

Minutes of a meeting of the Licensing Sub-Committee

At 10am on Tuesday 3rd September 2024

Held in the Council Chamber, Cedar Drive, Thrapston

Present:-

Members

Councillors Jonathan Ekins, Keli Watts and Lee Wilkes

Officers

Rita Groves, Licensing Enforcement Officer

Sarah Clipstone, Health Protection Officer

Pippa Williams, Public Health

Richard Holly, Public Health

Louise Delavalloire, Legal Advisor

Louise Tyers, Senior Democratic Services Officer

Observing

Jack Langford, Trading Standards

1 Election of Chair

RESOLVED:

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

2 Apologies for non-attendance

Apologies for non-attendance were received from Councillor Geoff Shacklock and Councillor Jonathan Ekins attended as substitute.

3 Members' Declarations of Interest

There were no declarations of interest.

4 Exclusion of Press and Public

RESOLVED:

That in accordance with section 100(a) of the Local Government Act 1972 the press and public will be excluded from the meeting during consideration of the following item on the grounds that it would involve the likely disclosure of exempt information of the description shown in Part 1 of Schedule 12A to the Act.

5 Review of the Premises Licence for Raunds Express, 16 Hill Street, Raunds, NN9 6NN

The licence holder and her representative were present.

The Licensing Enforcement Officer introduced the report which asked 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 Raunds Express, 16 Hill Street, Raunds, NN9 6NN.

An application to review the premises licence had been received from Northamptonshire Police and 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 had been out for consultation in accordance with the requirements of the Act and representations had been received from Raunds Town Council and North Northamptonshire Council's Public Health department, both supporting the review application.

RESOLVED:

That the premises licence of the premises known as Raunds Express, 16 Hill Street, Raunds, NN9 6NN be revoked.

Reasons for decision

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

- Licensing Act 2003
- The s182 Statutory Guidance
- The Licensing Objectives
- The report from Rita Groves on behalf of the Council.
- Representations of Northamptonshire Police
- Representations of Public Health
- Representation of and on behalf of Mrs Sutharshiny Vasanthan
- Written representations received
- Responses to questions raised by the sub-committee to all parties

The sub-committee unanimously agreed that having regard to the papers, having heard the application for review and the representations of all parties, that there were valid concerns in relation to the operation of the premises and compliance with the conditions of the premises licence.

The sub-committee considered that the sale of vapes to minors and the sale of illicit tobacco are serious criminal activities that undermine the licensing objective of the prevention of crime and disorder and the protection of children from harm. The sub-committee do not seek to establish the criminal liability of any party in relation to the allegations posed but do seek to ensure the promotion of the licensing objectives at all times.

The sub-committee considered the statutory powers available to them.

Modify the conditions of the licence.

The sub-committee considered the proposed conditions presented on behalf of Mrs Vasanthan and any other modifications it could make to the licence. The sub-committee concluded that there were no suitable modifications that could be put in place to prevent the sale of vapes to minors, inappropriate conduct towards minors by staff or the sale of illicit tobacco.

Exclude a licensable activity from the scope of the licence

The sub-committee considered the licensable activities of the premises licence. The only licensable activity is the sale of alcohol for consumption off the premises. The sub-committee concluded that to exclude the only licensable activity would equate to the licence being revoked.

Removal of the designated premises supervisor

The sub-committee considered that the incidents at the premises result from poor management of the premises. Considering the management of the premises the sub-committee concluded that the poor management is a direct reflection of poor company policy and practice, and removal of the designated supervisor would be an inadequate response.

Suspension of the licence for a period not exceeding three months

The sub-committee considered that a temporary suspension of the licence would not be sufficient to ensure the future promotion of the licensing objectives. It did not deem it would be a sufficient sanction to deter the licence holder from allowing the problems that gave rise to the review to be resolved on the basis of the premises irresponsible trading.

Revoke the licence

The sub-committee considers the underage sale of vapes, the sale of illicit tobacco and inappropriate conduct of staff towards minors to be extremely serious. These acts undermine the licensing objectives.

The sub-committee considered that this was the appropriate measure to take to tackle the problems at the premises and that all other measures had been considered and deemed insufficient.

6 Close of Meeting

The meeting closed at 12.10pm.

Chair

Date