

Minutes of a meeting of the Licensing Sub-Committee

At 2.00 pm on Tuesday 14th December, 2021

Held in the Council Chamber, Cedar Drive, Thrapston, NN14 4LZ

Present:

Members

Councillors Jonathan Ekins (Chair), Jennie Bone (Vice Chair) and Barbara Jenney

Officers

Samantha Edmunds, Health Protection Manager

Russ Howell, Health Team Manager

Louise Delavaloire, Legal Advisor

Louise Tyers, Senior Democratic Services Officer

7 Apologies for non-attendance

There were no apologies for non-attendance.

8 Members' Declarations of Interests

There were no declarations of interest.

9 Notifications of requests to address the meeting

It was noted that PC David Bryan would address the meeting on behalf of Northamptonshire Police, Rita Groves on behalf of the Licensing Authority and Councillor Paul Harley on behalf of Rushden Town Council.

10 Change to the order of the agenda

The Chair advised that agenda item 5, Review of the Premises Licence at The Angel Hotel, trading as Decades, Carrington Street, Kettering would be considered first.

11 Review of the Premises Licence at The Angel Hotel trading as Decades, Carrington Street, Kettering, NN16 0BY

The Senior Democratic Services Officer advised the Sub-Committee that a formal request had been received from the Licence Holder to adjourn the hearing as they had not received notification of today's meeting and were unable to attend and present their case.

RESOLVED:

That consideration of the application to review the Premises Licence be adjourned until 10am on Thursday 23 December 2021.

12 Review of the Premises Licence for International Supermarket, 82 High Street, Rushden, NN10 0PQ

The Licence Holder was not present or represented at the Hearing. The Senior Democratic Services Officer advised that a number of attempts had been made to contact the Licence Holder which had all been unsuccessful and accordingly the Sub-Committee agreed to consider the application in their absence.

The Chair welcomed everyone to the Hearing and those present introduced themselves. He explained that the Sub-Committee's decision-making process would be on the balance of probabilities.

The Health Protection Manager reported that an application for a review of the Premises Licence at International Supermarket had been received on 27 October 2021 from Northamptonshire Police. The appropriate Blue Notice had been displayed at the premises as required. The matters for which a review was sought related to the prevention of crime and disorder and the protection of children from harm. The request for the review related to a joint Northamptonshire Police, Trading Standards and North Northamptonshire (East area) visit where illegal tobacco products were being stored at the premises and an alleged underage sale(s) of alcohol.

Representations had been received from the Licensing Enforcement Officer and Rushden Town Council.

The Chair invited PC David Bryan, to address the Sub-Committee in support of his application. PC Bryan advised that on 24 July 2021, the Police had received a complaint of an underage sale of alcohol that had taken place at the premises. As there was little detail to follow up the allegation, the Police used their discretion and judgement and took the decision to monitor the premises. On 31 August 2021, North Northamptonshire Trading Standards made contact with the Police in relation to a joint visit to the premises as they had received a similar complaint in relation to underage drinking and sales taking place. On 5 October 2021, a joint visit was conducted and various breaches of the conditions of the Premises Licence were discovered. During a search of the premises a quantity of non-duty paid cigarettes were discovered and enquiries made with the Immigration Service relating to a male who was in charge of the premises at the time resulted in the discovery that the male, whilst having an outstanding asylum claim, had no right to work. The review application included a statement from the Trading Standards Officer who had attended the joint visit. The Police were therefore requesting that the Sub-Committee consider revoking the Premises Licence.

The Chair invited Rita Groves, Licensing Enforcement Officer, to address the Sub-Committee in support of her representation. Mrs Groves confirmed that the joint visit had found five conditions of the Premises Licence being breached. She had also been advised that the store had closed on the afternoon of the joint visit and had not reopened. A visit to the premises had shown that that the store had been cleared out. The Licensing Act 2003 was in force in order to protect the public and she fully supported the Police in their application for a review of the Premises Licence.

The Chair invited Jennifer Mason, Trading Standards Officer, to address the meeting. She confirmed that they had received a complaint from the manager of a children's home about underage sales. During the visit, a number of out of date food products

was found. Some legitimate tobacco and cigarettes were found but a number of illegal products were also found and removed.

The Chair invited Councillor Paul Harley of Rushden Town Council to address the meeting. He stated that there was evidence of underage sales and people buying for younger people. Illegal selling of drugs was also suspected.

In response to questions from the Sub-Committee, Mrs Groves confirmed that the licence had only been issued in October 2020 and she was not aware of the licence holder managing any other shops in the area.

All parties were given an opportunity to sum up their cases.

PC Bryan advised that a legal packet of cigarettes cost around £12 with illegal packets costing between £3.50 to £5. This was a significant find and Police analysis in 2013 showed that these types of products cost the national economy around £2.1 billion. This case was a small part of a massive problem.

Mrs Groves reiterated that significant shortcomings in how the premises was being run had been found during the visit. The find of illicit cigarettes was enough to remove the licence. The Licence Holder was actively ignoring everyone which did not bode well for the future. The Licensing Authority fully supported the review.

The meeting adjourned at 2.38pm and reconvened at 2.52pm.

RESOLVED:

To unanimously revoke the Premises Licence with immediate effect.

Reasons for Decision

In reaching its decision, the Sub-Committee had regard to, and took into consideration:

- The report from the Health Protection Manager;
- The Licensing Act 2003;
- The Section 182 Guidance;
- The Statement of Licensing Policy (East Northamptonshire Sovereign Policy currently in effect);
- The Licensing Objectives;
- Representations made by all parties.

The Sub-Committee noted that significant efforts have been made by the Local Authority to contact the Premises Licence Holder including emails and telephone calls all unanswered and not returned. No attendance was made on behalf International Supermarket at the Sub-Committee to make representations on their behalf.

Particular serious consideration was given to the evidence in relation to the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people; for employing a person who is disqualified from that work by reason of their immigration status in the UK and for the sale and storage of smuggled tobacco.

The Sub-Committee found the evidence presented to be sufficient and that it be reasonable and proportionate to revoke the Premises Licence.

13 Close of Meeting

The meeting closed at 2.55pm.

Chair

Date