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**North
Northamptonshire
Council**

Meeting: Licensing Sub-Committee

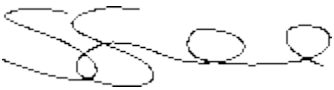
Date: Tuesday 25th June, 2024

Time: 9.30 am

Venue: Council Chamber, Cedar Drive, Thrapston, NN14 4LZ

To members of the Licensing Sub-Committee

Councillor Jonathan Ekins, Councillor Dorothy Maxwell and Councillor Lee Wilkes

| Agenda | | | |
|--|---|---|-----------------|
| Item | Subject | Presenting Officer | Page no. |
| 01 | Election of Chair for this Sub-Committee | | |
| 02 | Apologies for non-attendance | | |
| 03 | Members' Declarations of Interest | | |
| 04 | Application for a New Premises Licence - Rutland Convenience Store, 2 Rutland Street, Kettering, NN16 8NX | Rita Groves - Licensing Enforcement Officer | 5 - 22 |
| 05 | Review of the Premises Licence of Pasha Shawarma, 3 Cambridge Street, Wellingborough, NN8 1DJ | Rita Groves - Licensing Enforcement Officer | 23 - 50 |
| 06 | Close of Meeting | | |
| <p>Sanjit Sull, Monitoring Officer North Northamptonshire Council</p>  <p>Proper Officer 14 June 2024</p> | | | |

This agenda has been published by Democratic Services.

Committee Administrator: Louise Tyers

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✉louise.tyers@northnorthants.gov.uk

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Where a matter arises at a meeting which **relates to** other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

Where a matter arises at a meeting which **relates to** your own financial interest (and is not a Disclosable Pecuniary Interest) or **relates to** a financial interest of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

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Licensing Sub-Committee 25 June 2024

| | |
|----------------------|---|
| Report Title | Application for a New Premises Licence for Rutland Convenience Store, 2 Rutland Street, Kettering NN16 8NX. |
| Report Author | Iain Smith Assistant Director of Regulatory Services Iain.Smith@northnorthants.gov.uk |

List of Appendices

Appendix 1 – Premises Licence Application

Appendix 2 – Plan of Premises

Appendix 3 – Emailed Representation

Appendix 4 – Map of Area

1. Purpose of Report

- 1.1. To obtain the Sub-committee's decision in respect of an application for a new premises licence for Rutland Convenience Store, 2 Rutland Street, Kettering.

2. Executive Summary

- 2.1 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.
- 2.2 One representation was received and therefore the report invites the Sub-committee to determine the application.

3. Recommendations

- 3.1 The Sub-committee is asked to consider the new premises licence application.
- 3.2 Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

4. Report Background

- 4.1 The application requests to allow a licensable activity to take place in a new convenience store. The application form and plan can be seen at **Appendix 1** and **Appendix 2**.
- 4.2 The matters for which the premises licence is sought are detailed below:

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 |
|------------------|---------------|

- 4.3 During the consultation period, one representation was received from a local resident. The representation is concerned with Public Nuisance caused by store lighting, noise and local parking issues and Crime and Disorder caused by possible anti-social behaviour.
- 4.4 The representation can be seen at **Appendix 3**.
- 4.5 A map of the area showing the store in relation to the representation address can be seen at **Appendix 4**.

5. Issues and Choices

5.1 Determination

- 5.1.2 The Sub-Committee must carry out its functions to promote the licensing objectives having regard to:
- The Licensing Act 2003
 - The Council's Licensing Policy
 - S182 Guidance
- 5.1.3 The Act states that the hearing shall have regard to the representations and following a hearing the Sub-Committee may take any of the following actions if they deem them necessary to promote the licensing objectives:
- Grant the licence subject to operating schedule and mandatory conditions only
 - Grant, subject to further conditions necessary for the promotion of the licensing objectives
 - Refuse the application in its entirety
 - Refuse elements of the application

5.2 Policy Considerations

5.2.1 This section highlights the elements of the licensing policy that are most relevant with respect to this application. This is not exhaustive and the policy should be considered fully prior to making decisions with respect to applications: -

- *2.12 This Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling, noise and street crime.*
- *2.13 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions relevant to the operating plan will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are appropriate, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (e.g. Health and Safety at Work and Fire Safety legislation).*

5.3 Section 182 Guidance Considerations

5.3.1 Section 9.31 to 9.41 highlights the elements of section 182 Licensing Guidance that are most relevant with respect to this application. This is not exhaustive and guidance should be considered fully prior to making decisions with respect to applications.

6. Next Steps

6.1 Once the Sub-Committee have determined whether to grant, refuse or amend the Rutland Convenience Store new premises licence application, a decision notice will be sent to the applicant confirming the decision.

7. Implications (including financial implications)

7.1 Resources and Financial

7.1.1 There are no resource or financial implications arising from the proposals at this stage.

7.2 Legal and Governance

7.2.1 The Licensing Act 2003 makes it a duty for the local authority to carry out its functions under the Act with a view to promoting the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance, and
- The protection of children from harm

In carrying out its licensing functions, a licensing authority must also have regard to—

(a) its licensing statement published under section 5, and

(b) any guidance issued by the Secretary of State under section 182.

