

NORTHAMPTON BOROUGH COUNCIL

GAMBLING ACT 2005

LICENSING SUB COMMITTEE

A Meeting of the Licensing Sub-Committee will be held at The Council Chamber, The Guildhall, St. Giles Square, Northampton, NN1 1DE on Wednesday, 6 March 2019 at 10:00
am

George Candler
Chief Executive

AGENDA

- 1. WELCOMES**
- 2. DECLARATIONS OF INTEREST**
- 3. REVIEW OF PREMISES LICENCE - KENMUIR AVENUE CONVENIENCE STORE**
- 4. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

To consider whether the Committee should exclude the public from all or part of the hearing during consideration of any item listed above if the Panel believe that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public, in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

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**
 - 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

Alcohol & Gambling Licensing Sub-Committee

6th March 2019

1.0 Purpose of Report

- 1.1 To consider a request from Northamptonshire Police for the Review of the Premises Licence for Kenmuir Avenue Convenience Store, Northampton, NN2 7EJ. A copy of the application is attached as Appendix 1.

2.0 Summary

- 2.1 The review application was received on the 11th January 2019 and submitted in accordance with the licensing objective(s) for;

- The Prevention of Crime and Disorder; and,
- Protection of Children from harm.

- 2.2 The current premises licence holder is Mr Amirthalingam Krishnakumar who has held the licence since July 2018. A copy of the premises licence is attached as Appendix 2.

- 2.3 Since the date of the application a further visit has been made to the premises at which time another individual was found who did not have the right to work in the United Kingdom. Copies of additional information in relation to both the initial application and the further visit can be found in Appendix 4.

3.0 Consultations / Representations

- 3.1 When a request for the review of a premises licence or club premises certificate is received the applicant must give notice of the request to the premises licence holder and the responsible authorities under the Act. Additionally, the Council as licensing authority must display a notice at or near the premises and on the Council's website stating that a review has been requested. This gives responsible authorities and any other interested parties a 28 day period to make representations in relation to the review application.

- 3.2 The Council displayed the obligatory notice on the 21st December 2018. A copy of the notice is attached as Appendix 3.

- 3.3 During the 28 day period 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:

PC Chris Stevens, Northamptonshire Police; and,

Mr Frank Fender, on behalf of the premises licence holder Mr Krishnakumar.

5.0 Premises Licence Details

5.1 Licence Number: PL0074

The current Licence Holder of the premises is:

Mr Amirthalingam Krishnakumar

The current Designated Premises Supervisor is:

Mr Amirthalingam Krishnakumar

Personal Licence Number PA1911

Issued by Northampton Borough Council

The premises is licensed for the following activities and times:

Off Sales of Alcohol:

Monday – Sunday 06:00- 23:00

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; and,
- the protection of children from harm.

The steps the Sub-Committee can take are to:

- a) modify the conditions of the licence;
- b) exclude a licensable activity from the licence;
- c) remove the designated premises supervisor;
- d) suspend the licence for a period not exceeding 3 months;
and/or,
- e) revoke the licence.

6.2 For the purpose of a) above, the conditions are modified if any of them are altered or omitted or a new condition is added. Further, if the Sub-committee takes either of the steps at a) or b) above it may also provide that the step only has effect for a limited period (which may be up to 3 months).__

7.0 Policy Considerations

7.1 Northampton Borough Council Statement of Licensing Policy

7.2 s.182 Guidance Licensing Act 2003 (April 2018 edition).

Part 11 gives guidance for determination of this application.

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

8.0 Sub-committee

Each application must be considered on its own merits and action should only be taken if it is appropriate for the promotion of the licensing objectives. The Sub-committee should ensure that any steps which it takes are proportionate to address the issues giving rise to the review. Further, any conditions attached to the licence 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 PL0074
3.	Blue Notice
4.	Additional documents
5.	Licence Holder Evidence
Report Author	Eleanor Flannery Licensing Enforcement Officer

11 JAN 2018

RECEIVED

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 P.C 1432 Chris Stevens on behalf of the Chief Officer of Police for Northamptonshire

(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 or description Kenmuir Avenue Convenience Store	
Post town Northampton	Post code (if known) NN2 7EJ

Name of premises licence holder or club holding club premises certificate (if known) Mr Amirthalingam Krishnakumar

Number of premises licence or club premises certificate (if known) PL0074

Part 2 - Applicant details

I am

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)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address P.C 1432 Chris Stevens, Northamptonshire Police C/O The Guildhall St Giles Street Northampton NN1 1DE
Telephone number (if any) 101 ext 345730
E-mail address (optional) Chris.Stevens@northants.pnn.police.uk

