

NORTHAMPTON BOROUGH COUNCIL

LICENSING SUB-COMMITTEE

Your attendance is requested at a meeting to be held at The Council Chamber, St. Giles Square, Northampton, NN1 1DE. on Friday, 9 March 2018 at 10:00 am.

S Bovey
Interim Chief Executive

AGENDA

1. WELCOMES
2. DECLARATIONS OF INTEREST
3. TRANSFER PREMISES LICENCE APPLICATION - STEREO, 33 BRIDGE STREET
4. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

To consider whether the Panel 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.



**LICENSING ACT 2003
TRANSFER PREMISES LICENCE APPLICATION –
Licensing Sub-Committee
Friday 9th March 2018**

1.0 Purpose of Report

- 1.1 To consider an application submitted in accordance with s.37 of the Licensing Act 2003 to Vary a Premises Licence to Specify an Individual as a Designated Premises Supervisor (DPS) in respect of Stereo, 33 Bridge Street, Northampton, NN1 1NS - Premises Licence Number PL0139

2.0 Summary

- 2.1 A postal application was received on the 2nd February 2018 from the licence holder Dee & A Leisure Ltd (sole director Dainis Tolvaisa) nominating Ioannis Poulionakis as the proposed new designated premises supervisor in respect of licence number PL0139.

Any person nominated as a DPS must be the holder of a Personal Licence.

The application was submitted with a request to have interim effect in accordance with s.38 of the Licensing Act 2003. This enables the premises to continue trading in the sales of alcohol pending the outcome of this hearing, as if the request in the application had been granted.

3.0 Consultations/Representations

- 3.1 When a request is received to nominate a new DPS, the applicant must serve a postal copy of the application on the local police authority.

There is a 14 calendar day period for the police to make representations in respect of the proposed nominated individual if they are satisfied due to the exceptional circumstances of the case that the crime prevention objective would be undermined if the application were granted.

- 3.2 A representation in respect of this transfer application was received from the local police by email on the 6th February 2018.

- 3.3 No other parties are entitled to make representations in respect of a variation of a DPS application.

4.0 Premises Licence Details

- 4.1 Licence Number: PL0139

The current Licence Holder of the premises is:

Dee & A Leisure Ltd

The current Designated Premises Supervisor is:

No nominated DPS however, see 2.1 above.

- 4.2 The last nominated individual applied to be removed as the DPS at the end of January 2018. The licence holder was notified in writing to cease the sales of alcohol by Northampton Borough Council on the 25th January 2018.

The new proposed Designated Premises Supervisor is:

Ioannis Pouliounakis
Personal Licence Number 217000111
Issued by Coventry City Council

The premises is licensed for the following activities and times:

On Sales of Alcohol:

Monday – Sunday 10:00am – 04:00am

Regulated Entertainment:

Monday – Sunday 10:00am – 04:00am

Late Night Refreshment:

Monday – Sunday 11:00pm – 04:00am

Opening Hours:

Monday – Sunday 10:00am – 04:30am

5.0 Options

- 5.1 Where a notice is given by the police, at the end of the consultation period the licensing authority must hold a hearing to consider it.

The steps the Sub-Committee can take are to:

- grant the application, or
- reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.

6.0 Policy Considerations

- 6.1 Statement of Licensing Policy
- 6.2 s.182 Guidance Licensing Act 2003

Parts 4, 9 & 10 gives guidance for determination of this application.

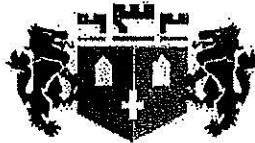
Paragraphs 4.39 to 4.42 and 10.26 to 10.35 highlights the elements of the Guidance that are most relevant with respect to this application. This is not exhaustive and the Guidance should be considered fully prior to making decisions with respect to applications.

7.0 Committee

Each application must be considered on its own merits.

| Appendix No | Title |
|----------------------|--|
| 1. 2. 3. 4. | Application DPS Consent Premises Licence PL0130 Police Representation |
| Report Author | Louise Faulkner Licensing Team Leader |

01604 838711 option 2.