7.2.2 The Licensing Act 2003 sets out how an application for a Premises Licence should be dealt with where valid representations have been submitted. The Sub-Committee have to decide the outcome of the application taking into account the Licensing Objectives.

7.2.3 In accordance with the provisions of the Act, if a Licensing Authority rejects in whole or in part, an application to grant a Premises Licence the applicant may appeal against the decision.

7.2.4 An appeal must be made to the magistrates' court and must be commenced by notice of appeal given by the appellant to the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

7.2.5 Members are reminded that in order to satisfy Article 6(1) of the Human Rights Act 1998 they should give written reasons for decisions refusing or revoking licences. Reasons need not be fully detailed but must be sufficiently clear to enable the recipient to exercise any statutory right of appeal.

7.3 Relevant Policies and Plans

7.3.1 The North Northamptonshire Council Licensing Act 2003 Statement of licensing policy for regulated entertainment, late night refreshment and the sale of alcohol 2022 – 2027, assists the council in meeting stated commitments within the Corporate Plan.

7.3.2 Relevant section of the Corporate Plan is:

- Creating safe and thriving places

7.4 Risk

7.4.1 There are no significant risks arising from the proposed recommendations in this report.

7.5 Consultation

7.5.1 The consultation process has been carried out in accordance with the requirements of the Licensing Act 2003 and associated guidance.

7.6 Consideration by Executive Advisory Panel

7.6.1 This report has not been considered by the Executive Advisory Panel

7.7 Consideration by Scrutiny

7.7.1 This is not a matter for the Scrutiny Committee.

7.8 Equality Implications

7.8.1 There are no equality implications arising from the proposed recommendations in this report.

7.9 Climate Impact

7.9.1 There are no climate / environmental impacts that may arise regarding this report.

7.10 Community Impact

7.10.1 The licensing regime seeks to minimise any negative community impacts as its purpose is to promote the licensing objective which includes prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm.

7.11 Crime and Disorder Impact

7.11.1 This report is being considered by the Sub Committee in order to reduce Crime and Disorder within the Council district.

8 Background Papers

Licensing Act 2003

[Licensing Act 2003 \(legislation.gov.uk\)](https://legislation.gov.uk)

Revised Guidance under Section 182 of Licensing Act 2003

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Statement of Licensing Policy (2022 to 2027)

[Licensing policy | North Northamptonshire Council \(northnorthants.gov.uk\)](https://northnorthants.gov.uk)

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Premises licence application NNC

PL610713514 | 2024-05-01 10:41:47

Do you agree with the data protection agreement?: I agree

Type of application: Premises licence

Premises trading name: RUTLAND CONVENIENCE STORE

Does the premises have a postcode?: Yes

Premises address:

| Do you wish to manually enter the address? | House name or number | Street name | Town | Postcode |
|--|----------------------|----------------|-----------|----------|
| Yes | 2 | RUTLAND STREET | KETTERING | NN16 8NX |

Is the premises address within North Northamptonshire?: Yes

Premises telephone number: [REDACTED]

Non-domestic rateable value of premises: 3800

Property band: Band A (0-£4,300.00)

Is your primary function the sale of alcohol?: No

Please state who you are applying for a premises licence as: A person other than an individual

Please specify: As a limited company/limited liability partnership/statutory corporation

Please specify why you are completing this form: I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities

Name of the company or partnership: TASICO LIMITED

Address of the company or partnership:

| Do you wish to manually enter the address? | Address line 1 | Address line 2 | Address line 3 | Postcode |
|--|----------------|----------------|----------------|----------|
| Yes | 27 | DICKENS ROAD | | ME14 2QW |

Applicant or Organisation description: PRIVATE LIMITED COMPANY BY SHARES

Registered number: 15632527

Applicant or Organisation telephone number: [REDACTED]

Applicant or Organisation email address: [REDACTED]

Do you want the premises licence to start as soon as possible?:Yes

Do you want the licence to be valid only for a limited period?:No

Give a general description of the premises:CONVENIENCE STORE

Please select range of the number people expected to attend the premises at any one time?:
Less than 5000

What licensable activities do you intend to carry on from the premises:Supply of Alcohol

Are there 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?: No

Will the supply of alcohol be of consumption on premises, off the premises or both?:Off the premises

Please give any additional relevant information for the activity:SALE BY RETAIL FOR CONSUMPTION OFF THE PREMISES

What days will your activity take place?:Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday

Monday - Start and end times:

| Start time | End time |
|------------|----------|
| 08:00 | 23:00 |

Tuesday - Start and end times:

| Start time | End time |
|------------|----------|
| 08:00 | 23:00 |

Wednesday - Start and end times:

| Start time | End time |
|------------|----------|
| 08:00 | 23:00 |

Thursday - Start and end times:

| Start time | End time |
|------------|----------|
| 08:00 | 23:00 |

Friday - Start and end times:

| Start time | End time |
|------------|----------|
| 08:00 | 00:00 |

Saturday - Start and end times:

| Start time | End time |
|------------|----------|
| 08:00 | 00:00 |

Sunday - Start and end times:

| Start time | End time |
|------------|----------|
| 08:00 | 23:00 |

State any seasonal variations for supply of alcohol (where additional days to the standard days are required for a short period for example during summer months): NONE

