



Minutes of a Meeting of the Licensing Sub-Committee

At 9.30 am on Tuesday 25th June, 2024

Held in the Council Chamber, Cedar Drive, Thrapston

Present:-

Members

Councillor Jonathan Ekins, Councillor Dorothy Maxwell and Councillor Lee Wilkes

Officers

Rita Groves, Licensing Enforcement Officer

Louise Delavaloire, Legal Advisor

Louise Tyers, Senior Democratic Services Officer

1 Election of Chair for this Sub-Committee

RESOLVED:

That Councillor Jonathan Ekins be appointed Chair for the Sub-Committee.

2 Apologies for non-attendance

There were no apologies for non-attendance.

3 Members' Declarations of Interest

There were no declarations of interest.

4 Application for a New Premises Licence - Rutland Convenience Store, 2 Rutland Street, Kettering, NN16 8NX

The Licensing Enforcement Officer presented the report which sought the Sub-Committee's decision in respect of an application for a new premises licence for Rutland Convenience Store, 2 Rutland Street, Kettering.

An application for a new premises licence for Rutland Convenience Store was received on 9 May 2024. The appropriate notices were displayed and the advertisement was placed as required.

The application requested to allow a licensable activity to take place in a new convenience store. The matters for which the premises licence was sought were:

Sale of alcohol for consumption off the premises

Sunday to Thursday 08:00 – 23:00

Friday to Saturday 08:00 – 00:00

Non-standard timings

Christmas Eve 06:00 – 00:00

New Years Eve 06:00 – 00:00

Opening hours

Monday to Sunday 06:00 – 00:00

One representation had been received during the consultation process from a local resident concerned with public nuisance caused by store lighting, noise and local parking issues and crime and disorder caused by anti-social behaviour.

At the invitation of the Chair, the applicant addressed the Sub-Committee in support of their application. He advised that the premises had been a commercial premises for the last 15 years. There was no restrictions for parking on the street. There would be no external lighting and lighting would not come out from the shop. With regards to timings, the store would be open from 06:00 for customers to buy newspapers and milk and for closing they would be willing to reduce the time from midnight to 23:00. They were trying to keep the opening hours and alcohol sale hours the same.

In response to questions from the Sub-Committee, the applicant confirmed that the previous business did sell alcohol. The purpose of the store was to service the local community and it was not expected people would drive to the store. They had consulted with the Police about measures to combat anti-social behaviour and they had asked them to include CCTV and other conditions. There would be full training for the staff and all staff would have a personal licence. If they did not have a personal licence then they would be trained by the Designated Premises Supervisor. Challenge 25 would be in place and the appropriate registers would be in place.

RESOLVED:

To grant the application for a Premises Licence as requested.

Reasons for decision

In reaching the decision the sub-committee took into consideration:

- (i) The report presented by the Licensing Enforcement Officer, for the Council;
- (ii) The Applicant's representations;
- (iii) The response to the consultation filed by a member of the public;
- (ii) The provisions of the Licensing Act 2003 and the four licensing objectives;
- (iii) The Human Rights Act 1998;
- (iv) Relevant case law;
- (v) North Northamptonshire Council's Statement of Licensing Policy;
- (vi) The guidance issued by the Secretary of State under s.182 of the Licensing Act 2003.

On consideration of the evidence, the Licensing Enforcement Officer's report, the relevant legislation, case law and policies the Sub-Committee are satisfied that the Applicant will uphold the licensing objectives and took the decision to grant the application for a Premises Licence as requested.

5 Review of the Premises Licence of Pasha Shawarma, 3 Cambridge Street, Wellingborough, NN8 1DJ

The Licensing Enforcement Officer presented the report which requested the Sub-Committee to consider an application for review of the premises licence, under the Licensing Act 2003, in relation to the premises known as Pasha Shawarma, 3 Cambridge Street, Wellingborough, NN8 1DJ.

An application to review the premises licence had been received from Northamptonshire Police on 1 May 2024. The application related to the prevention of crime and disorder and the protection of children from harm, under the licensing objectives as detailed in the Licensing Act 2003.

The application referred to an incident that happened on 25 February 2024, an allegation of rape of two females one aged 16 and one aged 17 and subsequent difficulties experienced by Northamptonshire Police whilst trying to engage with staff and the licence holder to assist the Police with their enquiries. Northamptonshire Police visited the premises on several occasions to obtain CCTV footage but were denied this information, which was against the conditions of the licence at the time of the incident.

The application called for the Licensing Sub-Committee to consider the revocation the licence, on the following grounds:

- 1) Two females under the age of 18 had been consuming alcohol on a relevant premises for the purposes of the Licensing Act 2003.
- 2) The premises should have been closed to the public at the time the females attended and stayed on the premises consuming alcohol until they left some three hours later.
- 3) Staff at the premises had been spoken to previously when it was discovered they were open beyond the permitted hours allowed.
- 4) The premises licence holder and designated premises supervisor did not have proper control of the premises to the extent of not knowing who worked at the premises, when the premises were open or closed and not knowing the conditions relating to CCTV.
- 5) Staff at the premises were un-cooperative in assisting with the criminal investigation.
- 6) The premises licence holder and designated premises supervisor's husband has failed to update Northamptonshire Police regarding checking and downloading CCTV for a criminal investigation as requested.

The review application had been out for consultation in accordance with the requirements of the Licensing Act 2003 and no further comments had been received.

The Licensing Enforcement Officer advised that on 18 June 2024, an email had been received from the agent for the licence holder notifying that they wished to surrender

the licence. The surrender had been accepted. As the licence had been surrendered, no decision on the review application could be made.

RESOLVED:

To acknowledge the surrender of the Premises Licence.

6 Close of Meeting

The meeting closed at 10.23am.

Chair

Date