**NORTHAMPTON
BOROUGH COUNCIL**



PAID £23.00
CARD 2/2/18

LICENSING ACT 2003 – VARIATION OF DESIGNATED PREMISES SUPERVISOR

Further to your recent enquires regarding a change in your Designated Premises Supervisor; please find enclosed the relevant application form. Please ensure that the premises to which this application relates falls within the jurisdiction of Northampton Borough and these forms are returned to the local authority with the following: -

1. A consent form signed by the new Designated Premises Supervisor (schedule 11 part A), this person must be the holder of a relevant Personal Licence under the Licensing Act 2003.
2. Your application form must be returned with a fee of £23.00; cheques made payable to Northampton Borough Council, or you may pay by debit or credit card by telephoning the Licensing Team on the number below.
3. Your Premises Licence. The Summary part of your licence must remain on display at your premises until you receive a replacement.

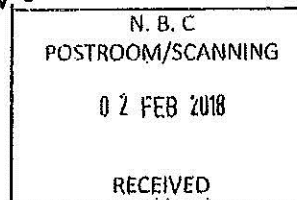
You must forward a copy of your application to the local Police Authority at the following address: -

**Northamptonshire Police
Licensing Dept
Campbell Square Police Station, Northampton
NN1 3EL**

Your application will have immediate effect from when the Local Authority receives it and a 14-day consultation period will follow for any objections Northamptonshire Police may have.

Please return your application to the address shown below: -

**The Licensing Team
The Guildhall
St Giles Square
Northampton
NN1 1DE**



Alternatively you may wish to apply online at www.northampton.gov.uk, or should you wish to submit your application in person, you may leave your forms in an envelope at the One Stop Shop at The Guildhall. If you wish to see a member of the Licensing Team this must be arranged by appointment. For further advice or assistance, or to make an appointment, please contact the Licensing Team by email to licensing@northampton.gov.uk, or by telephone on **01604 838711 / 838545**

Application to vary a premises licence to specify an individual as designated premises supervisor 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 DCE & A LEISURE LTD
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

PL0139

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

33 BRIDGE STREET
NORTHAM

Post town

NORTHAMPTON

Post code (if known)

NN1 1NS

Telephone number (if any)

Description of premises (please read guidance note 1)

BAR.

Part 2

Full name of proposed designated premises supervisor

IOANNIS POULIOUNAKIS

Nationality

GREEK

Place of birth

GREECE

Date of birth

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

217 000111 - COVENTRY CITY COUNCIL

Full name of existing designated premises supervisor (if any)

N/A

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

N/A

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

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 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature J. Paulicova HTM DAINIS TOLVAISA
Date 01/02/2018 HTM 02 FEB 2018
Capacity N/A DIRECTOR

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). 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 5) | |
| Post town | Post Code |
| Telephone number (if any) | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) | |

Guidance notes:

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

I IOANNIS POULIKONAKIS
[full name of prospective premises supervisor]

of

[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

DPS VARIATION
[type of application]

by

DEE X A LEISURE LTD HW
[name of applicant] ✓

relating to a premises licence PL0139 HW
[number of existing licence, if any] ✓

for

[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

EOANNIS POULIOMAKIS

[name of applicant]

concerning the supply of alcohol at

STEREO

33 BRIDGE STREET

NORTHAMPTON.

HM

[name and address of premises to which application relates]

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

217000111

COVENTRY.

HM

[insert personal licence number, if any]

Personal licence issuing authority

COVENTRY CITY COUNCIL

HM

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

Signed

E. Pouloumakis

Name (please print)

EOANNIS POULIOMAKIS

Date

01/02/2018.

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

Stereo

33 Bridge Street, Northampton, Northamptonshire, NN1 1NS.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment facilities for making music
- entertainment facilities for dancing
- 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 |
|---|---------------|-----------|---------|
| E. Performance of live music (Indoors) | Monday-Sunday | 10:00am | 4:00am |
| F. Playing of recorded music (Indoors) | Monday-Sunday | 10:00am | 4:00am |
| G. Performance of dance (Indoors) | Monday-Sunday | 10:00am | 4:00am |
| I. Provision of facilities for making music (Indoors) | Monday-Sunday | 10:00am | 4:00am |
| J. Provision of facilities for dancing (Indoors) | Monday-Sunday | 10:00am | 4:00am |
| L. Late night refreshment (Indoors) | Monday-Sunday | 11:00pm | 4:00am |
| M. The sale by retail of alcohol for consumption ON the premises only | Monday-Sunday | 10:00am | 4:00am |

THE OPENING HOURS OF THE PREMISES

| Description | Time From | Time To |
|---------------|-----------|---------|
| Monday-Sunday | 10:00am | 4:30am |



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

Dee & A Leisure Ltd

Flat 2, Pavilion Court, Stimpson Avenue, Northampton, NN1 4ND.