Please state any non-standard timing where you intend to use the premises for supply of alcohol at different times to those listed (where you wish the activity to go on longer than the standard hours for a particular day or days e.g. Christmas Eve) : CHRISTMAS EVE 06:00 TO 00:00
NEW YEARS EVE 06:00 TO 00:00

Designated premises supervisor first name: MARKANDU

Designated premises supervisor last name: VIGNESWARAN

Date of birth: [REDACTED]

Address:

| Do you wish to manually enter the address? | Address line 1 | Address line 2 | Address line 3 | Postcode |
|--|-------------------------|----------------|----------------|----------|
| Yes | [REDACTED] DICKENS ROAD | MAIDSTONE | | ME14 2QW |

Personal licence number: 201000442

Issuing licensing authority: THANET DISTRICT COUNCIL

Please select if you want to upload a Designated premises supervisor (DPS) form that has already been provided to you by the proposed DPS or if you wish to provide the case reference number they have provided for our consent form that they have completed online? : Provide case reference number for the form completed online

Case reference number for the form completed online:PSC609313006

Please confirm that you understand the consent form must be submitted by the prospective Designated Premises Supervisor in order for the application to be deemed complete.: I confirm

What days will your premises be open to the public?:Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday

Monday - Start and end times:

| Start time | End time |
|------------|----------|
| 06:00 | 00:00 |

Tuesday - Start and end times:

| Start time | End time |
|------------|----------|
| 06:00 | 00:00 |

Wednesday - Start and end times:

| Start time | End time |
|------------|----------|
| 06:00 | 00:00 |

Thursday - Start and end times:

| Start time | End time |
|------------|----------|
| 06:00 | 00:00 |

Friday - Start and end times:

| Start time | End time |
|------------|----------|
| 06:00 | 00:00 |

Saturday - Start and end times:

| Start time | End time |
|------------|----------|
| 06:00 | 00:00 |

Sunday - Start and end times:

| Start time | End time |
|------------|----------|
| 06:00 | 00:00 |

Describe the steps you intend to take to promote all four licensing objectives:We will train and supervise staff

We will adopt to best practices

We will effectively and responsibly manage the premises.

We will conduct risk assessments.

Provision of effective CCTV

Install external lighting.

Conduct fire risk assessments.

Install emergency lighting.

Install smoke / fire detectors.

Install firefighting equipment.

Staff will be trained for the protection of children from harm.

Staff will have appropriate training in determining the age of customer.

Acceptance of "proof of age cards / photo driving licences"

We will display Age restriction notices in place.

We will maintain sales refusal registers

We will maintain age verification registers.

Describe the steps you intend to take to promote the prevention of crime and disorder:

We will train and supervise staff

We will adopt to best practices

We will effectively and responsibly manage the premises.

Provision of effective CCTV

Monitor and control opening hours.

Adopt to best practices

Position of External Lighting.

Collection and disposal of litter.

Describe the steps you intend to take to promote public safety: We will conduct risk assessments.

Provide training and supervision to staff

Adopt to best practices

Provision of effective CCTV

Install external lighting.

Describe the steps you intend to take to promote the prevention of public nuisance:

Provision of effective CCTV

Monitor and control opening hours.

Adopt to best practices

Position of External Lighting.

Collection and disposal of litter.

Describe the steps you intend to take to promote the protection of children from harm: Staff will be trained for the protection of children from harm.

Staff will have appropriate training in determining the age of customer.

Adoption of best practice guidance.

Acceptance of "proof of age cards / photo driving licenses"

Age restriction notices in place.

Please upload the premises plan: RUTLAND SHOP FLOOR PLAN.pdf

Correspondence first name: MARKANDU

Correspondence last name: VIGNESWARAN

Correspondence postal address:

| Do you wish to manually enter the address? | Address line 1 | Address line 2 | Address line 3 | Postcode |
|--|----------------|----------------|----------------|----------|
| Yes | ■ DICKENS ROAD | MAIDSTONE | | ME14 2QW |

Email address: [REDACTED]

Telephone number: [REDACTED]

I confirm I have checked my application prior to submission and confirm the timings and activities that I have requested are those intended : I confirm

I understand that this application and supporting documents will be sent to the responsible authorities and a redacted version will be published on the council's website : I understand

I understand that I must advertise my application and I understand that if I do not comply with all requirements my application will be rejected: I understand

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: I understand

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: I understand

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

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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work: I declare

Name: MARKANDU VIGNESWARAN

Capacity: DIRECTOR

Second applicant name:

Second applicant capacity:

