

NORTHAMPTON BOROUGH COUNCIL

LICENSING ACT 2003

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 September 2017 at
10:00 am

Francis Fernandes
Borough Secretary

AGENDA

- 1. WELCOMES**
- 2. DECLARATIONS OF INTEREST**
- 3. 126 WELLINGBOROUGH ROAD - APPLICATION FOR PREMISES LICENSE**
- 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** (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
 - 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



14 July 2017

The Licensing Authority
Northampton Borough Council

Tel : 0844 556 1191
Fax: 0844 272 5591
Web: www.licensinglawyers.co.uk
E-mail: enquiries@licensinglawyers.co.uk

Our Ref: SUK000428/17

Dear Sirs

126 Wellingborough Road

We have been instructed by our client to submit an application for a Premises Licence in respect of the above premises and enclose herewith the application form and DPS consent form. Arrangements are being made to display a site notice and to publish the same in a local newspaper.

As you will be aware, this premises is situated next to a number of others and we anticipate that there will be very little, if any, additional impact from the presence of these premises. Our client is in the process of making a planning application for a change of use, but has elected to apply for a licence in the first instance.

The conditions that we have compiled reflect some of the conditions on other premises in the area and we hope that these will prove to be sufficient.

We hope that there will be no representations on this application in view of the control measures offered but if a Responsible Authority or Interested Party does have any concerns, then we would recommend that they discuss them with us first so that we can attempt to come to an agreement on the proposals and avoid the need for a hearing.

Arrangements are in place for a site notice to be displayed and a notice placed in a local newspaper.

This matter is being dealt with by Mr Payne.

Yours faithfully,

Licensing Lawyers

Direct Line : 0844 556 1192
Mobile : 07 933 944 000
Email : jp@licensinglawyers.co.uk

**Application for a premises licence to be granted
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/We Sukuva Ltd

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 126 Wellingborough Road			
Post town	Northampton	Postcode	NN1 4DR

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£17, 500

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|------------------------------------------------------|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Sukuya Ltd
Address Wellingborough Road Northampton
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start? **As soon as possible**

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

Bar / café / Restaurant located between licensed premises and retail outlets

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)					
Mon								
Tue								
Wed						<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>			
Day	Start	Finish		Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Mon	00:00	05:00	Please give further details here (please read guidance note 4)					
	11:00	00:00						
Tue	00:00	05:00						
	11:00	00:00						
Wed	00:00	05:00				State any seasonal variations for the exhibition of films (please read guidance note 5) 1 additional hour to the finish time at the commencement to British Summer Time, to account for the changing of clocks		
	11:00	00:00						
Thur	00:00	05:00						
	11:00	00:00						
Fri	00:00	05:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)					
	11:00	00:00						
Sat	00:00	05:00						
	11:00	00:00						
Sun	00:00	05:00						
	11:00	00:00						

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>						
				Outdoors	<input type="checkbox"/>						
				Both	<input type="checkbox"/>						
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)								
Mon	00:00	05:00									
	11:00	00:00									
Tue	00:00	05:00									
	11:00	00:00									
Wed	00:00	05:00				<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) 1 additional hour to the finish time at the commencement to British Summer Time, to account for the changing of clocks					
	11:00	00:00									
Thur	00:00	05:00									
	11:00	00:00									
Fri	00:00	05:00							<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
	11:00	00:00									
Sat	00:00	05:00									
	11:00	00:00									
Sun	00:00	05:00									
	11:00	00:00									

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>						
				Outdoors	<input type="checkbox"/>						
				Both	<input type="checkbox"/>						
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)								
Mon	00:00	05:00									
	11:00	00:00									
Tue	00:00	05:00									
	11:00	00:00									
Wed	00:00	05:00				<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) 1 additional hour to the finish time at the commencement to British Summer Time, to account for the changing of clocks					
	11:00	00:00									
Thur	00:00	05:00									
	11:00	00:00									
Fri	00:00	05:00							<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
	11:00	00:00									
Sat	00:00	05:00									
	11:00	00:00									
Sun	00:00	05:00									
	11:00	00:00									

