### NORTHAMPTON BOROUGH COUNCIL

## **LICENSING ACT 2003**

#### LICENSING SUB COMMITTEE

A Meeting of the Licensing Sub-Committee will be held at The Council Chamber, St. Giles Square, Northampton, NN1 1DE. on Monday, 8 January 2018 at 10:00 am

S Bovey

Interim Chief Executive

## **AGENDA**

- 1. WELCOMES
- 2. DECLARATIONS OF INTEREST
- 3. REVIEW OF PREMISES LICENCE
- 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/Respondents** (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

- o By the Representors/Respondents
- 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



# REVIEW OF PREMISES LICENCE – Licensing Sub-Committee Monday 8<sup>th</sup> January 2018

# 1.0 Purpose of Report

1.1 To consider a request from Northamptonshire Police for the Review of the Premises Licence for Nene valley Stores at 66 St Andrews Street, Northampton.

# 2.0 Summary

- 2.1 This review application was received on the 15<sup>th</sup> November 2017 and submitted in accordance with the licensing objective(s) for;
  - The Prevention of Crime and Disorder
- 2.2 The current licence holder of Nene Valley Stores is Sathasivam Mahinthan.

# 3.0 Consultations/Representations

- 3.1 When a request for the review of a premises licence or club premises certificate is received, the licensing authority must display a notice at or near the premises, and on the council's website. This gives responsible authorities and any other interested parties the opportunity to make representations in relation to the review application. It is the responsibility of the applicant to serve a copy of the review application onto the licence holder and the responsible authorities.
- 3.2 The local authority displayed the obligatory notice on the 15<sup>th</sup> November 2017.
- 3.3 There have been no representations received from any other parties.

### 4.0 Attendance

4.1 The local authority is required to request confirmation of attendance from all interested parties. The following have confirmed attendance at today's hearing;

John Birch Agent on behalf of Licence Holder Sathasivam Mahinthan Sgt Martin O'connell Northampton Shire Police.

### 5.0 Premises Licence Details

5.1 Licence Number: PL1069

The current Licence Holder of the premises is:

#### Sathasivam Mahinthan

# The current Designated Premises Supervisor is:

Sathasivam Mahinthan
Personal Licence Number PA2173
Issued by Northampton Borough Council

An application to vary the Designated Premises Supervisor was received by Northampton Borough Council 21<sup>st</sup> November 2017 removing Mr Sarma and changing this to Mr Mahinthan however the attached Premises licence has not yet been updated due to technical issues.

# The premises is licensed for the following activities and times:

## Off Sales of Alcohol:

 Monday – Saturday
 08:00am – 11:00pm

 Sunday
 10:00am – 10:30pm

 Bank Holiday
 08:00am – 10:30pm

 Good Friday
 08:00am – 10:30pm

Christmas Day Noon – 3:00pm & 7:00pm – 10:30pm

# **Opening Hours:**

Friday – Saturday 08:00am – 11:00pm Sunday 10:00am – 10:30pm

## 6.0 Options

- 6.1 At the end of the consultation period the licensing authority must hold a hearing. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm

The steps the Sub-Committee can take are to:

- to modify the conditions of the licence;
- to exclude a licensable activity from the licence:
- to suspend the licence for a period not exceeding 3 months;
- to revoke the licence.

# 7.0 Policy Considerations

- 7.1 Northampton Borough Councils Statement of Licensing Policy
- 7.2 s.182 Guidance Licensing Act 2003

Section 11 & 13 gives guidance for determination of this application.

Subsections 11.16 to 11.28 highlights the elements of the Guidance that are most relevant with respect to this application. This is not exhaustive and guidance should be considered fully prior to making decisions with respect to applications.

### 8.0 Committee

Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

Appendix No	Title
1.	Application
2.	Premises Licence PL0130
3.	Blue Notice
4.	Additional Documents
Report	Eleanor Flannery
Author	Licensing Enforcement Officer