Date : 2024-05-01

Total amount to pay today: 100.00

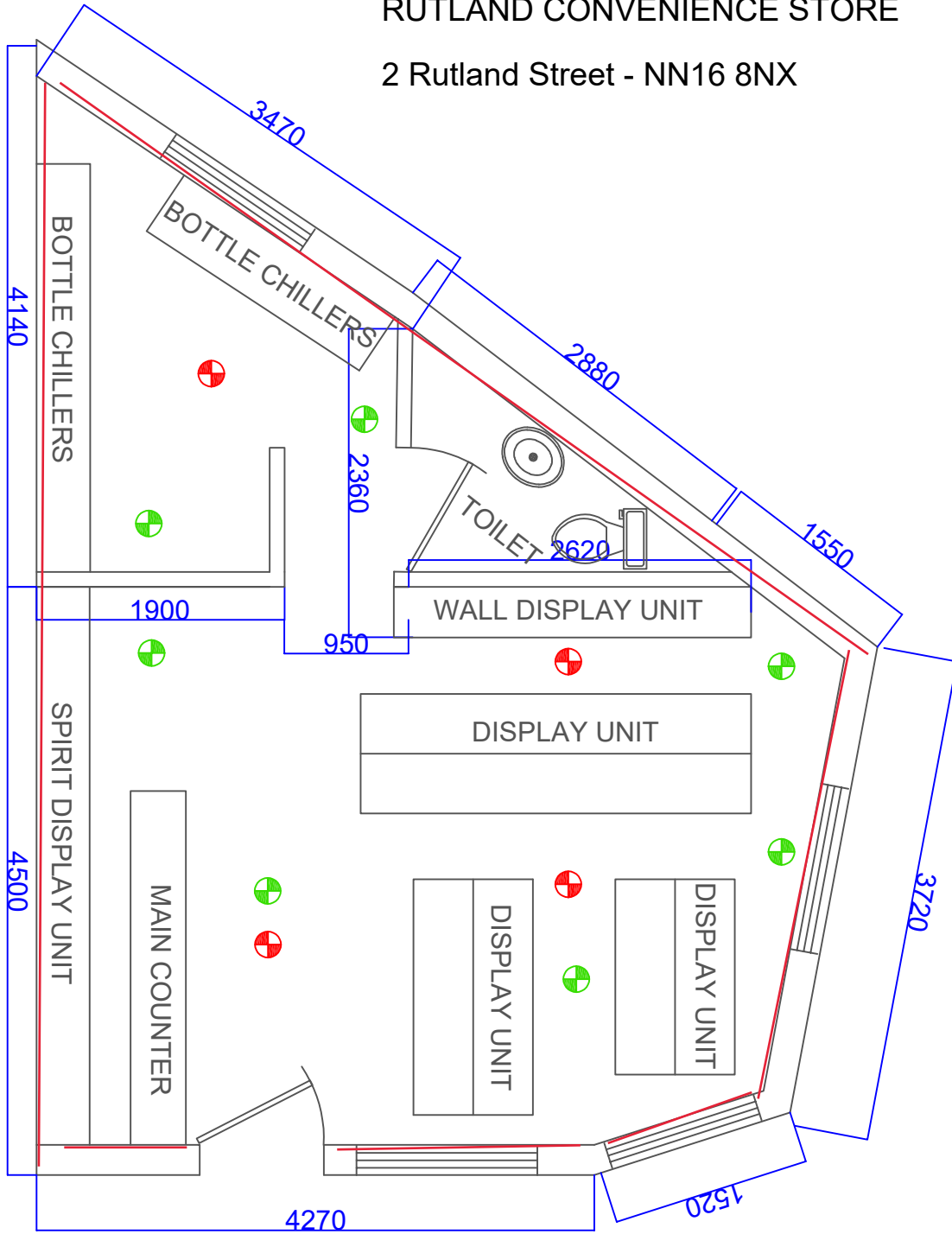
PrepaymentTimeStamp: 01/05/2024 11:41:08

Transaction status: successful



PostpaymentTimeStamp: 01/05/2024 11:41:41

transaction_reference: 770043773

RUTLAND CONVENIENCE STORE 2 Rutland Street - NN16 8NX



SCALE : 1:50
KEYS:

-  - CCTV
-  - FIRE

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Louise Tyers

From: ENC Licensing Unit
Sent: 04 June 2024 15:59
To: Alison Craggs
Subject: Appendix 3 - Emailed Representation

For you
Regards,
Julie

-----Original Message-----

From: Laura Hazelton [REDACTED]
Sent: Tuesday, June 4, 2024 3:55 PM
To: ENC Licensing Unit <LicensingUnit.ENC@northnorthants.gov.uk>
Subject: 2 Rutland Street, Kettering

[CAUTION: EXTERNAL EMAIL] This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon,

I am emailing to express my concerns with the proposal of 2 Rutland Street, Kettering being turned into a convenience store.

1. The proposed store is opening in the middle of residential area and its opening hours until 11pm and midnight will have an affect on local residents many of who are children with the comings and goings, noise from the store itself and visitors to the store and anti-social behaviour (that may arise from a store open so late) from the store late into the night and then again from 6am.
2. Where are the workers and visitors going to park as the residential area is already busy with cars and currently there are no allocated car parking spaces with the shop.
3. External lights being fitted to the shop will affect nearby residents
4. Within 500 metres we already have two convenience stores selling alcohol both of which sell alcohol. Equally both stores have open hours which are mindful of local residents.
5. Anti-social behaviour, with a store with hours as extended as these are and the products it will sell, it is going to encourage antisocial behaviour. The area is often used as a through road with people walking back from a night out and that itself brings antisocial behaviour.

Kind regards

Laura Hazelton
(77 Clarence Road)
Sent from my iPhone

Any views expressed in this email are those of the individual sender and are not necessarily those of North Northamptonshire Council unless explicitly stated.

