Application for a Review of the Premises Licence at Euro Off-Licence, 142 Wellingborough Road, Rushden, Northamptonshire, NN10 9ST

Purpose of report
Application to review the Premises Licence at Euro Off-Licence, 142 Wellingborough Road, Rushden, Northamptonshire NN10 9ST.

Attachment(s)
Appendix 1 - Application Form for Review
Appendix 2 - Map of Area
Appendix 3 - Representation
Appendix 4 - Northamptonshire Fire & Rescue Service Letter
Appendix 5 - Current licence

1.0 Summary
1.1 An application to review the Premises Licence at Euro Off-Licence was received on 10th May 2019 from Northamptonshire Police. The appropriate blue notice was displayed on the premises during the required consultation period.

2.0 Application details
2.1 The matters for which a review to the premises licence is sought relates to the prevention of crime and disorder and the protection of children from harm. The request for the review relates to an underage sale of alcohol made on 15th April 2019.

3.0 Consultations
3.1 The following Consultations have been undertaken:

<table>
<thead>
<tr>
<th>Consultation</th>
<th>Representation</th>
</tr>
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<tbody>
<tr>
<td>Child Protection</td>
<td>No representation</td>
</tr>
<tr>
<td>Fire</td>
<td>No representation</td>
</tr>
<tr>
<td>Police</td>
<td>Review applicant</td>
</tr>
<tr>
<td>Trading Standards</td>
<td>No representation</td>
</tr>
<tr>
<td>Revenues and Customs</td>
<td>No representation</td>
</tr>
<tr>
<td>Health Authority</td>
<td>No representation</td>
</tr>
<tr>
<td>Lowick and Slipton Parish Council</td>
<td>No representation</td>
</tr>
<tr>
<td>Environmental Protection</td>
<td>No representation</td>
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<tr>
<td>Planning Authority</td>
<td>No representation</td>
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<tr>
<td>Public</td>
<td>No representation</td>
</tr>
<tr>
<td>Home Office (Immigration Enforcement)</td>
<td>No representation</td>
</tr>
<tr>
<td>Licensing (Local Authority)</td>
<td>Representation</td>
</tr>
</tbody>
</table>

3.2 The Licensing Compliance Officer has submitted a representation to support the review application. The representation relates to a Licensing Inspection held at the premises on 22nd May 2019.

The representation can be seen in Appendix 3.
3.3 The Northamptonshire Fire and Rescue Service shared a letter with PC Dave Bryan regarding a safety audit which was carried out on 20\textsuperscript{th} May 2019. This letter is shown at Appendix 4.

4.0 Determination

4.1 The Panel must carry out its functions to promote the licensing objectives having regard to:
- The Licensing Act 2003
- The Statement of Licensing Policy
- S182 Guidance

4.2 The Act states that following a hearing the Panel may take the following actions if they deem them necessary to promote the licensing objectives:
   a) no action necessary as no steps required to promote the licensing objectives;
   b) issuing an informal warning to the premises licence holder and/or to recommend improvement within a particular period of time. This Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.
   c) to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
   d) excluding a licensable activity from the licence;
   e) remove the designated premises supervisor;
   f) suspend the licence for a period of up to three months;
   g) to revoke the licence.

5.0 Policy Considerations

5.1 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:

   • 2.10 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol 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.

   • 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).

6.0 Section 182 Guidance Considerations

6.1 Sections 11.16 to 11.23 and 11.29 of the above guidance are particularly relevant to this application. This is not exhaustive and guidance should be considered fully prior to making decisions with respect to applications.
7.0 Committee Consideration

7.1 This Licensing Authority in determining what action to take will seek to establish the causes of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

8.0 Legal Implications

8.1 A legal officer will be present at the hearing to outline any legal matters that need to be taken into consideration.

