

# NORTHAMPTON BOROUGH COUNCIL

## LICENSING SUB-COMMITTEE

Friday, 13 May 2016

**COUNCILLORS PRESENT:** Councillors Sargeant(Chair) Hill and Caswell

### 1. WELCOMES

The Chair welcomed everyone to the subcommittee,

### 2. DECLARATIONS OF INTEREST

None.

### 3. NEW GRANT PREMISES LICENCE - LITTLE EURO, 10 WELLINGTON PLACE

#### Introduction

It was advised that on 22<sup>nd</sup> March 2016 Northampton Borough Council received an application for the new grant of a Premises Licence in respect of Little Europe, 10 Wellington Place, Barrack Road, Northampton.

The application was submitted by John Birch, agent for the applicant Kastytis Nauburys.

The application requested a Premises Licence for the off sales of alcohol between the hours of 07:00am to midnight Monday – Sunday.

Obligatory notices with regard to the requested application were displayed on the premises and in the local newspaper.

4 objections were received to this application from a local business, public health NCC, Northamptonshire Police and from the NASH organisation. These objections were based on a combination of all four of the licensing objectives, being prevention of public nuisance, public safety, prevention of crime and disorder, protection of children from harm.

It was advised that there was information omitted from the agenda relating to email correspondence with the police detailing some conditions and a reduction in hours agreed. The additional agreements are for a reduction in the hours for the sale of alcohol to start at 10:00am instead of 07:00am along with end time of 11pm instead of 00:00 hrs

- No sales of canned or bottled beer, lager or cider of less than two
- No supply or sale of spirits in quantities of less than 35cl (this will not apply to wine)
- Repositioning of the servery counter

The police also supplied an additional statement from Sergeant Rod Williams and photos which was produced to the subcommittee.

John Birch represented the applicant and addressed the sub-committee first and put forward the case for the application.

John Birch also supplied a copy of the Luton Matrix which was produced to the subcommittee.

Each representor was then given the opportunity to present their objection to the application.

## **The Applicant**

John Birch addressed the subcommittee. He referred to an email correspondence between himself and the police and asked the subcommittee to review this so that they can see how the negotiation process worked. Alcohol represents 20% of overall sales and make up 20% of the display. It was advised that cans of lager, beer and cider over 6% abv would not be sold on the premises and the sale of alcohol would only be permitted between 10am and 11pm. It was also advised that would not sell small bottles of spirits, operate a challenge 25 system, have CCTV on the premises and provide full staff training and a refusals register. Mr Birch stated that Sargeant Williams' issues seems to stem from street drinking however if you reduce the start time to 10am and refuse to sell cans above 6% this would deter street drinkers. Mr Birch also stated that he would have like to have met public health. It was advised that the premier shop on Regent Street has had no issues with street drinkers as it does not sell alcohol with a high abv percentage. Mr Birch advised that subcommittee that he believes the premises has made a strong effort to deter street drinkers by consulting the police and amending its application.

In response to questions from the representor Mr Birch stated that the principal alcohol market is residents of the area.

## **The Representor**

Sergeant Williams addressed the subcommittee and advised that a number of objections have been received by residents in that area regarding the number of street drinkers and stated that people feel intimidated.

In response to questions from the applicant Sergeant Williams responded as below

- Public housing was included in his statement to show concentration in the area.
- The front of Little Europe faces the Barrack road and on the left is Marble arch which is an area frequented by street drinkers.

In response to questions from the committee the representor responded as below

- That the submission of the objection from the ward councillor was too late
- A meeting was held at Oasis house regarding street drinking in the area.
- That the police do not have to hand the number of premises called in for review in the area.

PC Chris Stevens addressed the subcommittee. He outlined the nature of his objection to the application under crime and disorder / public safety and public nuisance objectives and referred to para 9.12 of the Section 182 guidance whereby the police are deemed to be the essential source of advice and information on the impact and potential impact of licensable activities particularly on the crime and disorder objective. It was advised that the proximity of Oasis house will encourage the street drinkers to attend the premises to buy alcohol and therefore have an impact on anti-social behaviour in the area which will cause public nuisance / impact on public safety. PC Stevens stated that the presence of this premises will have a clear impact on safety of the public. The interest of the community should be placed before interest of business owner.

In response to questions from the subcommittee the representor responded as below

- Research and statistics show increase of alcohol in an area make it more readily available, push prices of alcohol down and therefore increase attractiveness of alcohol in that area.