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>			
Day	Start	Finish		Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Mon	00:00	05:00	Please give further details here (please read guidance note 4)					
	11:00	00:00						
Tue	00:00	05:00						
	11:00	00:00						
Wed	00:00	05:00				State any seasonal variations for the performance of dance (please read guidance note 5) 1 additional hour to the finish time at the commencement to British Summer Time, to account for the changing of clocks		
	11:00	00:00						
Thur	00:00	05:00						
	11:00	00:00						
Fri	00:00	05:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)					
	11:00	00:00						
Sat	00:00	05:00						
	11:00	00:00						
Sun	00:00	05:00						
	11:00	00:00						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing					
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>			
Mon	00:00	05:00		Outdoors	<input type="checkbox"/>			
	11:00	00:00		Both	<input type="checkbox"/>			
Tue	00:00	05:00	<u>Please give further details here</u> (please read guidance note 4)					
	11:00	00:00						
Wed	00:00	05:00						
	11:00	00:00						
Thur	00:00	05:00				<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) 1 additional hour to the finish time at the commencement to British Summer Time, to account for the changing of clocks		
	11:00	00:00						
Fri	00:00	05:00						
	11:00	00:00						
Sat	00:00	05:00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)					
	11:00	00:00						
Sun	00:00	05:00						
	11:00	00:00						

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon	00:00	05:00						
	23:00	00:00						
Tue	00:00	05:00						
	23:00	00:00						
Wed	00:00	05:00				State any seasonal variations for the provision of late night refreshment (please read guidance note 5) 1 additional hour to the finish time at the commencement to British Summer Time, to account for the changing of clocks		
	23:00	00:00						
Thur	00:00	05:00						
	23:00	00:00						
Fri	00:00	05:00				Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
	23:00	00:00						
Sat	00:00	05:00						
	23:00	00:00						
Sun	00:00	05:00						
	23:00	00:00						

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) 1 additional hour to the finish time at the commencement to British Summer Time, to account for the changing of clocks Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Mon	00:00	04:30			
	11:00	00:00			
Tue	00:00	04:30			
	11:00	00:00			
Wed	00:00	04:30			
	11:00	00:00			
Thur	00:00	04:30			
	11:00	00:00			
Fri	00:00	04:30			
	11:00	00:00			
Sat	00:00	04:30			
	11:00	00:00			
Sun	00:00	04:30			
	11:00	00:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Dan Mandaba Kituno	
Date of birth 16th July 1982	
Address 124 Wellingborough Road, Northampton	
Postcode	NN1 4DR
Personal licence number (if known) PA2090	
Issuing licensing authority (if known) Northampton Borough Council	

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	00:00	05:00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) 1 additional hour to the finish time at the commencement to British Summer Time, to account for the changing of clocks</p>
	11:00	00:00	
Tue	00:00	05:00	
	11:00	00:00	
Wed	00:00	05:00	
	11:00	00:00	
Thur	00:00	05:00	
	11:00	00:00	
Fri	00:00	05:00	
	11:00	00:00	
Sat	00:00	05:00	
	11:00	00:00	
Sun	00:00	05:00	
	11:00	00:00	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

All staff engaged in a licensable activity must be provided with training on the promotion of the licensing objectives that is commensurate with their duties. Details of this training shall be recorded in a log, which shall be retained at the premises, unless removed for the purpose of duplication, for a period of at least six months from the date of the last entry. This record shall be made available for inspection upon reasonable request by an authorised or police officer.

b) The prevention of crime and disorder

A CCTV system shall be maintained which shall cover the entry/exit points and the bar/till area where any licensable activity takes place and will record at all times when open to the public. The system shall record images from the cameras and shall be calibrated with a time stamp to show the date and time that the image is recorded. Recordings will be stored for at least 25 days and a member of staff trained in the operation of the equipment will be available or contactable to attend the premises at all times the premises are open to the public.

