police, a responsible authority, has applied for the REVIEW of a Premises Licence under Section 51 of the Licensing Act 2003 in respect of **ICE LOUNGE, 16 BRIDGE STREET, NORTHAMPTON, NN1 1NW**

The grounds for the review are to secure the Licensing Objectives of Preventing Crime and Disorder and Public Safety, due to incidents at the premises.

Any interested party or responsible authority wishing to make representation must do so in writing to the following address by **14th March 2014**.

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, Tuesday, Thursday, Friday 9am to 5pm and Wednesday 10am to 5pm, except 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: 14th February 2014

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

Ice Lounge

16 Bridge Street, Northampton, NN1 1NW.

Telephone 01604 230444

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- entertainment of a similar description to that falling within a performance of live music, any playing of recorded music or a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- 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
E. Performance of live music (Indoors)	Monday-Sunday	6:00pm	4:00am
F. Playing of recorded music (Indoors)	Monday-Sunday Seasonal Variations: An additional hour to be added to both (BST & (GMT) changes in March and October.	6:00pm	4:00am
H. Entertainment of a similar description to that falling within E, F, or G (Indoors)	Monday-Sunday	11:00am	6:00pm
I. Provision of facilities for making music (Indoors)	Monday-Sunday Seasonal Variations: An additional hour to be added to both (BST & (GMT) changes in March and October.	6:00pm	4:00am
J. Provision of facilities for dancing (Indoors)	Monday-Sunday Seasonal Variations: An additional hour to be added to both (BST & (GMT) changes in March and October.	6:00pm	4:00am
M. The sale by retail of alcohol for consumption ON and OFF the premises	Monday-Sunday	11:00am	3:00am



THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES continued ...

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises continued ...	Seasonal Variations: An additional hour to be added to both (BST & (GMT) changes in March and October.		

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Sunday	11:00am	4:00am
Seasonal Variations: An additional hour to be added to both (BST & (GMT) changes in March and October.		

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

- M. The sale by retail of alcohol for consumption ON and OFF the premises
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Part 2

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

Ice Lounge Ltd	16 Bridge Street, Northampton, NN1 1NW.
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REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Ice Lounge Ltd	07733852
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NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Piotr FRACKOWIAK	23 First Lane, Northampton, NN5 5FD. Telephone 0742984723
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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. PA2265	Issued by Northampton
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ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

19 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



ANNEXES continued ...

person who holds a personal licence.

Environmental Health Condition

The rear fire doors shall be kept closed at all times and any music played on the premises shall not be audible beyond the boundary of the rear car park and the highway.

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: -

General - To continually conduct codes of good working practices in order to maintain a safe and pleasant environment, and to ensure that attainment of the licensing objectives forms an integral part of the management policies.

The Prevention of Crime and Disorder - A CCTV system will operate at all times that licensable activities are taking place, the system to be to the approval of the Police. All recordings are kept for 31 days. Members of staff are to be trained in how to use the system and retrieve recordings for the Police should they require any CCTV evidence. To co-operate fully with any agency to ensure the promotion of the licensing objectives is actively supported by the use as required of crime prevention notices and similar. The premises licence holder, DPS and staff will co-operate with the Police and other enforcement agencies and ensure members of staff understand the importance of the responsibility they hold. To be a member of Northampton Pubwatch scheme and to ensure a representative attends meetings on a regular basis. To abide by decisions made by Pubwatch. An alarm system is operational to maintain membership of Northampton Pubwatch and any radio link scheme. Drinks will not be allowed to be taken from the premises in open containers.

Public Safety - To maintain all risk assessments necessary to ensure the safety of customers and staff. The premises comply with health and safety and fire precautions regulations. Preventative and control measures are in place to ensure the safety of customers and staff. To adhere to the maximum capacity limit of 250. The premises employs door staff who are SIA registered.

The Prevention of Public Nuisance - The handling of beer kegs, bottles and other similar items external to the fabric of the building, including the emptying of bottles into refuse containers, recycling bins or returns crates and the stacking of such crates shall only be permitted between the hours of 08:30 and 21:30 daily. When regulated entertainment is taking place to ensure that volume levels are not audible beyond the boundary of the parking area at the rear of the premises.

The Protection of Children from Harm - No-One under the age of 18 will be permitted on the premises. To support the Challenge 21 proof of age scheme and to ensure other acceptable proof of age cards carry the Pass Logo. To maintain a refusals book. To ensure a programme of staff training.

Licensing Act 2003

This licence is granted on the condition that the restrictions contained within the enactments specified under the Licensing Act 2003 Schedule 8 (1 & 6) are adhered to.

ADDITIONAL MANDATORY CONDITIONS



ANNEXES continued ...

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 6th April 2010

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

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.



ANNEXES continued ...

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.