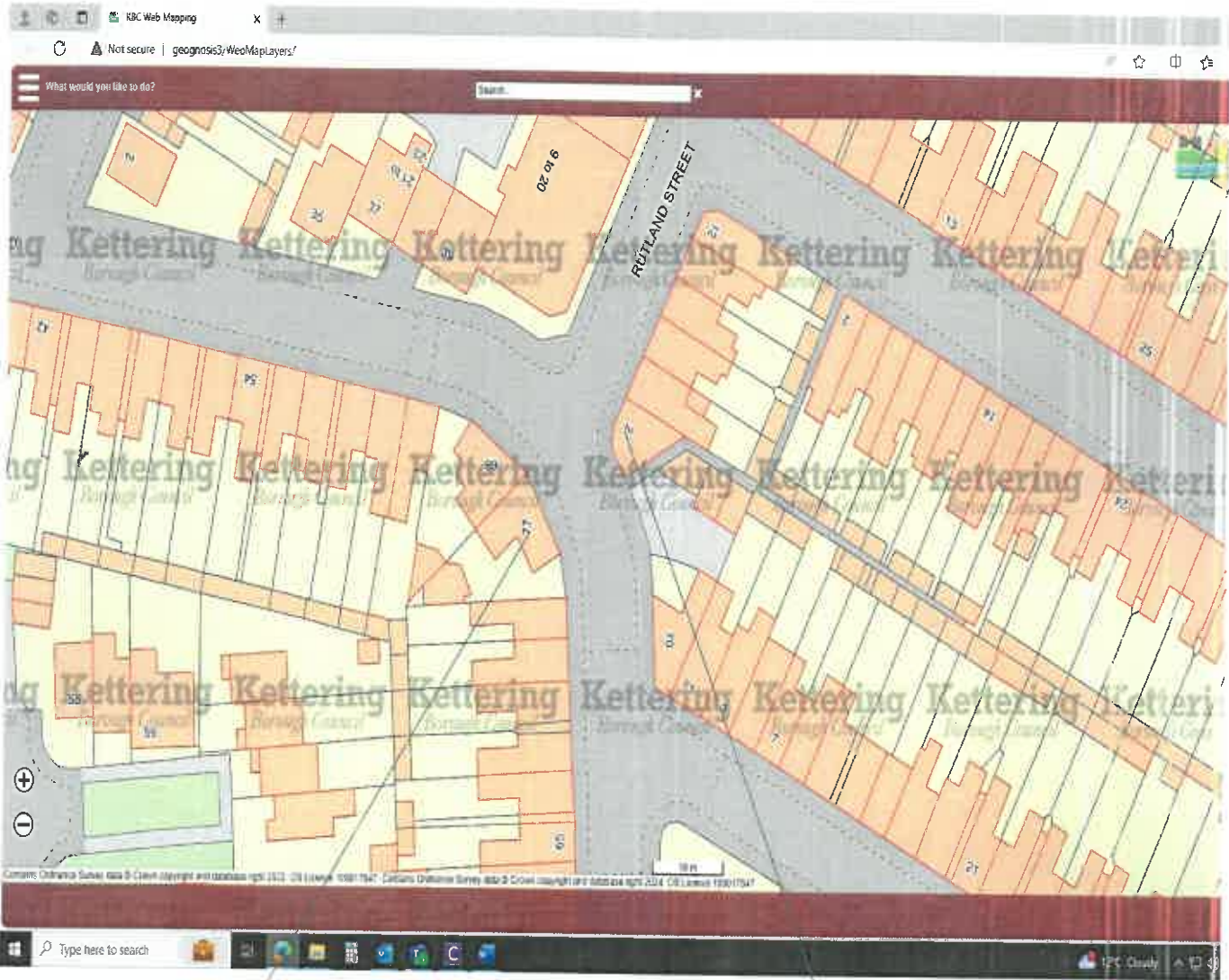
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Appendix 4



Location of Representation –
77 Clarence Road

Location of Premises Licence
Application – 2 Rutland Street

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Licensing Sub-Committee 25 June 2024

| | |
|---------------|---|
| Report Title | Review of the Premises Licence of Pasha Shawarma, 3 Cambridge Street, Wellingborough, NN8 1DJ |
| Report Author | Iain Smith Assistant Director of Regulatory Services Iain.Smith@northnorthants.gov.uk |

List of Appendices

Appendix 1 - Northamptonshire Police Application for Review

Appendix 2 – Current Premises Licence

1. Purpose of Report

- 1.1 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.

2. Executive Summary

- 2.1 An application to review the premises licence for the premises known as Pasha Shawarma, 3 Cambridge Street, Wellingborough has been received from Northamptonshire Police.
- 2.2 The application relates 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.

3. Recommendations

- 3.1 The Sub-Committee is asked to consider the application for review from Northamptonshire Police and determine what action, if any, to take with regards to the Premises Licence.

4. Report Background

- 4.1 The applicant, Northamptonshire Police submitted the review application on 1 May 2024. A copy of this application can be seen at **Appendix 1**.
- 4.2 The application refers 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.