Subject to the provisions of the Data Protection Act 1998 and guidance from the Information Commissioner's Office, the recorded images shall be made available for viewing by a police officer or an authorised person as defined in s 13 of the Licensing Act 2003 and a copy shall be provided of recordings requested by such an officer within a period of 48 hours of a request being made.

c) Public safety

All matters of public safety are adequately dealt with by virtue of the Health & Safety at Work etc Act 1974 and the Regulatory Reform (Fire Safety) Order 2005

d) The prevention of public nuisance

A contact telephone number shall be provided for local residents or enforcement officers to call in the case of emergency. This number shall be conspicuously displayed at the exterior of the premises.

A log book shall be maintained that shall record details of any calls made to the contact telephone number by a local resident or enforcement officer, where that call is in relation to one or more of the licensing objectives. The log shall record the date and time of the call, the identity of the caller if known, the issue reported and the corrective action taken. The log book shall be retained at the premises, unless removed for the purpose of duplication, for a period of at least six months from the date of the last entry. This record shall be made available for inspection upon reasonable request by an authorised or police officer.

Other matters of public nuisance can be controlled by virtue of the provisions of the Environmental Protection Act 1990 and the Noise Act 1996.

e) The protection of children from harm

Challenge 25 shall be adopted at the premises. A log book shall be maintained which shall record any refusals to sell alcohol to persons who appear to be under age. This log book shall be retained for inspection at the premises for a period of 6 months from the date of last entry, unless removed for the purposes of duplication.

Checklist:

Please tick to indicate agreement

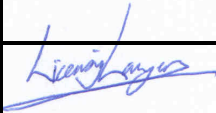
- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<p>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</p> <ul style="list-style-type: none"> • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	14-7-17
Capacity	Solicitors and agents for the applicant

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) Licensing Lawyers The Old Counting House 82e High Street			
Post town	Wallingford	Postcode	OX10 0BS
Telephone number (if any)	0844 556 1192		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) applications@licensinglawyers.co.uk			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does

- not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
- a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive

sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

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

Punjabi By Nature

126 Wellingborough Road, Northampton, NN1 4DR.

Telephone 01604 232661

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- any playing of recorded music
- provision of late night refreshment
- 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
F. Playing of recorded music (Indoors)	Monday-Sunday	10:00am	Midnight
L. Late night refreshment (Indoors)	Monday-Sunday	11:00pm	Midnight
M. The sale by retail of alcohol for consumption ON the premises only	Monday-Sunday	10:00am	Midnight

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday-Sunday	10:00am	Midnight

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

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

Part 2

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

Sukuya Ltd

126 Wellingborough Road, Northampton, NN1 4DR.

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

Sukuya Ltd

09241641



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

Dan Mandaba KITUNO

The New Bar Serengetti, 124 Wellingborough Road, Northampton, NN1 4DR.
Telephone :

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. PA2090

Issued by Northampton

ANNEXES

ADDITIONAL MANDATORY CONDITIONS.

The following mandatory conditions are to be applied to the licence stated above in accordance with section 3 (1) of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

The following conditions shall come into force on 6th April 2010

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable

ANNEXES continued ...

manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The following mandatory conditions are to be applied to the licence stated above in accordance with section 3 (1) of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

The following conditions shall come into force on 1st October 2010

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.

5. The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: 1/2 pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

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.

ANNEXES continued ...

- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

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-

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

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

ANNEXES continued ...

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 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.

Operating Schedule Conditions

The DPS and Premises Licence Holder Understand their roles and responsibilities under the Licensing Act 2003 and a record of staff training is kept up to date showing who, when and the subject matter covered. Main areas covered are underage sales and sales to those intoxicated.

The Think 25 age verification scheme is in operation at the premises whereby any person who attempts to buy alcohol that looks under 25 will be asked for valid Identification in the form of photographic driving licence, passport, a PASS ID card which incorporates the PASS logo or a HM Forces ID Card.

All deliveries, bottle collections etc will take place during normal working hours.