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

Dee & A Leisure Ltd

10239268

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

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.

Issued by

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Mandatory conditions where licence authorises supply of alcohol

- (1) No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

ADDITIONAL MANDATORY CONDITIONS.

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

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

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

ANNEXES continued ...

(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-

(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 in a manner which carries a significant risk of undermining a licensing objective;

(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 in a manner which carries a significant risk of undermining a licensing objective;

(d) 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 manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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

ANNEXES continued ...

(b) an ultraviolet feature.

4. The responsible person must 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: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

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

ANNEXES continued ...

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) “valued 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 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.

Police Conditions added to Operating Schedule at Variation, June 2014

The premises operates and maintains a comprehensive CCTV system. All entry and exit points are covered enabling frontal identification of every person entering the premises in any light condition. The CCTV system shall continually record while licensable activities are underway and customers are in the premises. All recordings are kept for a minimum of 31 days with date and time stamping. Recordings shall be made available upon reasonable request of an officer of a responsible authority throughout the preceding 31 day period.

No patrons are admitted or re-admitted after 03:00am.

The designated queuing area is enclosed within appropriate barriers to ensure that the footway is kept clear.

A log is kept detailing all refusal sales of alcohol. The log includes the date and time of the

ANNEXES continued ...

refused sale and the name of the member of staff who refused the sale. The log is available for inspection at the premises by an officer of a responsible authority upon reasonable request.

A register of security personnel employed on the premises is maintained in a legible format and made available to police upon reasonable request. The register should be completed by the DPS/Duty Manager/nominated staff member at the commencement of work. Security staff details include full name, SIA badge number (all digits) and time of commencement of duties. The security operative then signs their name against these details.

An incident log is maintained and kept at the premises and available at the reasonable request of an authorised officer. The log records:

- a) All crimes reported to the premises
- b) All ejections of patrons
- c) Any incidents of crime and disorder
- d) All seizures of drugs
- e) Any faults in the CCTV system
- f) Any visit by a responsible authority or emergency service

The operator will ensure that no bottles, glasses or/and any other open containers are taken from the premises..

Conditions Following Review Hearing 9th January 2015

1. On every occasion the premises is open for licensable activity there will be at least three SIA registered door staff on duty between the hours of 22.00hrs to close of business. One door supervisor will be deployed inside the premises to patrol the bar areas and garden areas. The security door persons be employed by a security company and a contract for the same be provided to the licensing authority and police.

2. Clickers will be used by door staff to manage the capacity within the premises.

3. The premise licence holder and/or DPS shall have a written policy to include the following:

- a) Numbers of door staff in relation to capacity
- b) How you will manage your capacity and what it is
- c) How door supervisors will be deployed
- d) How door and bar staff will communicate with each other within the premises.
- e) Toilet checks
- f) Searching
- g) When and what actions to take when police are called
- h) Any drug/weapons policies
- i) Evacuation in event of emergency. (Particular attention to garden area which has no independent escape route)

4. A personal licence holder is present every time the premises are open for licensing activity between the hours of 21:00hrs and close of business.

5. The CCTV system to ensure there are no blind spots in the public areas, all entrances to the toilet are adequately covered and facial recognition camera(s) and recording equipment are provided to cover the entrance of the premises.

ANNEXES continued ...



Solicitor to the Council

Ed Bostock

From: Stevens Chris <Chris.Stevens@northants.pnn.police.uk>
Sent: 06 February 2018 08:12
To: Licensing Enforcement
Cc: O'Connell Martin; Ormond Joy
Subject: Stereo DPS application

Good morning,

On behalf of the Chief Constable of Northamptonshire Police, I am registering a formal objection to Ioannis POULIOUNAKIS becoming the DPS of Stereo. This objection is being raised under the Licensing Objective of the prevention of crime and disorder.

The basis for this is that he was convicted in May 2017 for a relevant offence namely driving a motor vehicle whilst over the prescribed limit. He was given a 17 month driving ban for this and has at no point informed the licensing authority or the court of the fact that he is a personal licence holder. The Police would have concerns that he will be responsible for a prominent night time venue in the centre of town. This is exacerbated by the fact that he is purporting to live in Coventry and with no means of driving the Police would question how he can be in day to day control of the premises and therefore exercise the responsibility as DPS. The Police believe that as with the last DPS, this is an appointment of convenience rather than substance.

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

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