9.0 Equality and Diversity Implications

9.1 There are no equality and diversity implications.

10.0 Financial Implications

10.1 There are no financial implications arising from this report.

11.0 Staff

11.1 There are no staffing implications.

12.0 Risk Management

12.1 There are no material risks.

13.0 Corporate Outcomes

13.1 The following corporate outcomes would be delivered
- Good quality of life
- Effective partnership working
- Knowledge of our customers and communities

14.0 Invitation to determine

14.1 The panel is asked to consider the information detailed above and determine the review application.

<table>
<thead>
<tr>
<th>Legal</th>
<th>Power: Licensing Act 2003</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Other considerations: Section 182 Guidance</td>
</tr>
<tr>
<td></td>
<td>Statement of Licensing Policy 2014-2019</td>
</tr>
</tbody>
</table>

Background Papers: None

Person Originating Report: Samantha Edmunds Health Protection Manager sedmunds@east-northamptonshire.gov.uk 01832 742030

Date: 12 June 2019

(C Committee Report Normal Rev. 22)
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 constable 113 Bryan on behalf of the Chief Officer of Police for Northamptonshire (insert name of applicant) apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

<table>
<thead>
<tr>
<th>Postal address of premises or, if none, ordnance survey map reference or description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Euro Off-License</td>
</tr>
<tr>
<td>142 Wellingborough Road</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Post town</th>
<th>Post code (if known)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rushden</td>
<td>NN10 9ST</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of premises licence holder or club holding club premises certificate (if known)</th>
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<tbody>
<tr>
<td>Mr Kayalapillai SUTHITHARAN</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of premises licence or club premises certificate (if known)</th>
</tr>
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<tbody>
<tr>
<td>15/00948/LAPNEW</td>
</tr>
</tbody>
</table>

Part 2 - Applicant details

I am

1) an interested party (please complete (A) or (B) below)

   a) a person living in the vicinity of the premises

   b) a body representing persons living in the vicinity of the premises

   c) a person involved in business in the vicinity of the premises

   d) a body representing persons involved in business in the vicinity of the premises

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
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,
Wellingborough Police Station
Wellingborough
Northamptonshire
NN8 1HF

Telephone number (if any)
101 EXT 343409

E-mail address (optional)
david.bryan@northants.pnn.police.uk

This application to review relates to the following licensing objective(s)  Please tick one or more boxes
1) the prevention of crime and disorder       ☒
2) public safety                               ☐
3) the prevention of public nuisance           ☐
4) the protection of children from harm        ☒

Please state the ground(s) for review (please read guidance note 1)
I act on behalf of the Chief Officer of Police 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.


This relates to an underage sale of alcohol made on the 15th of April 2019.
Please provide as much information as possible to support the application
(please read guidance note 2)

On the 15th of April 2019 Northamptonshire Police conducted a Test Purchase Operation in relation to underage sales of alcohol, this was conducted at numerous premises within the East Northamptonshire area.

At approximately 02:40pm on this day a 15 year old male involved in the operation purchase a single can of San Miguel lager 500ml 5.0%ABV (Alcohol by Volume) from the store witnessed by a plain clothed Police Officer employed in the operation. The seller was issued with a Penalty Notice for Disorder (PND) for £90.00 by way of disposing of the offence of Section 146 of the Licensing Act 2003.

Northamptonshire Police would not routinely call for a Review of a Premises Licence after one failed Test Purchase however on dealing with the seller and asking questions of the seller relating to the sale it became apparent that the seller did not know that alcohol should not be sold to a person under the age of 18 years. This clearly has raised concerns relating to the control of the premises, the Premises Licence Holder (Kayalapillai SUTHITHARAN) and the DPS (Sivasentha SELLTHAURAI) were not present at the time of the sale.

The seller was the wife of the manager Mr Nirmalanjan VINAYAGAMOORPHY, the manager was not present when the sale took place but attended the premises within 10 minutes after the seller contacted him. I explained that his wife had sold alcohol to a 15 year old and the manager stated that his wife was not working at the shop, this was also said to me by the seller when I initially spoke to her about the sale. The seller had a working knowledge of the till system as she was serving other customers whilst we were in the shop, no other members of staff were present in the shop when the sale took place leaving the seller as the only person in control of the shop.

Northamptonshire Police would like the Licensing Sub-Committee of East Northants Council to consider the following conditions that Northamptonshire Police are of the opinion would promote the licensing objectives.

1) A CCTV system is installed and maintained within the premises, the CCTV will cover all licensable areas including the till and serving counter. The CCTV will record images and these will be retained for a minimum of 31 days. A member of staff trained in the operation of the CCTV equipment will be available on the premises at all times the premises is open to the public. A copy of the recordings will be provided to the Police or an Authorised Officer of a Responsible Authority upon reasonable request but no later than 48 hours, the request will be made within the provisions of current Data Protection legislation.