- There is an academy school on St George's Street which is in close proximity to the premises.
- All premises that were visited in the area were selling high strength alcohol and one took them off the shelf.
- PC Stevens referred to Para 13.33 of the Section 182 Guidance whereby he stated that whilst there is no cumulative impact policy in the area the grant of the premises licence will have negative cumulative impact on one or more of the licensing objectives and this was supported by increased ASB/Crime and Disorder

Dr Peter Barker Assistant Director of Public Health NCC addressed the subcommittee. He stated that a series of alcohol harm indicators were constructed which ranks the geographical region where Little Euro is based as number one in Northampton for alcohol related harm. The data supplied as part of the objection confirmed that the locality of the little Euro was within an area where key indicators were ranked number 1 in the district of Northamptonshire for four issues, namely alcohol liaison nurse (single admission), alcohol liaison nurse (multiple admission), clients (alcohol any) and clients (alcohol primary) It was advised that the Public Health feel the granting of the licence would exacerbate the alcohol related harm problem adding to the burden in the area which will not promote the licensing objectives of prevention of crime and disorder and protection of children from harm

### **Summing up by the Applicant**

Mr Birch stated that he hoped the subcommittee would agree that conditions imposed on licences have historically proved to deter street drinkers. He also stated that he accepts concerns of police as the area is in a bad way and he accepted the concerns of the police.

He stated that the conditions on the licence would deter street drinkers and SIA door staff could attend for informal training

He referred to the Luton matrix whereby their policy did contain "stress areas" and that Northampton policy does not mention such areas and hence the members should look at that on its own.

### **Summing up by the Represent**

PC Stevens stated that the negative cumulative impact must be looked at and that Public Health has advised that the granting of the premises licence will have negative cumulative impact on the area. He also stated that the premises could trade as an alcohol free business as 80% of its sales are alcohol free.

The subcommittee retired to deliberate at 11:00

The subcommittee reconvened at 12:12

### **Decision**

The application has come to the committee as a result of an objection from the Police under the licensing objectives of public nuisance, prevention of crime and disorder and public safety and Northamptonshire County Council Public Health under the licensing objectives of prevention of crime and disorder, public safety and protection of children from harm, a Local Business and NAASH under prevention of public nuisance and public safety

The committee heard detailed representations from the applicant and its representative and those from the Police and Northamptonshire County Council Public Health and written objections from the local business and NAASH before coming to a determination pursuant to section 18 licensing act 2003.

The committee also considered its own statement of Licensing Policy

The committee have decided unanimously to reject the premises licence application.

The Sub-Committee received legal advice in terms of:

- 1) The licensing objectives
- 2) The legal test to be applied
- 3) The options available to the committee
- 4) Section 182 guidance

The reasons for the decision are as follows:

- 1) To promote the prevention of public nuisance objective
- 2) To promote the prevention of crime and disorder objective
- 3) Whilst there is no cumulative impact zone in Northampton the committee were of the view that there would on a balance of probability cause a negative cumulative impact on one or more of the licensing objectives namely, public nuisance and crime and disorder if the application was granted as per paragraph 13.33 of section 182 guidance
- 4) The representations from Northamptonshire health where the data supplied with regards to lower layer super output area – Isoa's showed that the proposed locality of the premises is 1<sup>st</sup> for the Borough of Northampton for alcohol liaison nurse (single admission), alcohol liaison nurse (multiple admission), alcohol (primary)
- 5) The proposed area is as advocated by the police a "hot spot" for street drinkers which will not promote the licensing objectives of prevention of crime and disorder and prevention of public nuisance.
- 6) Paragraph 9.12 of the section 182 guidance where the police are deemed to be the main source for advice and information regarding the crime and disorder objective.
- 7) The close proximity of Oasis Centre / Hope Centre /NAASH who assist vulnerable persons to the applicants premises relating to alcohol dependence amongst others.

The committee would also like to take this opportunity to advise the police that during the course of this hearing it was heard that some of the premises in the locality of barrack road have contravened the licensing objectives and therefore the police ought to be in liaison with

the licensing authority seeking a review of those premises licences.

Any persons aggrieved by this decision has a right of appeal to the magistrates court no later than 21 days from the date of being notified of this decision

**This Notice Dated 13/05/2016**

<TRAILER\_SECTION>

The meeting concluded at Time Not Specified

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