

## LICENSING (LIQUOR AND GAMBLING) PANEL

**Date:** 08 April 2019

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 10.00 am

**Present:** Councillors: Steven North  
Peter Wathen  
Pam Whiting

### 1. APPOINTMENT OF CHAIRMAN

#### RESOLVED:

That Councillor Peter Wathen be appointed Chairman of the Panel for this hearing.

### 2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

### 3. DECLARATIONS OF INTEREST

No declarations of interest were made.

### 4. EXCLUSION OF PRESS AND PUBLIC

#### RESOLVED:

That the public and press be excluded from the meeting during consideration of the following item because exempt information, as defined under paragraphs 1 and 7 of Schedule 12A of the Local Government Act 1972, may be disclosed.

### 5. REVIEW OF A PREMISES LICENCE FOR THE SPICE LOUNGE, 22-24 HIGH STREET, HIGHAM FERRERS, NN10 8BL

The Health Protection Manager reported that an application to review the premises licence at The Spice Lounge, High Street, Higham Ferrers had been received on 15 February 2019 from Northamptonshire Police. The appropriate Blue Notice had been displayed on the premises during the required consultation period.

The matter for which a review had been sought related to the prevention of crime and disorder, specifically knowingly allowing two persons to work illegally at the premises. The Council's Licensing Enforcement Officer had submitted a representation to support the review application.

Having heard from all parties, the Panel **RESOLVED:**

The Licensing Panel has considered this application for a review of the premises licence for The Spice Lounge, 22-24 High Street, Higham Ferrers and has taken into account the report from East Northamptonshire Council's Health Protection Manager, the application submitted by the Police, Witness Statement submitted by the Chief Immigration Officer and the subsequent representations submitted by two officers of the Arrest Team at the Immigration Compliance and Enforcement Team and representation from East Northamptonshire Council's Licensing Enforcement Officer. The Panel carefully considered representations made on behalf of the Premises Licence Holder and Designated Premises Supervisor.

The Panel have therefore decided unanimously:

- 1) To suspend the premises licence with immediate effect for a period of one month relating to The Spice Lounge, 22-24 High Street, Higham Ferrers.
- 2) To remove the Designated Premises Supervisor from the licence.

The Panel received legal advice in terms of:

- 1) The licensing objective of prevention of serious crime and disorder
- 2) The options available to the Panel under Section 53B
- 3) Section 182 and Section 53A Summary Review Guidance
- 4) The legal test to be applied
- 5) Its own statement of licensing policy
- 6) The legal test to be applied – Promotion of Licensing Objective of Prevention of Crime and Disorder.

The reasons for the decision are:

- 1) The Panel accepted the representations made by Northamptonshire Police, and decided that on balance of probability that suspension of the premises licence is appropriate to deter the premises being used as a vehicle for criminal activity and to prevent the exploitation of vulnerable individuals which may also involve defrauding the Revenue.
- 2) The Designated Premises Supervisor's failure to adhere to conditions already applied to the licence.

The Decision Notice will be sent out in writing. If aggrieved with the Panel's decision, the Applicant and any Party that has made representation has the Right to Appeal to the Magistrates Court within 21 days of the Decision Notification letter.

**Chairman**

## LICENSING (LIQUOR AND GAMBLING) PANEL

**Date:** 01 July 2019

**Venue:** East Northamptonshire House, Cedar Drive, Thrapston

**Time:** 10.00 am

**Present:** Councillors: Barbara Jenney  
Geoff Shacklock  
Peter Wathen

### 1. APPOINTMENT OF CHAIRMAN

#### **RESOLVED:**

That Councillor Barbara Jenney be appointed Chairman of the Panel for this hearing.

### 2. APOLOGIES FOR ABSENCE

No apologies for absence were received.

### 3. DECLARATIONS OF INTEREST

No declarations of interest were made.

### 4. REVIEW OF THE PREMISES LICENCE FOR EURO OFF LICENCE, 142 WELLINGBOROUGH ROAD, RUSHDEN, NN10 9ST

The Health Protection Manager reported that an application to review the premises licence at Euro Off Licence, Wellingborough Road, Rushden had been received on 10 May 2019 from Northamptonshire Police. The appropriate Blue Notice had been displayed on the premises during the required consultation period.

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 an underage sale of alcohol made on 15 April 2019. The Council's Licensing Compliance Officer had submitted a representation to support the review application.

Having heard from all parties, the Panel **RESOLVED:**

The Licensing Panel has considered this application for a review of the premises licence for Euro Off-Licence, 142 Wellingborough Road, Rushden that was requested by Northamptonshire Police. The Panel took into account the report of the Health Protection Manager and the Licensing Compliance Officer of East Northamptonshire Council. The Panel also heard from the Premises Licence Holder's representative on behalf of the Premises Licence Holder Mr K Suthitharan.

The Panel carefully deliberated and had regard to:-

- The Licensing Act 2003

- The Statement of Licensing Policy (Section 2.10 and 2.13)
- S182 Guidance –(Section 11.16 to 11.23 and 11.29)
- All relevant representations received

The main reason for the review is in relation to the prevention of crime and disorder and the protection of children from harm.

The Licensing Panel have considered all the above and were pleased to hear that the Premises Licence Holder, since the failed test purchase on 15 April 2019, has taken positive steps to ensure that the licensing objectives are being met. Furthermore, the Panel were advised that a recent test purchase was passed on the 17 June 2019.

The Panel also noted that the Premises Licence Holder had accepted the conditions put forward by Northamptonshire Police and therefore the Panel have decided that the following conditions be added to the Premises Licence:-

- 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.

The Decision Notice will be sent out in writing. If any Party, who has made a representation, is aggrieved with the Panel's decision, they have the Right to Appeal to the Magistrates Court. That must be done within 21 days of the date given on the Decision Notice, and the modification of the licence conditions do not take affect until the expiry of the 21 day period.

**Chairman**