# 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 PS 1031 Martin O'Connell on behalf of the Chief Officer of Police (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 POSTROTOMING description Nene Valley Stores 1 5 NOV 2017 66 St Andrews Road RECEIVED Post code (if known) NN1 2PD Post town Northampton Name of premises licence holder or club holding club premises certificate (if known) Kandarpa SARMA 65 St Andrews Rd Northampton NN1 2PD Number of premises licence or club premises certificate (if known PL1069 Part 2 - Applicant details Iam 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)				$\boxtimes$	
3) a member of below)	3) a member of the club to which this application relates (please complete (A) below)				
(A) DETAILS O	F INDIVIDUAL APP	PLICANT (fi	ll in as app	olicable)	
Please tick Mr	Miss [	] Ms		Other title (for example, Rev)	
Jumaine		<b>.</b>	irst name	S	
I am 18 years o	ld or over			Please tick	yes
Current postal address if different from premises address					
Post town			Post Co	ode	
Daytime contac	ct telephone numbe	ər			
E-mail address (optional)					
	F OTHER APPLICA	ANT			
Name and addre	ess				
Telephone numb	er (if any)				
E-mail address (d	optional)				

# (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PS 1031 O'Connell, Police Licensing 1st Floor The Guidhall St Giles Square Northampton, NN1 3EL
Telephone number (if any) 03000 111 222 EXT 345164
E-mail address (optional) martin.oconnell@northants.pnn.police.uk

# This application to review relates to the following licensing objective(s)

Р	lease	tick	one	or	more	boxes
			_	_		

1)	the prevention of crime and disorder	X
2)	public safety	$\boxtimes$
3)	the prevention of public nuisance	
4)	the protection of children from harm	Ш

# Please state the ground(s) for review (please read guidance note 1)

On behalf of the Chief Officer of Police Mr Simon Edens, I call for review of the Premises Licence for off-licence premises Nene Valley Stores on the grounds of preventing crime and disorder and public safety. This follows an incident at the store on the evening of 19<sup>th</sup> October 2017 involving a male working in the shop who was not the PLH or DPS, and a male member of the public and his associate which led to the member of the public being struck over the head with a length of wood by the shop worker.

At around 18.25hrs on 19th October the male victim and his associate went to Nene Valley Stores and at the service counter got into an altercation with the shopworker who appeared to be the only person working there. The male customer and his associate were ushered out of the shop by the shopworker and the shopworker followed them to the door and then outside where an altercation appears to continue. The shop worker then went back into the store and reached behind the counter and pulled out a hammer before returning outside where he is seen on CCTV to have a verbal exchange with the male customer and his associate across the street. The shop worker then returned to the store where he went behind counter and exchanged the hammer for a wooden baton. By this time the customer and his associate have come back across the road towards the shop doorway and there is a further exchange at the door with the shopworker who is then seen to strike out with the wooden baton hitting the male customer on the head causing a laceration to the males head.

With this the shopworker returned to the shop and called his boss and began to mop up the blood left by the victim from his head wound. The manager came to the store and offered to take the two males to hospital for treatment to the head injury . A local

resident heard all the commotion and went out to investigate and before the shop manager arrived started to tend to the wound of the male and called the police. On arrival of the police they were able to locate the victim who had been dropped off at the Super Sausage car park further along the road by the shop manager and took him to hospital. Police also attended the store where the wooden baton, hammer and mop were seized and the shop worker was arrested.

The shop worker initially identified himself as MANOKARAN SUBRAMANIM but was later identified as CHANDRAKASAN CHANDRASEGARAN, a male known to the Immigration Services and with no right to work in this country. Currently this male is still under investigation by the police and immigration services and is residing in London.

This incident raises three clear issues of concern:

- 1. There appears to be no reason why, after what looks like a refused sale to two customers by the shop worker, potentially for good reason, that they were followed out of the store by the shopworker causing the altercation with them to escalate. This then resulted in the use of weapons causing a head injury to one of the males. This is a clear case of excessive force being used and potentially of the shopworker taking the law into his own hands. Although not the direct actions of the store manger or premises licence holder it begs the question as to what training and vetting of staff has taken place before they are left unsupervised to work there?
- 2. Why were such implements, a hammer and a wooden baton, being kept close to hand behind the counter of the store? They were very close to hand having been left just behind the counter within reach of the counter access from the shop floor.
- 3. It appears that the shop worker had been left in sole charge of the shop premises indicating he was employed in some capacity there. Why was this when he had no right to work in the UK and what checks had been done by the store management in that respect?

For this reason Northamptonshire Police do not believe the the Premise Licence Holder and DPS Kandarpa SARMA has upheld the Prevention of Crime & Disorder licensing objective nor that of public safety in terms the untrained and unvetted member of staff left in charge of his premises and the weapons that were to hand behind the service counter used during this incident. Also there were failures to carry out checks on the shop worker in terms of his right to work. Northamptonshire Police therefore ask that Northampton Borough Council Licensing Committee review the premises licence and consider all options terms of revocation, suspension or added conditions. Removal of the DPS is not a viable option given that the premises licence holder and DPS are one and the same.