A zero tolerance policy is in operation at the premises.

The provision of regulated entertainment in the garden area shall be permitted between the hours of 1200 - 2300. Such music is played at background levels so that it is possible throughout the premises to have a spoken conversation with another person at normal speech levels when spaced at least 1 metre apart



Solicitor to the Council

Consent of individual to being specified as premises supervisor

Dan Mandaba Kituno

I _____
[full name of prospective premises supervisor]

of [redacted] Wellingborough Road, Northampton [redacted]

_____ *[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for a premises licence by Sukuya Ltd

relating to a premises licence _____
[number of existing licence, if any]

for 126 Wellingborough Road, Northampton

_____ *[name and address of premises to which the application relates]*
and any premises licence to be granted or varied in respect of this application made by Sukuya Ltd concerning the supply of alcohol at the above premises.

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

PA2090

_____ *[insert personal licence number, if any]*

Personal licence issuing authority

Northampton Borough Council

_____ *[insert name and address and telephone number of personal licence issuing authority, if any]*

Signed

[redacted signature]

Name (please print)

DAN KITUNO

Date

11 / 07 / 17

Emma Powley

From: Louise Marshall
Sent: 24 August 2017 15:14
To: Louise Faulkner
Subject: FW: Licence Application - 126 Wellingborough Road, Northampton

Hi Louise

Latest email chain, apologies you weren't copied in...

Thanks, Louise

Mrs Louise Marshall
Senior Environmental Health Officer
Customers & Communities (Regulatory Services)
Tel: (01604) 837661
lmarshall@northampton.gov.uk

Northampton Borough Council
The Guildhall (1st Floor) St Giles Square, Northampton NN1 1DE

From: Jon Payne [mailto:jp@licensinglawyers.co.uk]
Sent: 22 August 2017 15:45
To: Louise Marshall <lmarshall@northampton.gov.uk>
Subject: Re: Licence Application - 126 Wellingborough Road, Northampton

Many thanks, I am awaiting instructions and will respond as soon as I can.

Regards,

Jon Payne
BSc(Hons), Dip HSW, CMS, MCIEH, FRIPH, MIOL, CMIOSH,
Barrister (Non-practising), Solicitor

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On 22 Aug 2017, at 15:28, Louise Marshall <lmarshall@northampton.gov.uk> wrote:

Dear Mr Payne

Further to your emails to Natasha Stanley regarding the licence application for 126 Wellingborough Road, Northampton, please see our revised suggested conditions below.

We would remove our objection to the 5am closing time should we be able to agree suitable wording for the control of live music at the venue as per Condition 1 below:

1. *Live music and recorded music will cease at midnight, except for*
 - (i) *Background recorded music played after that time*
 - (ii) *On 12 occasions per calendar year*
(Dates of these 12 occasions are to be recorded in the log book required in condition 4 below)
2. *A second wooden door, fitted with acoustic seals and self-closer to prevent noise breakout, shall be installed at the rear of the premises.*
3. *All external windows and doors must be kept shut at all times when regulated entertainment is being provided. Doors may be opened for normal entrance and egress of people (and for emergency use) but must be shut immediately afterwards.*
4. *On regular occasions after 23:00 and when the premises is open for the conduct of one or more licensable activities, a member of staff shall survey the area around the premises from time to time to ascertain if any noise from the premises is likely to be heard in any adjacent residential property. The member of staff will report back to the manager on duty and where a need for corrective action is required, this will be logged along with the corrective action taken, in a log book. This logbook shall also be used to record dates of the twelve occasions per calendar year referred to in condition 1(ii). The log book shall be retained at the premises, unless removed for the purpose of duplication, for a period of at least twelve months from the date of the last entry. This record shall be made available for inspection upon reasonable request by an authorised or police officer.*
5. *The rear yard shall not be used at any time for any licensable activity*
6. *A contact telephone number shall be provided for local residents or enforcement officers to call in case of emergency. This number shall be conspicuously displayed at the exterior of the premises.*
7. *A log book shall be maintained that shall record details of any calls made to the contact telephone number by a local resident or enforcement officer, where that call is in relation to one or more of the licensing objectives. The log shall record the date and time of the call, the identity of the caller if known, the issue reported and the corrective action taken. The log book shall be retained at the premises, unless removed for the purpose of duplication, for a period of at least twelve months from the*

date of the last entry. This record shall be made available for inspection upon reasonable request by an authorised or police officer.

