

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Monday, 27 November 2017

COUNCILLORS PRESENT: Councillors Sargeant, Ansell and Beardsworth.

OFFICERS: Eleanor Flannery (Licensing Enforcement Officer)
James Chadwick (Senior Litigation & Licensing Solicitor)
Ed Bostock (Democratic Services Officer)

FOR THE APPLICANT: Paul Byatt (Licensed Inn-Tuition)

1. WELCOMES

The Chair welcomed everyone to the meeting.

2. DECLARATIONS OF INTEREST

There were none.

3. PREMISES LICENCE APPLICATION - ARYAN COFFEE

Representations by the applicant:

Paul Byatt, representing the owner, advised that the premises licence would be used for the provision of on-site drinking in a café/restaurant setting; alcohol would only be served as an accompaniment to meals. He stated that the additional hours requested were to support the company's business model. He further stated that the owner had invested heavily on refurbishments which now portrayed an upmarket venue. Mr Byatt noted that the owner had offered to install CCTV cameras before they were made a condition by the Police and had agreed to all of their additional proposed conditions. Mr Byatt voiced his concern regarding the anonymity of the objection received as personal information had been omitted. He stated that there was no cumulative impact zone in the area, so other licensed premises in the area should not be a consideration. Regarding concerns around smoking, Mr Byatt acknowledged that there was no designated smoking area and that the owner was aware of noise-related issues and advised that he would address them when it became necessary.

In response to questions, Members heard that the owner was the proprietor of several other nearby businesses. They also heard that there would be 1 set menu for all times the business was operating.

The solicitor clarified that personal information could be redacted from objections, as stated in paragraph 9.30 of Section 182 Guidance.

The Sub-Committee adjourned at 10:24 to make a decision.

The meeting reconvened at 10:54.

RESOLVED:

The Licensing Sub-Committee has carefully considered the following;

- The application received from Mr Sarbaz Amin Abdullah.
- Oral representations on behalf of the applicant from Paul Byatt of Licensed Inn-Tuition, representative for the Applicant.

- One representation from an interested person / member of the public, whose name and address had been redacted on the Committee papers by the Licensing Authority.
- One representation from Northamptonshire Police regarding proposed conditions to be added to the Premises Licence.
- One representation from Northampton Borough Council Environmental Health Department.

The sub-committee has decided to grant the premises licence for **Aryan Coffee** (“the Premises”) in the following terms;

1. The sale of alcohol for consumption on the premises shall be permitted 10:00AM to 11.00PM Monday to Saturday and 10:00AM to 10.00PM on Sunday. These shall also be the opening hours of the premises.
2. There shall be no provision for late night refreshment.
3. The five conditions as requested by Northamptonshire Police in the email of Chris Stevens of 18th October 2017 and agreed by the Applicant.

The sub-committee received legal advice in terms of

1. The four licensing objectives, specifically the prevention of public nuisance.
2. The legal test to be applied.
3. The options available under section 18 (4) of the Licensing Act 2003.
4. Section 182 guidance, specifically paragraph 9.30.
5. NBC Statement of Licensing Policy 2016 - 2021

The reasons for the decision are as follows;

- a. The sub-committee took into account the representation from an interested person living in the vicinity of the Premises. They noted that the name and the address of the interested person had been redacted by the licensing authority but were satisfied that it was a genuine representation. Paragraph 9.30 of the section 182 guidance states that the licensing authority may decide to withhold some or all of the person’s personal details from the applicant, giving only minimal details, such a name or general location within a street.
- b. The representation raised concerns from the resident about the potential for public nuisance, in particular late at night, if the application were to be granted. The committee noted that the premises are adjacent to residential premises and is located below residential flats. They also noted that there were no proposals for a dedicated smoking area away from the public highway, which they believed increased the potential for creating public nuisance.
- c. The sub-committee therefore considered it appropriate and proportionate to grant the application for a new premises as aforementioned in order to uphold the licensing objective of preventing public nuisance, whilst also being mindful of the requirements of the Applicant in operating a commercial business.

Any person 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 in writing. This decision will not take effect until the 21 day period expires.

The meeting concluded at 10:56 am