

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Tuesday, 1 August 2017

COUNCILLORS PRESENT: Councillors Sargeant, Duffy and Walker

OFFICERS: Louise Faulkner (Licensing Team Leader)
Mebs Kassam (Solicitor)
Ed Bostock (Democratic Services Officer)

FOR THE APPLICANT: Tony Grover (Licensing Consultant)

FOR THE REPRESENTORS: Stephen Marks (NCC Public Health)
Terry Pearson (NCC Public Health)

1. WELCOMES

The Chair welcomed everyone to the Sub-Committee.

2. DECLARATIONS OF INTEREST

There were none.

3. BUSINESS

4. REVIEW - LITTLE EUROPE, 10 WELLINGTON PLACE

It was brought to the attention of the Sub-Committee that this was a new application, not a review.

The Licensing Team Leader outlined the circumstances as set out in the report. The Committee were informed that an application for a new premises licence was received on 8th June 2017 that requested the sale of alcohol between 10:00 - 21:00 Monday – Sunday. It was noted that obligatory notices had been displayed both on the premises and the local newspaper. Numerous conditions were agreed between the applicant and the Police Licensing Officer. On 28th June, objections were received by Northamptonshire County Council Public Health as the Responsible Authority, relating to the following Licensing Objectives:

1. The prevention of public nuisance
2. The protection of children from harm

Representations by the applicant:

Tony Grover, representing the applicant, addressed the Sub-Committee. He informed Members that the application was the result of customers requesting that alcohol be sold in the shop for their convenience. He noted that Northamptonshire Police had not raised objections to the application, suggesting that it was because of the numerous stringent measures proposed by them; they had objected to a similar application in 2016. He agreed that the area in which the shop was located did have some cause for concern, but that the applicant was willing to take steps to make sure there were no adverse effects if the licence was granted. Mr Grover reminded the Sub-Committee that no objections were received from the Police or local residents or workers which, he stated, demonstrated how well his client planned on running the business. He commented that the conditions seemed restrictive, however, a number had already been implemented, which included steps to improve

security. Mr Grover made reference to Alcohol Licensing Indicators that he had submitted. He suggested that the figures seemed high due to Oasis House and the Hope Centre being included, and noted that there was nothing to show that alcohol misuse in the area was solely down to the number of off-licences. He further noted that the absence of a Police objection regarding the safety of children was significant.

In response to questions, the Sub-Committee heard that the applicant had previous experience selling alcohol and that there would be a dispersal process in place for dispersing groups of drinkers congregating outside the shop.

Representations by the respondent:

Stephen Marks and Terry Pearson, from Northamptonshire Public Health, addressed the Sub-Committee. They noted that the figures within the Alcohol Licensing Indicators report did not include Oasis House and the Hope Centre, but the overall data showed high levels of alcohol harm regardless. They stated that alcohol had the potential to affect all 4 licensing objectives and put the community wellbeing at risk; current levels in the area were seen to be having a significant detrimental impact on the community, local economy and the licensing objectives. They commented that the desire to promote the local economy had to be balanced with the negative impacts. It was noted that the representatives had been in discussion with Northamptonshire County Council Children & Families Service and that they were content to be represented by Public Health at the Sub-Committee.

In response to questions, the Sub-Committee were informed that the figures contained within the Alcohol Licensing Indicators report did not include young people.

Summing up by the applicant:

Mr Grover stated that the indicators did not paint a complete picture of the situation in the area. He noted that due to the stringent conditions, the risk of making the situation worse would be minimal. Due to alcohol having to make up 50% of a shop, people looking to abuse it would go elsewhere as it would be cheaper.

Summing up by the representor:

Mr Marks stated that the specific situation was so severe, an extra shop, even with stringent conditions attached to the licence, would not contribute to the Licensing Objectives.

At this point, the Chair requested the amendment of a Condition relating to the handover of CCTV footage to the Police.

The Sub-Committee retired at 11:20am to make a decision.

The Sub-Committee reconvened at 12:21pm.

RESOLVED:

The Sub-Committee decided by a majority to grant the application subject to the operating schedule and mandatory conditions and the following conditions mentioned below:

Those conditions as agreed by the applicant and the Police via email dated 14th June 2017 except:

1. Condition 3 be changed to 24 hours instead of 48 hours
2. Condition 12 be changed from "large" to "larger" and after "total sale price" insert

“excluding tobacco”

There be a further condition added to the licence as follows:

1. 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 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 Sub-Committee
4. Section 182 guidance

The reasons for the decision are as follows:

1. The applicant has agreed to stringent and onerous conditions with the Police
2. The agreed conditions will promote the Licensing objectives, especially those restricting the strength of alcohol to be sold from the premises and the minimum quantities of canned lager, cider and beer
3. The agreed condition of no window advertising will promote the Licensing objectives
4. The concerns of Public Health are noted however the majority of the Members were of the view that the premises have agreed such conditions / the detail within the operating schedule sufficiently, that will not impact adversely on the Licensing objectives.

Any persons aggrieved by this decision has a right of appeal to the Magistrates Court no later than 21 days of being notified of this decision.

The meeting concluded at 12:26 pm

Appendix A - Police Conditions

- 1) A fully working and maintained CCTV system capable of recording and storing images must be installed on the premises. The system must record at all times the premises is open to the public and images must be stored for a minimum of 28 days with date & time stamping. As a minimum, this must cover all entry and exit points, both sides of all areas where the sale/supply of alcohol takes place.
- 2) A person conversant with the retrieval and down loading of CCTV footage must be available at all times when the premise is open to the public.
- 3) All recordings must be made available to an officer from a responsible authority upon reasonable request and in line with the provisions of current Data Protection legislation and no later than 48hrs following a reasonable request for recordings.
- 4) All staff involved in the retail of alcohol who do not already hold a nationally recognised qualification will be trained in relation to the law regarding its sale. This training must be completed by the DPS prior to them being authorised to sell alcohol. 'In house' training for all staff will be refreshed every 12 months as a minimum. A record of this training must be kept and maintained with a copy of the syllabus attached. The recipient of the training must sign to state that they have received and understood the training and this should be dated. Training records must be kept on the premises at all times and made available to an officer from a responsible authority upon reasonable request.
- 5) A minimum of two members of staff must be on duty at all times when the premises is open for licensable activity. One of these members of staff must hold a current personal licence.
- 6) The premises will operate and adhere to an age verification scheme with the minimum standard of Challenge 25. Signs advertising the policy must be displayed in all areas where alcohol is for sale.
- 7) Signs will be displayed at the exit points of the venue requesting that customers respect local residents by leaving and dispersing from the premises and immediate area quietly.
- 8) A refusals register and incident book will be kept on the premises for the recording of any incidents involving the refusal of a sale of alcohol due to age or intoxication. The register will be made available to an officer from the local authority for inspection upon reasonable request.
- 9) Spirits must be displayed behind the sales point and will not be available for self-service.
- 10) There will be no sales of beer, lager or cider over 6% ABV. Spirits will not be sold in quantities of less than ½ litre. Wine will not be sold in quantities of less than 75cl.
- 11) There will be no single can sales of beer, lager or cider.
- 12) Alcohol must only be sold as a percentage of a large wider grocery shop. In this instance, alcohol can only form up to 50% of the total sale price. There will be no alcohol only sales.