

Licensing Sub-Committee 25 June 2024

Report Title	Review of the Premises Licence of Pasha Shawarma, 3 Cambridge Street, Wellingborough, NN8 1DJ
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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)

Statement of Licensing Policy (2022 to 2027)

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