If they see fit to add new conditions to the licence the following would be acceptable to Northamptonshire Police as relevant, proportionate and necessary to the circumstances of this review and the licensing objectives:

- 1. All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale. This training must be completed prior to them being authorised to sell alcohol and 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.
- 2. Records, including copies of all relevant documentation, pertaining to any and all

employees identification and right to work in the shop must be retained by the premises for the duration of their employment and for at least 6 months after termination of that employment. Employment includes any person who performs any work linked to the general running of the store for payment or otherwise.

3. No implements such as hammers, knives, wooden sticks or bats or anything else that could be easily used as a weapon are to be kept behind the counter, on the shop floor or in the storage areas at the back of the shop whilst the premises is open to the public. Where tools need to be used for any repair in these areas they will be removed once the repairs are complete.

3. After 6pm and up closing time there must be more than one person working in the store at any one time.

Plea	i <b>se provide as much</b> i ase read guidance note	nformation as	possible to su	ipport the app	lication
(plea	ase read guidance note	<del>2</del> )			
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					į
					ĺ

Please	tick t	ye
ore	$\boxtimes$	

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

1 3 1 1 2 0 1 7

f you have made representations before relating to this premises please state what they were and when you made them	
No	

Post town Telephone number (if any)	Post Code espond with you using an e-mail address your e-
Post town	Post Code
correspondence associated w	viously given) and postal address for vith this application (please read guidance note 5)
Capacity Northamptonshire F	
	College Lieuwitz Co
Date 13.11.2017	
Signature	PS (07)
Signature of applicant or appl (See guidance note 4). If signine capacity.	licant's solicitor or other duly authorised agent ng on behalf of the applicant please state in what
Part 3 – Signatures (please re	ead guidance note 3)
THE STANDARD SCALE, UND	ON CONVICTION TO A FINE UP TO LEVEL 5 ON DER SECTION 158 OF THE LICENSING ACT 2003 ENT IN OR IN CONNECTION WITH THIS
	not comply with the above requirements
premises certificate, as	nises licence holder or club holding the club

Please tick yes

# **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.

# Licensing Act 2003 Premises Licence

# **PL1069**

### 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

# **Nene Valley Stores**

66 St Andrews Road, Semilong, Northampton, NN1 2PD.

Telephone 01604 232640

### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

Activity (and Area if applicable)	Description	Time From	Time To	
M. The sale by retail of alcohol for	consumption OFF the premises or	ıly		
•	Monday-Saturday	8:00am	11:00pm	
	Sunday	10:00am	10:30pm	
	Good Friday	8:00am	10:30pm	
	Bank Holiday	8:00am	10:30pm	
	Christmas Day	Noon	3:00pm	
	Christmas Dav	7:00pm	10:30pm	

THE OPENING HOURS OF THE PREMISES				
	Description	Time From	Time To	
	Monday-Saturday	8:00am	11:00pm	
	Sunday	10:00am	10:30pm	
	Good Friday	8:00am	10:30pm	
	Bank Holiday	8:00am	10:30pm	
	Christmas Day	Noon	3:00pm	
		7:00pm	10:30pm	

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

- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

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

Sathasivam Mahinthan

13 Duston Road, Northampton, NN5 5AR.

# Licensing Act 2003 Premises Licence

# **PL1069**

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

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

Kandarpa SARMA

21 Mapperley Drive, Wakes Meadow, Northampton, NN3 9UF. Telephone 01933 313055 or 01604 469460

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. PA1099

Issued by Northampton

#### ANNEXES.

# **ANNEX 1 - MANDATORY CONDITIONS**

# 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 person who holds a personal licence.

# ADDITIONAL MANDATORY CONDITIONS

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended by the The Licensing Act 2003 (Mandatory Licensing Conditions)(Amendment) Order 2014.

# The following conditions shall come into force on 1st October 2014

- **3.** (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either-
- (a)a holographic mark, or

# Licensing Act 2003

# **PL1069**

# Premises Licence

#### ANNEXES continued ...

(b)an ultraviolet feature.

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014.