8. Clear and legible notices must be prominently displayed at all exits requesting customers to respect nearby residents and leave the premises quietly

As can be seen, we don't appear to be too far from agreement, we have had to remove the last section of your suggested condition 1 as it appears to imitate the TENS process informally and there are practical issues for Environmental Health in administering such a process. The formal TENS application procedure would need to be used for events that exceeded the approved twelve.

There have been some minor alterations to the wording of some of the conditions as can be seen, and the introduction of two conditions controlling movements from the building. These have been suggested to limit the impacts on nearby residents and are hopefully fairly straight forward. We would also suggest that your client consults with the fire officer before carrying out work in relation to condition 2.

Please let us know if these suggested conditions are acceptable to your client.

Please note that Natasha is now on annual leave for approx. two weeks so please reply/contact me with any further comments/queries to hopefully enable us to resolve this without the need for a hearing.

Regards,
Louise

Mrs Louise Marshall
Senior Environmental Health Officer
Customers & Communities (Regulatory Services)
Tel: (01604) 837661
lmars@northampton.gov.uk

Northampton Borough Council
The Guildhall (1st Floor) St Giles Square, Northampton NN1 1DE

Regards,

Jon Payne
BSc(Hons), Dip HSW, CMS, MCIEH, FRIPH, MIOL, CMIOSH,
Barrister (Non-practising), Solicitor

Tel: 0844 556 1192 | Mobile: 07 933 944 000
email: jp@licensinglawyers.co.uk | Skype: jonpayne
Twitter: @LicensingLaw

<image002.png>

email : enquiries@licensinglawyers.co.uk Twitter : @LicensingLaw
Switchboard : 0844 556 1191 Fax : 0872 751 1191

Correspondence address:

The Old Counting House, 82e High Street, Wallingford, Oxfordshire, OX10 0BS

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Head Office : Prama House, 267 Banbury Road, Oxford OX2 7HT Managing Director : Jon Godfrey-Payne Consultants : D Foster, J Payne. For details of other lawyers, please contact the office.

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<image003.png>

On 9 Aug 2017, at 12:14, Natasha Stanley <nstanley@northampton.gov.uk> wrote:

Hello Mr Payne

Thank you for your email of yesterday:

In relation to the points you have raised, we have considered these and can respond as follows:

On Saturday and Sunday mornings, it could perhaps be agreed that the terminal hour will be 05:00, but other days 04:00. In practice, there is probably not a great deal of difference in the potential for disturbance at 5am compared to 4am.

We would argue from our experience of noise nuisance work, that there is a considerable degree of difference between public perception of noise at 5am, compared to 4am. This is based on the natural acoustic “background” climate, and proximity of noise sensitive dwellings. However we note from the site visit that the principle use of this premises is reported as a restaurant with occasional live music on specific celebration days. In this instance there is another possible route of promoting the objective of preventing public nuisance. This would be to limit the number of live music events to 12 per year (for example) or having a condition that holds live music to a certain finish time such as 2am, then requests recorded or background music until closing of the premises. This may allow use of the premises until 5am on a Saturday am or Sunday am if the potential impact of noise impact can be managed appropriately. It very much depends on the potential use of the property. We have suggested some potential conditions based on the use as reported on the site visit.

The use of ‘audible’ in a licence condition has judicial precedent as not appropriate, so the first two of your points could not legally stand as they are.

We would be prepared to remove the first condition as it requests measures that we do not consider maybe practicable for the DPS

I am told that this premises has already operated to 4 / 5am using Temporary Event Notices and there have been no issues arising.