2) A proof of age scheme, Challenge 25 shall be operated at the premises where the only acceptable forms of identification are recognised photographic cards, such as a driving licence, passports, holographic marked PASS scheme cards, or HM Forces identification cards.

3) Training records shall be kept and maintained in respect of the prevention of underage sales of alcohol and refresher training shall be done every six months, the records shall be signed for by all staff employed in the sale by retail of alcohol.

4) Signage shall be displayed within the premises relating to the Challenge 25 scheme.
Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

If you have made representations before relating to this premises please state what they were and when you made them
Please tick yes

- 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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures  (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity  Northamptonshire Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application  (please read guidance note 5)

<table>
<thead>
<tr>
<th>Post town</th>
<th>Post Code</th>
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</tbody>
</table>

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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.
MEMORANDUM

To: Central Licensing Administration Unit

From: Emma Matthews
Licensing Compliance Officer
Environmental Services / Health Protection

Ref: Review application for Euro Off Licence
142 Wellingborough Road, Rushden, Northamptonshire NN10 9ST

Date: 30 May 2019

In reference to the review application for the above premises I wish to support the review and make the following comments:

On the afternoon of 22 May 2019, I attended Euro Off Licence with my colleague Rita Groves, Licensing Enforcement Officer, to carry out an inspection under the Licensing Act 2003.

On entering the premises I identified myself as the Licensing Compliance Officer from East Northamptonshire Council. The gentleman behind the counter, Mr Vinayacipmoorthy Nirmacaranjan was the only member of staff on the premises. He stated he was the manager and is a personal licence holder with the London Borough of Hillingdon. Neither the premises licence holder nor the Designated Premises Supervisor (DPS) were present.

I went through most of the inspection questions with Mr Nirmacaranjan. During the inspection, Mr Nirmacaranjan telephoned the DPS, Mr Sellthaurai, to say that I was in the shop. I then carried out the rest of the inspection with Mr Sellthaurai.

The inspection on 22 May 2019 did not uncover any significant breaches under the Licensing Act 2003, although the manager was unable to recall any of the objectives of the Licensing Act 2003, or the mandatory conditions attached to a premises licence.

Gary Short, Fire Protection Officer with from Northamptonshire Fire Service had been to the premises a few days before my visit to carry out an inspection under the Regulatory Reform (Fire Safety) Order 2005. I understand that a report has been made to Mr Sellthaurai and that any issues raised will be dealt with.

Mr Sellthaurai informed me that Mr Suhutharan, the premises licence holder, had employed Lockett & Co as licensing consultants to represent them at the upcoming review hearing. A meeting had taken place with Mr Corrigan Lockett and PC David Bryan, Licensing Officer with Northamptonshire Police, and they had discussed matters which it was felt needed to be addressed. This included updating the Annex B licence conditions, undertaking and refreshing staff training, and the implementation of an age verification policy.

I was pleased to see that Mr Nirmacaranjan was wearing a Challenge 25 badge on his clothing, there was a Challenge 25 poster behind the counter, and small Challenge 25 notifications on the shelves containing alcohol.

On the whole, I had no major concerns with the premises. As he appears to be in charge on a day to day basis, the manager must ensure that he is fully aware of the legislation related to the business.
Dear Sivasenthan,

REGULATORY REFORM (FIRE SAFETY) ORDER 2005
Euro Off Licence 142 Wellingborough Road Rushden NN10 9ST

With reference to the fire safety audit of your premises on the 20th May 2019, I confirm that the outcome was as follows:

- A Fire Safety Risk Assessment has not been carried out. A suitable and sufficient fire safety risk assessment should be undertaken. The assessment should cover all significant risks, which may affect any person who may be affected by fire, and should include the means of access and egress from the premises. The assessment should be reviewed at regular intervals, and when a significant change is made.

- The actions of staff if there is a fire are likely to be crucial to their safety and that of other people in the premises. All staff should receive verifiable basic fire safety training and attend refresher sessions at pre-determined intervals.