# The following conditions shall come into force on 28th May 2014

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 2. For the purposes of the condition set out in paragraph 1-
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) "permitted price" is the price found by applying the formula-

$$P = D + (DxV)$$

### Where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
  - (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be

# Licensing Act 2003 Premises Licence

# PL1069

### ANNEXES continued ...

taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- **4.** (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Solicitor to the Council

# Licensing Act 2003

# Premises Licence Summary

# PL1069

#### LOCAL AUTHORITY



Licensing Section The Guildhall St Giles Square NORTHAMPTON NN1 1DE

**Premises Details** 

# POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

# **Nene Valley Stores**

66 St Andrews Road, Semilong, Northampton, NN1 2PD.

Telephone 01604 232640

# WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

# LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISE				
Activity (and Area if applicable)	Description	Time From	Time To	Mary Wilder
M The sale by retail of alcohol for	consumption OFF the premises only			
W. The care by retain to the second	Monday-Saturday	8:00am	11:00pm	
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	Christmas Day	7:00pm	10:30pm	

THE OPENING HOURS OF THE PREMISES				
	Description	Time From	Time To	
	Monday-Saturday	8:00am	11:00pm	
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	Christmas Day	Noon	3:00pm	
	·	7:00pm	10:30pm	

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

- M. The sale by retail of alcohol for consumption OFF the premises only

# NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Sathasivam Mahinthan

13 Duston Road, Northampton, NN5 5AR.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



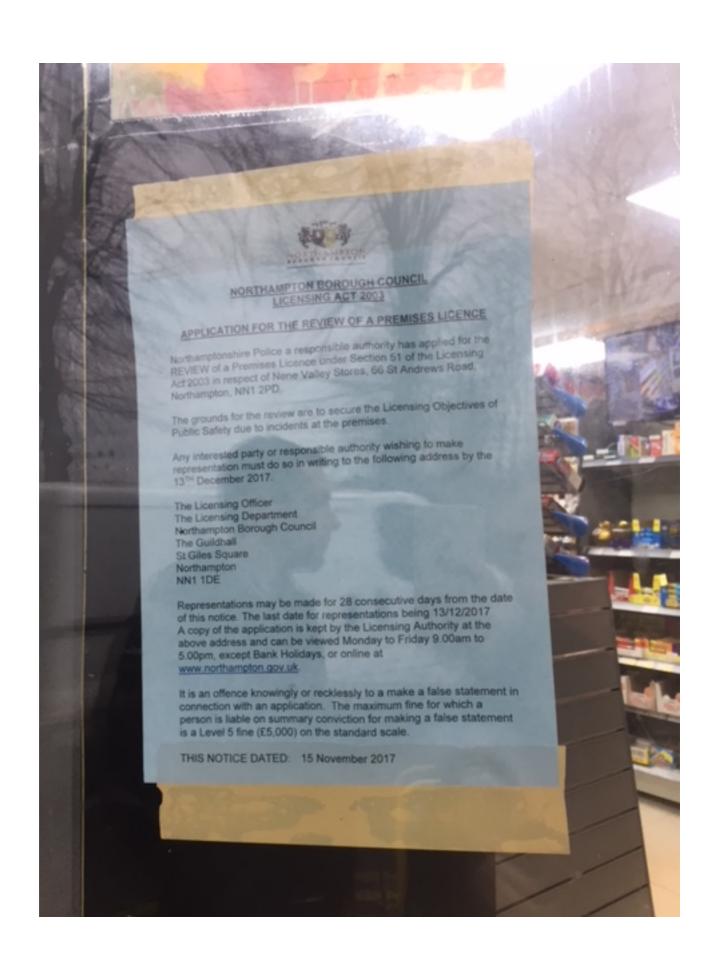
# Licensing Act 2003 **Premises Licence Summary**

# **PL1069**

	RVISOR WHERE THE PREMISES LICE	

Kandarpa SARMA

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



# **Eleanor Flannery**

From: Gavin Smith

**Sent:** 16 November 2017 09:32

To: Licensing Cc: Louise Faulkner

Subject: Re: Licence Review - No PL1069 - Nene Valley Stores, 66 St Andrews Road

## Dear Licencing Team,

Please accept this e-mail that the Environmental Protection Team, as a responsible authority have no comments make in respect to the prevention of public nuisance licencing objective regarding the application for review for the premises licence for Nene Valley Stores, 66 St Andrews Road (No PL1069) made by the Chief Officer of Police.

### Kind regards

Gavin Smith Senior Environmental Health Officer Customers & Communities (Regulatory Services)

Northampton Borough Council The Guildhall, 1<sup>st</sup> Floor, St Giles Street, Northampton, NN1 1DE Tel: (01604) 837648; Main Switchboard: 0300 330 7000; Fax: (01604) 838755



