

REVIEW OF PREMISES LICENCE

Licensing Sub-Committee

Tuesday 22nd January 2019

1.0 Purpose of Report

1.1 To consider a request from Northamptonshire Police for the Review of the Premises Licence for Crescent Off-Licence, 179 Wellingborough Road, Northampton.

2.0 Summary

2.1 The review application was received on the 28th November 2018, a copy of which is attached as Appendix 1, and submitted in accordance with the licensing objective(s) for;

- The Prevention of Crime and Disorder; and,
- Public Safety

2.2 The current premises licence holder is Sumithira Kanthavel who has held the licence since 14th January 2013. A copy of the licence is attached as Appendix 2.

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 29th November 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

Mr Duncan Craig, Citadel Chambers on behalf of the premises licence holder Sumithira Kanthavel.

5.0 Premises Licence Details

5.1 Licence Number: PL0091

The current Licence Holder of the premises is:

Mrs Sumithira Kanthavel

The current Designated Premises Supervisor is:

Mrs Sumithira Kanthavel

Personal Licence Number PA2196

Issued by Northampton Borough Council

The premises is licensed for the following activities and times:

Off Sales of Alcohol:

Monday – Saturday 08:00 – 23:00

Sunday – 10:00- 22:30

Good Friday – 08:00- 22:30

Bank Holiday – 08:00 – 22:30

Christmas Day – 12:00 – 15:00 & 19:00 – 22:30

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

e) to 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 provide that the step only has effect for a limited period of 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)

Sections 11 & 13 give guidance for determination of this application.

Subsections 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 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 PL0091
3.	Blue Notice
4.	Additional documents
Report Author	Eleanor Flannery Licensing Enforcement Officer