- 4.3 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.
- 4.4 A copy of the premises licence that was in force at the time of the incident can be seen at **Appendix 2**.
- 4.5 The application calls for the consideration of the Licensing Sub-Committee to revoke 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 open beyond the permitted hours allowed.
 - 4) The premises licence holder and designated premises supervisor do not have proper control of the premises to the extent of not knowing who works at the premises, when the premises are 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.
- 4.6 The review application has been out for consultation in accordance with the requirements of the Licensing Act 2003 and no further comments have been received.

5. Issues and Choices

- 5.1 Section 51 of The Licensing Act 2003 allows any person to call a premises licence in for review. The review application must be relevant to one or more of the licensing objectives, and in the case of an application made by a person other than a responsible authority, must not be frivolous or vexatious, or repetitious.
- 5.2 The licensing objectives are—
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.

- 5.3 After considering the information before it, the Sub Committee may take such of the steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives.

The Licensing Act 2003 states at Section 52 (4) and (6):

The steps are—

- (a) to modify the conditions of the licence;*
- (b) to exclude a licensable activity from the scope of the licence;*
- (c) to remove the designated premises supervisor;*
- (d) to suspend the licence for a period not exceeding three months;*
- (e) to revoke the licence;*

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

Where the authority takes a step mentioned above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- 5.4 This section highlights the elements of the North Northamptonshire Council Statement of Licensing Policy (2022 – 2027) that are considered to be most relevant with respect to this application (numbering as policy). This list is not exhaustive, and the policy should be considered fully prior to making decisions with respect to applications: -

2.7 Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

2.8 This authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. However this Council recognises that licensing legislation is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.

2.9 The Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti- social behaviour by individuals once they are away from licensed premises and, therefore, beyond the control of the licence holder. Nonetheless, it is a key aspect of such control and licensing laws will always be part of the holistic approach to the management of the evening and night-time economy.

2.10 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol, supply of alcohol by or on behalf of a club to its members, regulated entertainment, and late night refreshment, and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. This Licensing Authority wishes to facilitate

well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

6. Next Steps

- 6.1 Once the Sub-Committee have determined whether to take any action regarding the Pasha Shawarma Licence, a decision notice will be sent to the Premises Licence Holder confirming the decision.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 There are no resource or financial implications arising from the proposals at this stage.

7.2 Legal and Governance

- 7.2.1 The Licensing Act 2003 makes it a duty for the local authority to carry out its functions under the Act with a view to promoting the four licensing objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance, and
 - The protection of children from harm

In carrying out its licensing functions, a licensing authority must also have regard to—

- (a) its licensing statement published under section 5, and
- (b) any guidance issued by the Secretary of State under section 182.

- 7.2.2 An appeal may be made against the decision by—

- (a) the applicant for the review,
- (b) the holder of the premises licence, or
- (c) any other person who made relevant representations in relation to the application.

- 7.2.3 Members are reminded that in order to satisfy Article 6(1) of the Human Rights Act 1998 they should give written reasons for decisions refusing or revoking licences. Reasons need not be fully detailed but must be sufficiently clear to enable the recipient to exercise any statutory right of appeal.

- 7.2.4 An appeal must be made to magistrates' court and must be commenced by notice of appeal given by the appellant to the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

7.3 Relevant Policies and Plans

- 7.3.1 The North Northamptonshire Council Licensing Act 2003 Statement of licensing policy for regulated entertainment, late night refreshment and the

sale of alcohol 2022 – 2027, assists the council in meeting stated commitments within the Corporate Plan.

7.3.2 Relevant section of the Corporate Plan is:

- Creating safe and thriving places

7.4 Risk

7.4.1 There are no significant risks arising from the proposed recommendations in this report.

7.5 Consultation

7.5.1 The consultation process has been carried out in accordance with the requirements of the Licensing Act 2003 and associated guidance.

7.6 Consideration by Executive Advisory Panel

7.6.1 This report has not been considered by the Executive Advisory Panel

7.7 Consideration by Scrutiny

7.7.1 This is not a matter for the Scrutiny Committee.

7.8 Equality Implications

7.8.1 There are no equality implications arising from the proposed recommendations in this report.

7.9 Climate Impact

7.9.1 There are no climate / environmental impacts that may arise regarding this report.

7.10 Community Impact

7.10.1 There are no community impact implications.

7.11 Crime and Disorder Impact

7.11.1 This report is being considered by the Sub Committee in order to reduce Crime and Disorder within the Council district.

8 Background Papers

Licensing Act 2003

[Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Revised Guidance under Section 182 of Licensing Act 2003

[Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

[Insert name and address of relevant licensing authority and its reference number (optional)]

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Police Constable 113 D.Bryan

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

| | |
|---|--|
| Postal address of premises or, if none, ordnance survey map reference or description Pasha Shawarma 3 Cambridge Street | |
| Post town Wellingborough | Post code (if known) NN8 1DJ |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) Miss Anna Halina PSTRAS |
|---|

| |
|---|
| Number of premises licence or club premises certificate (if known) 22/02102/LAVDPS |
|---|

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

**PC 113 D.Bryan
Northamptonshire Police
Wellingborough Police Station
Midland Road
Wellingborough
Northamptonshire
NN8 1HF**

Telephone number (if any)

101 EXT 343409 Mobile XXXXXXXXXX

E-mail address (optional)

david.bryan@northants.police.uk

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

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

Please tick one or more boxes ✓

X

Please state the ground(s) for review (please read guidance note 2)

I act on behalf of the Chief Officer of Police for Northampton shire, Mr Adderley. He has delegated responsibility and authorised me to act on his behalf with regard to representations made by Northamptonshire Police to Licensing Authorities across the county of Northamptonshire.