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

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

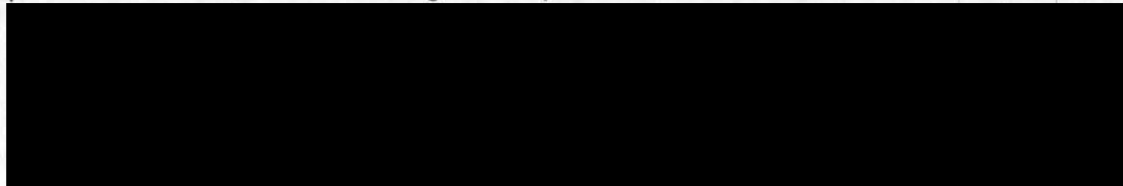
Please state the ground(s) for review (please read guidance note 1)

On behalf of the Chief Officer of Northamptonshire Police Mr ADDERLEY, I call for Review of the Premises Licence under the Licensing Objective of the Prevention of Crime and Disorder and the Protection of Children from Harm.

This review is being applied for following a Test Purchase at the premises which resulted in a sale of alcohol to an underage Police Test Purchaser on the 15th December 2018.

On this date, a single Test Purchaser aged 15years old entered the premises and without being asked for ID was sold a bottle of Strongbow Cider.

To exacerbate the situation, the person making the sale of alcohol had no legal entitlement to work in the Country. This male stated that he wasn't working at the premises but rather was covering for the person who was while she went to the toilet.



The licence holder also clearly stated in that review hearing that he had not heard from the illegal worker since his arrest on the previous visit and that he was no longer



The Police believe that the Licence Holder having been fully aware of the judgement of the Licensing Committee and the consequences of employing illegal workers can have, has nevertheless continued to have no regard for the law in this area. He has

[REDACTED] Therefore on the balance of probability, the Police cannot see that the Licensing Committee have any choice but to revoke the premises licence of Kenmuir Avenue Convenience Store.

Please provide as much information as possible to support the application
(please read guidance note 2)

In making this application, the Police intend to rely on the following:

- 1) The Section 182 Guidance and specifically paragraphs 11.18, 11.23, 11.26, 11.27 and 11.28.
- 2) The stated case of Bassetlaw District Council v Worksop Magistrates Court 2008
- 3) Statement from the attending Police Officer.
- 4) Copies of the evidential bundle relating to the Alcohol Test Purchase including the PND payment outcome.
- 5) [REDACTED]

Please tick yes

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

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature  1482

Date 9/1/19

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.

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

Kenmuir Avenue Convenience Store

112 Kenmuir Avenue, Kingsley, Northampton, NN2 7EJ.

Telephone 01604 721332

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 AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday-Sunday	6:00am	11:00pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Sunday	6:00am	11:00pm

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, (RE GISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Amirthalingam Krishnakumar

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

Amirthalingam KRISHNAKUMAR



PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES FOR THE SUPPLY OF ALCOHOL

Licence No. PA1911

Issued by Northampton

ANNEXES**MANDATORY CONDITIONS****19 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

(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.

ANNEXES continued ...

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-

$$P = D + (D \times V)$$

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 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

ANNEXES continued...

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.

Additional Conditions

A fully working and maintained system of CCTV must be installed capable of recording and storing images. The system must record at all times the premises is open to the public. Images must be stored for 28 days with date and time stamp print. The system must cover the entry and exit point and the retail areas. All recordings must be made available to an officer from a responsible authority on reasonable request in line with the provisions of the Data Protection Act.

Spirits must be displayed behind the sales point and not be available by self-service. Alcohol must only be sold in sealed containers.

A record of staff members must be kept and maintained. This record must include names, dates of birth, home addresses and current, valid documentation demonstrating the right to work of the individual with photographic id. This record must be kept on the premises at all times and employees' details must be retained for a period of no less than six months after their employment has ceased. The records must be made available to an officer from a responsible authority including an immigration officer on demand.

Risk assessments required under separate legislation will be maintained

Challenge 25 will operate as the minimum standard and a notice displayed at the entrance and point of sale/service. All staff involved in the sale of alcohol must be trained and a signed record maintained accompanied by the syllabus. Records must be available for inspection on reasonable request of an Officer from a responsible authority. Refusals must be recorded and the record available for inspection.