5. The responsible person shall ensure that-

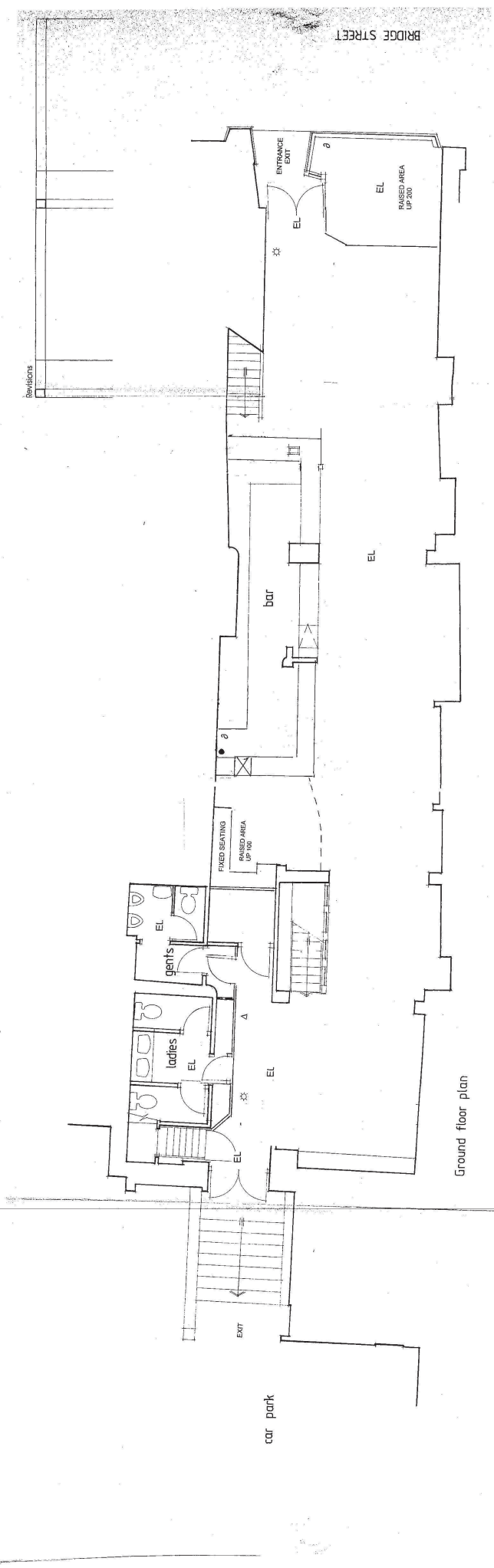
(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

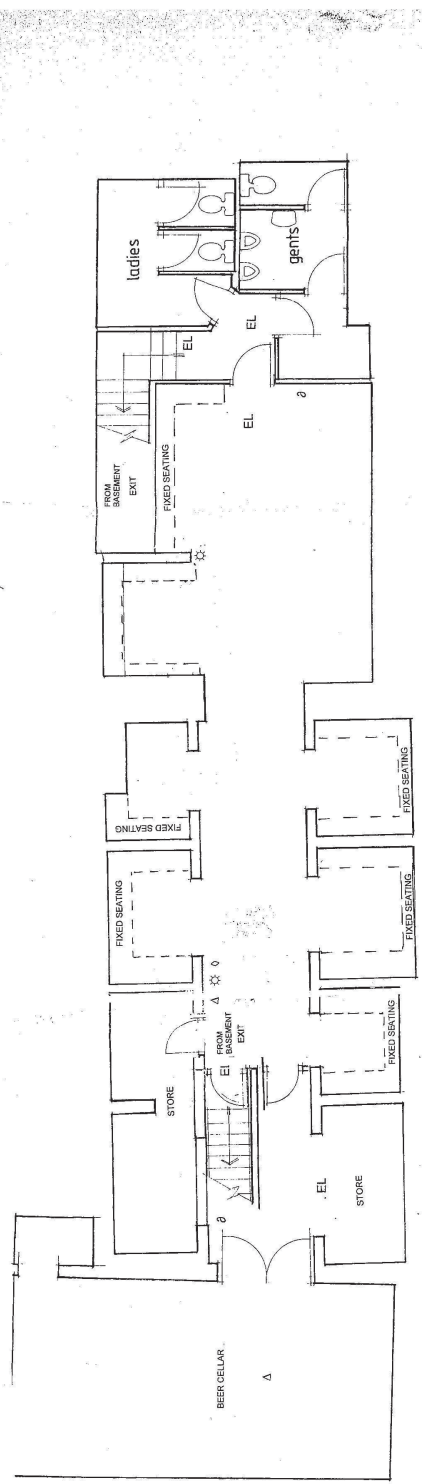
(b) customers are made aware of the availability of these measures.

Solicitor to the Council

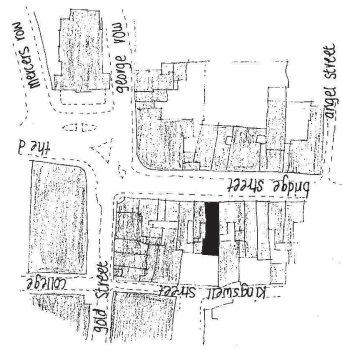




Ground floor plan



Basement plan



Site plan 1:1250

- △ HEAT DETECTOR
 - ⊠ BREAK GLASS POINT
 - FIRE BELL SOUNDER
 - EL EMERGENCY LIGHT
 - ⊕ WATER FIRE EXTINGUISHER
 - CO2 EXTINGUISHER
- BAR SOVIET
16 BRIDGE STREET
NORTHAMPTON
1:50