We are aware of one TEN event only with a 5am finish time at this address, and a condition was offered, by the applicant, to prevent public nuisance on this TEN application which stated that live music would cease at 2am and only recorded music would be allowed thereafter, so we do not have a history of use of this premises until 5am, without appropriate public nuisance conditions. This obviously refers us back to our earlier comments regarding live music events (above)

As you know, it is the premises in question that need to be assessed and not issues that have arisen from others in the area. Despite this, my client is willing to replace the steel door at the back (I presume this is some form of security door with metal bars) for a wooden one with seals fitted. This will create four transitions of state (air-door-air-door-air) for sound travelling outwards, which will substantially reduce the potential for noise breakout.

In the absence of any issues with this premises, I would suggest that the cost of a sound limiter (which could be about £2,000) is probably not justified, especially if the work is done to the rear emergency exit door. I would therefore suggest that the first two of your proposals should be exchanged for "A second wooden door, fitted with seals to prevent noise breakout, shall be installed at the rear of the premises."

The structure of the premises will be looked at as part of the planning application that has recently arrived, and does not need to be replicated here. In relation to the noise limiter, this condition could be removed if events are few and far between and we can agree another form of preventing public nuisance, please see our suggestions outlined above, and in the amended schedule.

As you will have seen from your visit, the intention is to use the back door for emergency egress, so the condition requiring only the front door to be used could not be implemented without affecting the Fire Risk assessment. This likewise means that access has to be provided through the yard, which could in any case be legitimately 'used' for a non-licensable activity such as storage.

It is our intention that any conditions regarding the rear doors would include provision for use in emergencies, it is obviously licensable activity in the rear year area that causes concern due to the proximity of properties and operating hours. We have some suggested re-wording (attached)

There is no objection to providing a telephone number, so this is agreed. The log book, as I mentioned, has already been offered.

Already agreed

The final issue is that of the survey of the area. Given the nature of the premises and the absence of the condition on other licences - apart from one -

we would suggest that this is not necessary. If you did want some assessment to be carried out where there is regulated entertainment provided after 23:00, I suspect that this could be accommodated but in a more informal way. By way of an example: "Where regulated entertainment occurs after 23:00, the licence holder will arrange for occasional monitoring of the area to assess whether there is noise breakout". It would of course be foolish for any operator to identify a problem and then take no action.

We would argue that this condition is reasonable and not onerous, or costly to the business and should form part of the responsibilities of any DPS, with properties in residential properties in close proximity.

A have attached an amended schedule based on our above open dialogue, please can you copy my colleagues in on any response to this email as I am aware that the last date for responses is the 11th August and I work part time.

Best regards

*Natasha Stanley
Senior Environmental Health Officer
Northampton Borough Council
Tel: 01604 837772 dd*

*The Guildhall,
St Giles Square
Northampton
NN1 1DE
Tel: (01604) 837648; Main Switchboard: 0300 330 7000; Fax: (01604) 838755*

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Emma Powley

From: Stevens Chris <Chris.Stevens@northants.pnn.police.uk>
Sent: 07 August 2017 08:18
To: Jon Payne
Cc: Ormond Joy; Louise Faulkner; Eleanor Flannery
Subject: RE: Premises Application - Punjabi by Nature 126 Wellingborough Road Northampton

Good morning John,

I am happy with the proposed variation to the wording.

Thanks
Chris

Police Constable 1432 Chris Stevens
Northamptonshire Police Licensing Officer



Prevention and Community Protection
The Guildhall
St Giles Square
Northampton
NN1 1DE

 Telephone 101 extension 345730

 Mobex: 778816 / 07557778816

 chris.stevens@northants.pnn.police.uk

From: Jon Payne [mailto:jp@licensinglawyers.co.uk]
Sent: 25 July 2017 15:51
To: Stevens Chris <Chris.Stevens@northants.pnn.police.uk>
Subject: Re: Premises Application - Punjabi by Nature 126 Wellingborough Road Northampton