Northamptonshire Police call for the Review of the Premises Licence for Pasha Shawarma under the Licensing Objective of the Prevention of Crime and Disorder, and the Protection of Children from Harm.

The Review relates to an investigation regarding two allegations of rape on two females one aged 16 and one aged 17 and subsequent difficulties experienced by Northamptonshire Police when engaging with the premises.

Please provide as much information as possible to support the application (please read guidance note 3)

- 1) On the 25/02/2024 Northamptonshire Police received a report regarding an allegation of rape on two females aged 16 and 17 years old. The offences did not occur at the premises however the two females and alleged suspects were inside Pasha Shawarma together prior to leaving the premises together, this was in the early hours of the 25/02/2024.**
- 2) Detectives have attended the premises during the day of the 25/02/2024 to obtain any CCTV evidence from within, unfortunately the premises was shut at the time of the visit.**
- 3) Another visit was conducted during the evening of the 25/02/2024, the premises was open, and a member of staff was spoken with. When asked the member of staff would not provide details of the manager, did not have any access to the CCTV system and believed the recordings were kept for 24 hours. The detective left their contact details and requested these were given to the manager so they could get in contact, no contact was made by the manager.**
- 4) Another visit was conducted daytime on the 26/02/2024 the premises was closed, and also 6pm on the 29/02/2024 again the premises was closed.**
- 5) On the 01/03/2024 the premises was visited again by Northamptonshire Police, it was open, and a staff member spoken with, this member of staff provided the detective the managers details and their mobile number. This number was called twice, and the mobile was switched off, a voicemail message was left and a text message sent with no response.**
- 6) On the 05/03/2024 the detective made contact with Northamptonshire Police's Alcohol Licensing Department requesting any assistance possible with obtaining the CCTV from the premises. The same day the premises licence holder who is also the designated premises supervisor was contacted on their mobile from the details contained on the police licensing database. The premises licence holder and DPS is Anna PSTRAS.**
- 7) When Anna PSTRAS was asked about the CCTV she stated she did not know how to use the CCTV system and though the CCTV was kept for 24 hours. She also stated that she did not know the details of any of the members of staff at the premises. She also did not know what days or times the premises is open. Anna stated that her husband who was out of the country know how to use the CCTV system and he was returning to the UK on Monday the 11/03/2024 and that she would get him to call the**

police on Tuesday the 12/02/2024. It was also pointed out to Anna that the premises licence had a CCTV condition requiring recording to be kept for 14 days so there was a breach of the conditions of the premises licence.

8) On the 12/03/2024 the police received a call from Anna PSTRAS husband, he stated he would download the CCTV and he believed that the recordings were kept for at least 14 days but could be as much as 31 days but was not sure.

9) It was agreed that the police would send an E-mail to the husband with dates and times so he could download the CCTV. This was sent on the 12/03/2024 with a delivery receipt confirming the E-mail had been sent to the address given by the husband. In addition a request was put in the E-mail requesting a response to the E-mail once the CCTV had been checked. To this date no response has been received from the premises in relation to the downloading of the CCTV or whether it has been checked.

10) The premises licence stipulates that the premises is required to close at 11:30pm on the date the allegations took place. CCTV from within the immediate area of the premises shows the two females arriving and entering at midnight and then leaving at 03:18am. This would be outside the permitted hours of trading for the premises.

11) In addition to this the staff at the premises were spoken to previously by North Northamptonshire Council Officers on the weekend of Friday the 13/10/2023 and Saturday the 14/10/2023 at 01:30am as they noticed the business was open beyond the permitted hours.

Northamptonshire Police would ask the Licensing Sub-committee of North Northamptonshire Council to consider revoking the premises licence in the first instance.

Northamptonshire Police's rationale;

Two females under the age of 18 have been consuming alcohol on a relevant premises for the purposes of the Licensing Act 2003.

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.

Staff at the premises had been spoken to previously when discovered open beyond the permitted hours allowed.

The premises licence holder and designated premises supervisor does not have proper control of the premises to the extent of not knowing who works at the premises, when the premises is open or closed and

at the very least the terms of the condition relating to CCTV.

Staff at the premises being un-cooperative in assisting with the criminal investigation.

The PLH & DPS husband has failed to update Northamptonshire Police regarding checking and downloading CCTV for a criminal investigation as requested.

Northamptonshire Police are asking that consideration to the premises licence being revoked in the first instance.

Consideration for a suspension of the premises licence would not alter Northamptonshire Police's opinion that the premises is not complying with the Licensing Act 2003 and promoting the Licensing Objectives.

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

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

Please tick ✓

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

IT IS AN OFFENCE, 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.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date **16/04/2024**

.....