Solicitor to the Council

LOCAL AUTHORITY



Licensing Section
The Guildhall
St Giles Square
NORTHAMPTON
NN1 1DE

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NAME, (RE GISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Amirthalingam Krishnakumar

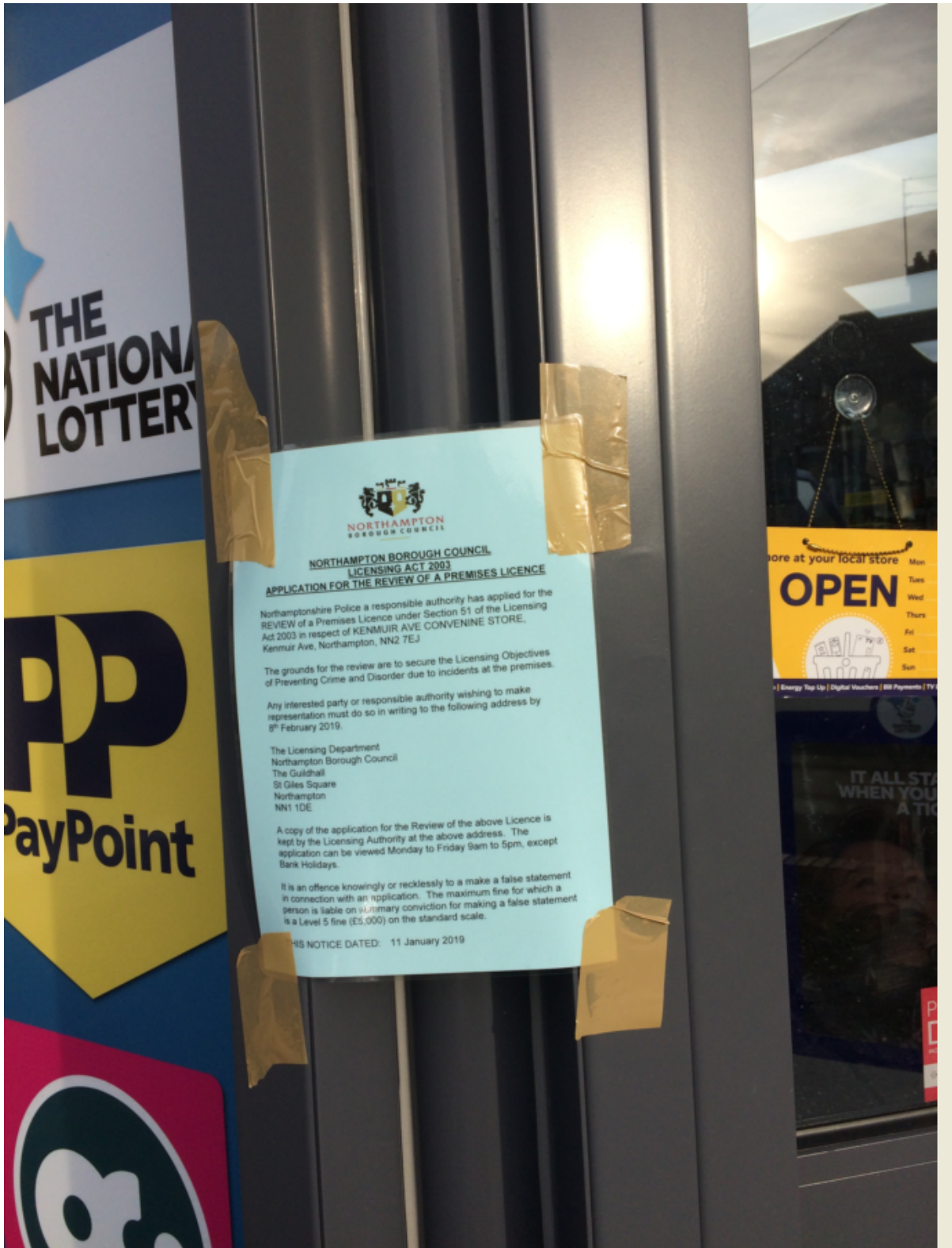
REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORIZES THE SUPPLY OF ALCOHOL

Amirthalingam KRISHNAKUMAR

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





NORTHAMPTON BOROUGH COUNCIL
LICENSING ACT 2003
APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

Northamptonshire Police a responsible authority has applied for the REVIEW of a Premises Licence under Section 51 of the Licensing Act 2003 in respect of KENMUIR AVE CONVENIENCE STORE, Kenmuir Ave, Northampton, NN2 7EJ

The grounds for the review are to secure the Licensing Objectives of Preventing Crime and Disorder due to incidents at the premises.

Any interested party or responsible authority wishing to make representation must do so in writing to the following address by 8th February 2019.

The Licensing Department
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

A copy of the application for the Review of the above Licence is kept by the Licensing Authority at the above address. The application can be viewed Monday to Friday 9am to 5pm, except Bank Holidays.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine (£5,000) on the standard scale.

THIS NOTICE DATED: 11 January 2019



NORTHAMPTON
BOROUGH COUNCIL

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THIS NOTICE DATED: 11 January 2019

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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