Dear Chris,

I think we can probably agree a slight variation to your proposal ;

- 1) Customers must be instructed not take open vessels of alcohol from the premises at any time unless there is an authorisation such as a street café licence in place. (The previous drafting placed the requirement upon the customer, not the licence holder)
- 2) No children under the age of 18 will be allowed to enter or remain on the premises after 21.00 unless for the purposes of attendance at a pre-booked private function and in which case under the supervision of a person age no less than 21-year-old and in this case no later than 01:00hrs.
- 3) A minimum of one door supervisor must be on duty at the premises at all times after 23:30hrs when the premises is open to the public on every Friday and Saturday and also any Sunday that falls before a bank holiday Monday. (This are only a small premises and will have CCTV coverage. The danger is that too much door supervision presence may give the impression that it is more of a club, which could lead to problems)
- 4) All security staff must sign in via a register at the commencement of every duty. This register will contain the name, date of birth and full SIA badge number of each security staff member on duty. The register must be fully maintained and kept on the premises at all times and must be made available to an officer from a responsible authority upon reasonable request. Records must be retained for at least 6 months from the date of last entry. (NB The addition of the point that the 6 months is calculated from)
- 5) Door supervisors employed at the venue will wear hi-visibility outer garments or armbands at all times both when working inside and outside the venue.
- 6) The premises will have a dispersal plan in place that takes account of any advice provided by Northamptonshire

Police. This policy must include the staff/door staff encouraging and monitoring the safe and peaceful exit of customers from the venue and the immediate area outside. A record of this policy must be kept on the premises at all time and made available to an officer from a responsible authority upon reasonable request. ('Agreement' removed, as conditions by law have to be self-contained)

Regards,

Jon Payne

BSc(Hons), Dip HSW, CMS, MCIEH, FRIPH, MIOL, CMIOSH,
Barrister (Non-practising), Solicitor

Tel: 0844 556 1192 | Mobile: 07 933 944 000

email: jp@licensinglawyers.co.uk | Skype: jonpayne

Twitter: @LicensingLaw

On 17 Jul 2017, at 12:21, Stevens Chris <Chris.Stevens@northants.pnn.police.uk> wrote:

Good morning,

I have received the police copy of the above application. As the application currently stands, it is the opinion of Northants Police that the operating schedule is not sufficiently detailed enough to adequately promote the licensing objectives. That said I would ask that your client consider the following steps to be applied to the licence which the police believe will address this:

- 1) Customers must not take open vessels of alcohol from the premises at any time unless there is an authorisation such as a street café licence in place.
- 2) No children under the age of 18 will be allowed to enter or remain on the premises after 21.00 unless for the purposes of attendance at a pre-booked private function and in which case under the supervision of a person age no less than 21-year-old and in this case no later than 01:00hrs.
- 3) A minimum of two door supervisors must be on duty at the premises at all times after 23:30hrs when the premises is open to the public on every Friday and Saturday and also any Sunday that falls before a bank holiday Monday.
- 4) All security staff must sign in via a register at the commencement of every duty. This register will contain the name, date of birth and full SIA badge number of each security staff member on duty. The register must be fully maintained and kept on the premises at all times and must be made available to an officer from a responsible authority upon reasonable request. Records must be retained for at least 6 months.
- 5) Door supervisors employed at the venue will wear hi-visibility outer garments at all times both when working inside and outside the venue.
- 6) The premises will have a dispersal plan in place that is agreed with Northamptonshire Police. This policy must include the staff/door staff encouraging and monitoring the safe and peaceful exit of customers from the venue and the immediate area outside. A record of this policy must be kept on the premises at all time and made available to an officer from a responsible authority upon reasonable request.

I would be grateful for a return email confirming receipt and then a response to this once you have had chance to consult with the applicant.

Thanks
Chris

- 3)
- 4)
- 5)
- 6)

Police Constable 1432 Chris Stevens
Northamptonshire Police Licensing Officer
<image001.jpg>
Prevention and Community Protection
The Guildhall
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