Capacity **Northamptonshire Police Licensing Constable**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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Part A

Premises Licence

| | |
|--------------------------------|-----------------|
| Premises Licence Number | 16/01398/LAPNEW |
|--------------------------------|-----------------|

Part 1 – Premises Details

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

Pasha Shawarma
3 Cambridge Street
Wellingborough
Northamptonshire
NN8 1DJ

Telephone Number:

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Alcohol consumed on premises

Sunday 12:00 - 21:00

Monday to Saturday 12:00 - 23:30

Non Standard Timings

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Valentines Day 1200 to 0100 hours

The opening hours of the premises

Monday to Saturday 07:30 - 23:30

Sunday 08:00 - 21:00

Non Standard Timings

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Valentines Day 1200 to 0100 hours

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Miss Anna Halina Pstras
■ Penrhyn Road
Northampton
NN4 8EB

Email: ■■■■■ Work Phone: ■■■■■

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

Name, address, and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Anna Halina Pstras
■ Penrhyn Road
Northampton
Northamptonshire
NN4 8EB

Mobile Phone: ■■■■■

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: PA2452
Licensing Authority: Northampton Borough Council

If this premises licence authorises the supply of alcohol, the following conditions must be complied with:

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
3. 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.

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).

4. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
5. 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.
6. 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.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. 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.

8. 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.

If this premises licence authorises the exhibition of films, the admission of children to the exhibition of any film must be restricted in accordance with this condition

9. Where the film classification body is specified in the licence, unless section b) below applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where—

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

If this premises licence requires the use of door supervisors.

10. Where the premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Note: This does not apply to premises with premises licences authorising plays or films, premises exclusively used by a club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence .

Explanatory Notes and Definitions for Mandatory Condition 4.

Definitions

“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

“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;

“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;

“valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price calculated would not be a whole number of pennies, it shall be taken to be the price calculated rounded **up** to the nearest penny.

NOTE: This note is provided to give assistance in calculating prices, it is not a legal document. If you are unsure on any issue related to permitted prices, seek advice. Further information can be found about mandatory conditions can be found at <https://www.gov.uk/alcohol-licensing#mandatory-licensing-conditions>.

Annex 2 – Conditions consistent with the Operating Schedule

Consideration of the Wellingborough Licensing Policy has been carried out to ensure the promotion of the four licensing objectives in this application.

CCTV is installed and maintained within the premises. The CCTV will cover all licensable areas. The CCTV will record images and these will be retained for a minimum of 14 days. A member of staff trained in the operation of the equipment will be available on the premises at all times the premises is open to the public.

A copy of recordings will be provided to the Police or Authorised Officer of a Responsible Authority upon reasonable request and conforming with the provisions of the Data Protection Act 1998.

A record will be kept detailing all refused sales of alcohol. The record will include the date and time of the refused sale, the reason for refusal and the name of the member of staff who refused the sale. It will also include all relevant details of the individual(s) refused. The record shall be available for inspection at the premises by the police or any authorised officer of the council at all times whilst the premises is open.

Any incidents that impact on the licensing objective of the Prevention of Crime and Disorder will be recorded and reported accordingly.

The sale by retail of alcohol on the premises shall be ancillary to a seated table meal.

All exits will be kept unobstructed and easy to open.

The premises will be maintained in a safe manner at all times.

All refuse will be disposed of in an appropriate manner. Staff will be instructed to maintain all external areas in a clean and presentable manner at all times.

During evening opening, a sign will be displayed requesting customers to leave the premises quietly and management will monitor and supervise this where necessary.

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identity cards such as a driving licence, passport or proof of age card with the PASS hologram.

Staff will be trained in the understanding of this policy and of their responsibilities with regard to the retail sale of alcohol and training records maintained for inspection if requested by the police or any other responsible authority.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

Please see attached



Part B

Premises Licence Summary

| | |
|--------------------------------|------------------------|
| Premises Licence Number | 16/01398/LAPNEW |
|--------------------------------|------------------------|

Part 1 – Premises Details

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

Pasha Shawarma
3 Cambridge Street
Wellingborough
Northamptonshire
NN8 1DJ

Telephone Number:

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Alcohol consumed on premises

Sunday 12:00 - 21:00

Monday to Saturday 12:00 - 23:30

Non Standard Timings

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Valentines Day 1200 to 0100 hours

The opening hours of the premises

Monday to Saturday 07:30 - 23:30

Sunday 08:00 - 21:00

Non Standard Timings

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, New Year's Day, Valentines Day 1200 to 0100 hours

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption on the premises

Part 2

Name, (registered) address of holder of premises licence

Miss Anna Halina Pstras
■ Penrhyn Road
Northampton
NN4 8EB

Registered number of holder, for example company number, charity number (where applicable)

Not Applicable

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Anna Halina Pstras

State whether access to the premises by children is restricted or prohibited

NO

Signed:



Date: 11 November 2022

Name: Mrs Amanda Wilcox
Position: Interim Environmental Health Lead
For and on behalf of the Licensing Authority

This premises licence **16/01398/LAPNEW**
has been issued by North Northamptonshire Council, Wellingborough Area
Licensing, Swanspool House, Doddington Road, Wellingborough, NN8 1BP
T: 0300 126 3000 | DD: 01933 231966 | Web: www.northnorthants.gov.uk

Our Issue Reference No: 22/02102/LAVDPS