

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Friday, 4 November 2016

COUNCILLORS PRESENT: Councillors Sargeant, Duffy and Larratt

OFFICERS: Mebs Kassam (Solicitor), Louise Faulkner (Senior Licensing Officer), Dan Kalley (Democratic Services Officer)

FOR THE APPLICANT: Mr Paul Byatt (Licensing Institution), Mr Hedi Meena (Applicant)

FOR THE REPRESENTORS: Mr Chris Stevens (Northamptonshire Police), Steven Marks (Public Health, Northamptonshire)

1. WELCOMES

The Chair welcomed everyone to the Sub Committee.

2. DECLARATIONS OF INTEREST

There were none.

3. NEW GRANT PREMISES LICENCE - RIGA 89 KETTERING ROAD

The Senior Licensing Officer explained that the Licensing team had received a new premises licence application, which had been submitted by the Licensing Institution on behalf of Mr Hedi Meena. There had been two representations against the granting of a premises licence from the Police and Public Health.

APPLICANT

The applicant's representative Mr Paul Byatt from the Licensing Institution addressed Members on the merits of Mr Hedi Meena's application. He explained that the previous owner of Riga had obtained a licence to sell alcohol, but had voluntarily surrendered this prior to Mr Meena purchasing the leasehold of the premises.

He commented that on submitting the application, a number of risk surveys were carried out to ascertain any conditions that would be necessary in order to satisfy the four licensing objectives. This included within the application, but was not limited to:

- Ensuring that any staff appointed would be given training to Responsible Alcohol Retailing standards. In addition to this a training register would be kept on the premises at all times.
- There was to be a minimum of two staff working at all times at the premises.
- No alcohol was to be consumed on the property or in the near vicinity.
- The latest CCTV equipment would be installed and staff were to receive training on how to use the system.
- Staff will be trained on the Challenge 25 procedures.

Members were informed that the applicant was willing to accept the conditions stipulated by Public Health namely:

- No Beer, Lager or Cider over 6.5% ABV to be sold.

- The Licensee will be required to display at all times, and in close proximity to all alcohol displays within the premises, the Alcohol Guidelines produced by the UK Chief Medical Officers, and any subsequent guidelines that replace them. The nature of the display material should be approved by the Director of Public Health/Public Health team.
- There will be no window display posters or similar advertising containing any reference to alcohol on the premises shop frontage or the highway abutting the premises.

The applicant's representative confirmed that there had been a misunderstanding with regards to Mr Meena's previous address. He explained that Mr Meena had returned to the UK from Kurdistan and had stayed at a friend's house in Boston, Lincolnshire, where he had used the address in order to gain identification and use the local medical facilities.

In response to questions from Members, the applicant's representative commented that all measures would be taken to ensuring that no drinking was to take place outside the premises, in addition he stated that the applicant would be willing to look at alternative CCTV cameras outside the shop if necessary. He explained that licensed hours, namely from 8am to midnight were correct and were advertised as such in the local paper. However, he stated that the applicant would be happy to accept reduced licensed hours from 9am to 11pm. It was confirmed that all members of staff would have a sound working knowledge of English.

In response to concerns raised by the Police the applicant's representative confirmed that the DPS was assigned to authorise the training for members of staff. New staff were only to be allowed to sell alcohol once they had been signed off as completing their training. In addition he confirmed that a training record was to be kept on the premises at all times and readily available, if required.

RESPONDENTS

A representative from Public Health outlined their concerns with the application. Members were informed that Public Health used a number of indicators to evaluate alcohol harm, this data was then used to compare geographical areas and outline those areas where alcohol harm were prevalent. Having looked at the data the premises were in an area of high risk for alcohol harm. In addition adjacent areas were also high risk in terms of alcohol harm. Public Health put forward conditions that they would seek to add on to the licence if it were granted.

The Police representative also outlined concerns, taking into account the S.182 Licensing guidelines. Members were made aware that in the six months leading up to the previous licence being surrendered there had been nine incidents of alcohol related anti-social behaviour close to the premises, however since then there had been only one incident. It was the view of the Police that should a licence be granted the issues would resurface and not promote the licensing objectives of public safety / crime and disorder.

Furthermore in terms of public safety the representative explained that the address given by the applicant to the Police was the address above the premises in question, however two days later when the application was made he had used an address in Boston, Lincolnshire.

In response to the points raised the applicant's representative re-iterated that the applicant had used the address in Boston, Lincolnshire, for medical reasons, while he was staying there.

With regards to questions from Members the Police representative stated that incidents were still prevalent in the surrounding areas, however these would likely return if the alcohol licence were granted. He confirmed that there were no known offences linked to the

applicant.

The Police amplified paragraph 9.12 of the Section 182 guidance and that the police ought to be the primary source of representations regarding crime and disorder and also Paragraph 11.26 whereby the decision of the committee ought to be in the interests of the wider community whilst promoting the licensing objectives. The Police stated that data within their possession showed that granting the licence would adversely impact on crime and disorder and hence also public safety.

The Police stated that since the premises licence had been surrendered by the previous holder the business of the applicant had continued and therefore if the applicant was denied alcohol sales it would not impact on the business,

RESOLVED:

The Chair thanked all parties for attending the Licensing Sub Committee to consider the application for a premises licence for the Riga, 89 Kettering Road, Northampton, NN1 4AW pursuant to Section 17 of the Licensing Act 2003.

The Committee carefully considered the application, representations from the Police, Public Health, the representative for the premises licence and the premises licence applicant under Section 18 of the Licensing Act 2003.

The Sub Committee have therefore decided unanimously to reject the application for a premises licence.

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
- 5) The case of East Lindsey v Abu Hanif

The reasons for the decision are as follows:

- 1) The incidents of reported anti-social behaviour to the Police were nine times higher when the premises were previously licensed compared to when the premises licence was surrendered and therefore the granting of the licence would not on a balance of probability promote the licensing objectives of public safety and the prevention of crime and disorder.
- 2) Under paragraph 9.12 of the Section 182 guidance, the Police should be considered to be an essential source of advice and information regarding the crime and disorder objective and the other licensing objectives should there be evidence of this. The fact that incidents of reported anti-social behaviour, impacted directly on the public safety and crime and disorder objectives to members of the public and the wider community as a whole. The Police advocated data to the Committee that reports to the Police were nine times less for anti-social behaviour and hence public safety when the premises were not licenced for alcohol sales than when they were licensed.

- 3) The case of East Lindsey v Abu Hanif clearly certified that licensing objectives were prospective and are concerned with the avoidance of harm in the future. The Committee were of the view that granting the licence would on balance not promote the licensing objectives of public safety/prevent crime and disorder due to the data advocated by the Police at the Committee.

Any persons aggrieved by this decision has a right of appeal to the Magistrates court no later than 21 days from the date of receiving the decision notice.

4. EXCLUSION OF PUBLIC AND PRESS

None required.

The meeting concluded at 1:21 pm