- The fridge in the rear stock room is partially obscuring one of the final exit doors. It should be moved immediately to allow for the full width of the exit to be used at all times.

It will still be necessary to review your fire risk assessment regularly (recommended to be at least once a year) and on the occasion of any of the following:-

(a) There is reason to suspect that it is no longer valid, or

(b) There has been a significant change to the matters to which it relates.

Where as a result of any such review, changes to an assessment are required, the responsible person concerned shall make them.
Any enquires concerning these matters may be addressed to the inspector named at the address below.

Yours faithfully

Gary Short
Fire Protection Officer
Part A

Premises Licence

East Northamptonshire Council,
Cedar Drive, Thrapston, Northamptonshire, NN14 4LZ
Tel 01832 742102
www.east-northamptonshire.gov.uk

<table>
<thead>
<tr>
<th>Premises Licence Number</th>
<th>15/00948/LAPNEW</th>
</tr>
</thead>
</table>

Part 1 – Premises Details

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

Euro Off Licence
142 Wellingborough Road
Rushden
Northamptonshire
NN10 9ST

**Telephone Number:** 01933 353169
Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol
Alcohol consumed off premises
Sunday  10:00 - 22:30
Monday to Saturday  08:00 - 23:00

The opening hours of the premises
Monday to Saturday  08:00 - 23:00
Sunday  10:00 - 22:30

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption off the premises
<table>
<thead>
<tr>
<th>Name, (registered) address, telephone number and email (where relevant) of holder of premises licence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Kayalapillai Suhitharan</td>
</tr>
<tr>
<td>Marston Moretaine</td>
</tr>
<tr>
<td>Bedfordshire</td>
</tr>
<tr>
<td>MK43 0FH</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Registered number of holder, for example company number, charity number (where applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name, address, and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol</th>
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</thead>
<tbody>
<tr>
<td>Sivasentha Sellthaurai</td>
</tr>
<tr>
<td>Bedford</td>
</tr>
<tr>
<td>Bedfordshire</td>
</tr>
<tr>
<td>MK40 1DN</td>
</tr>
<tr>
<td>Mobile Phone:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Licence Number: MK00088349</td>
</tr>
<tr>
<td>Licensing Authority: Milton Keynes Council</td>
</tr>
</tbody>
</table>
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 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.

   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.

4. 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 requires the use of door supervisors.

5. 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.
Explanatory Notes and Definitions for Mandatory Condition 8.

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.
Embedded Conditions Apply (The licence is granted on the condition that the restrictions contained within the enactments specified under Licensing Act 2003 Schedule 8 (6) are adhered to).

You must be an active member of the Rushden and Higham Pubwatch scheme.
Annex 3 – Conditions attached after a hearing by the licensing authority

None
Annex 4 – Plans

Accept new plan of premises showing changes to internal layout received at the Local Authority 20th April 2010
<table>
<thead>
<tr>
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Part 1 – Premises Details

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**Telephone Number:** 01933 353169
Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

**Sale of Alcohol**
**Alcohol consumed off premises**
Sunday 10:00 - 22:30
Monday to Saturday 08:00 - 23:00

The opening hours of the premises

Monday to Saturday 08:00 - 23:00
Sunday 10:00 - 22:30

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

Alcohol is supplied for consumption off the premises
### Part 2

<table>
<thead>
<tr>
<th><strong>Name, (registered) address of holder of premises licence</strong></th>
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<tr>
<td>Mr Kayalapillai Suhitharan</td>
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<tr>
<th><strong>Name of designated premises supervisor where the premises licence authorises for the supply of alcohol</strong></th>
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<tbody>
<tr>
<td>Sivasentha Sellthaurai</td>
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<tr>
<th><strong>State whether access to the premises by children is restricted or prohibited</strong></th>
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<tbody>
<tr>
<td>No</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th><strong>Signed:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>![Signature]</td>
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Date: 24 November 2005

Name: Julia Smith
Position: Health Protection Manager
For and on behalf of the Licensing Authority

This premises licence **15/00948/LAPNEW** has been issued by East Northamptonshire Council, Cedar Drive, Thrapston, Northamptonshire, NN14 4LZ
Tel 01832 742102
www.east-northamptonshire.gov.uk

Our Reference No: 15/00948/LAPNEW