

## **REVIEW OF PREMISES LICENCE –**

### **Licensing Sub-Committee**

**10.00am Tuesday 14<sup>th</sup> July 2020**

### **Remote Hearing**

#### **1.0 Purpose of Report**

- 1.1 To consider a request from Northamptonshire Police for the Review of the Premises Licence for D-Light Convenience Store at 69, Kettering Road, Northampton.

#### **2.0 Summary**

- 2.1 The review application was received on the 28<sup>th</sup> May 2020 and submitted in accordance with licensing objective(s) for;
- The Prevention of Crime and Disorder
- 2.2 The current licence holder is Mr Shafiullah Malik Zadeh.

#### **3.0 Consultations/Representations**

- 3.1 When a request for the review of a premises licence or club premises certificate is received, the licensing authority must display a notice at or near the premises, and on the council's website. This gives responsible authorities and any other interested parties a 28-day period for the opportunity to make representations in relation to the review application. It is the responsibility of the applicant to serve a copy of the review application onto the licence holder and the responsible authorities.
- 3.2 The local authority displayed the obligatory notice on the 29<sup>th</sup> May 2020.
- 3.3 During the 28-day period representation has been received, this being from Ian Grieve at Northamptonshire Fire & Rescue Service.

#### **4.0 Attendance**

- 4.1 The local authority is required to request confirmation of attendance from all interested parties. The following have to date confirmed attendance at today's hearing:

PC Sandy Tracey – Northamptonshire Police

PC David Bryan – Northamptonshire Police

Mr Ian Grieve – Northamptonshire Fire & Rescue Service

## **5.0 Premises Licence Details**

### **5.1 Licence Number: PL1008**

#### **The current Licence Holder of the premises is:**

Mr Shafiullah Malik Zadeh

Currently there is no Designated Premises Supervisor at this premises having been removed at a previous review hearing on 17<sup>th</sup> February 2020 when police brought made an earlier review application for this premises on crime & disorder grounds.

#### **The premises are licensed for the following activities and times:**

##### **Off Sales of Alcohol:**

Sunday – Thursday 08.00 – 23.00hrs

Friday – Saturday 08.00 – 02.30hrs

##### **Opening Hours:**

Sunday – Thursday 08.00 – 23.00hrs

Friday – Saturday 08.00 – 02.30hrs

## **6.0 History of Premises & Licence Holder**

6.1 Mr Malik Zadeh has been licence holder at D-Light Convenience Store since May 2019.

6.2 As stated this premises licence was reviewed by a sub-committee on 17<sup>th</sup> February 2020 following an earlier application on the grounds of the prevention of crime & disorder. At that hearing that hearing the premises licence was suspended for 3 months, the Designated Premises Licence Holder at that time removed and further conditions were added.

## **7.0 Options**

7.1 At the end of the consultation period the licensing authority must hold a hearing. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The steps the Sub-Committee can take are to:

- to modify the conditions of the licence;
- to exclude a licensable activity from the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding 3 months;
- to revoke the licence.

For those purposes, a condition of the licence is modified if any of them are altered or omitted or a new condition is added.

## **8.0 Policy Considerations**

8.1 Northampton Borough Council Statement of Licensing Policy

8.2 s.182 Guidance Licensing Act 2003

Sections 11 & 13 give guidance for determination of this application.

Subsections 11.24 to 11.28 highlight the elements of the Guidance that are most relevant with respect to this application. This is not exhaustive, and guidance should be considered fully prior to making decisions with respect to applications.

## **9.0 Committee**

Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

<b>Report Contents</b>	<b>Title</b>
1.	Review Application
2.	Premises Licence PL1008
3.	Blue Notice
4.	Evidential Bundle
<b>Report Author</b>	Martin O'Connell

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

**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 Police Constable 0010 TRACEY**

*(Insert name of applicant)*

apply for the review of a premises licence under section 51 / apply for the review of a club  
premises certificate under section 87 of the Licensing Act 2003 for the premises described in  
Part 1 below (delete as applicable)

**Part 1 – Premises or club premises details**

Postal address of premises or, if none, ordnance survey map reference or description D-Light 69, Kettering Road,	
Post town Northampton	Post code (if known) NN1 4AW

Name of premises licence holder or club holding club premises certificate (if known) Mr Shafullah Malik ZADEH
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Number of premises licence or club premises certificate (if known) PL1008
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)
- 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 ✓ yes

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 0010 S TRACEY Northamptonshire Police Wellingborough Police Station Midland Road Wellingborough Northamptonshire NN8 1HF
Telephone number (if any) 101 EXT 346307
E-mail address (optional) Sandy.tracey@northants.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓  
X

Please state the ground(s) for review (please read guidance note 2)

I act on behalf of the Chief Officer of Police for Northamptonshire, Mr Adderley. He has delegated responsibility and has authorised me to act on his behalf with regard to representations made by Northamptonshire Police to Licensing Authorities across the county of Northamptonshire.

Northamptonshire Police call for the Review of the Premises Licence for D-Light under the Licensing Objective of the Prevention of Crime and Disorder.

This Review relates to the offence of:

1. Sale of Non-Duty paid Tobacco. (Tobacco Products Duty Act 1979)
2. Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity. (S136 (1) Licensing Act 2003)

Please provide as much information as possible to support the application (please read guidance note 3)

1. The venue's premises licence PL1008 was suspended after a Review was instigated by Northamptonshire Police. The suspension was for 3 months from the 4<sup>th</sup> March, 2020, it is due to cease on the 4<sup>th</sup> June, 2020, the Premises Licence was also modified and a number of conditions were added.
2. On Monday 4<sup>th</sup> May, 2020 at approximately 22:15hrs, Northamptonshire Police Licensing Officers conducted a Test Purchase (TP) for Tobacco at D-Light Convenience Store, 69 Kettering Road, Northampton, the premises were open and trading at the time. A sale of non-UK duty paid cigarettes was made to the officer. The officer making the TP noticed alcohol on display behind the counter, part of it was concealed behind a grey sheet.
3. A second test purchase was conducted with this in mind by the same officer at 11.30hrs the following day for alcohol. On her arrival the premises were open and trading. The same male member of staff who had made the cigarette sale the night before sold her a bottle of wine from behind the sheet.
4. Uniformed officers attended the next day (6<sup>th</sup> May 11:30hrs) where a further test purchase for alcohol was made to the same officer (who was wearing plain clothes) by the same male member of staff who had made the previous sales of alcohol and cigarettes. He sold a further bottle of wine to the officer. Police then entered the premises and seized the alcohol that was in the store. This was seized under the power of S19 PACE 1984. A total of 64 bottles of wine, 30 bottles of whiskey, 14 bottles of Rum, 17 bottles of Liqueur, 11 bottles of Vodka and 13 bottles of Brandy were seized. Police also seized 5 packets of cigarettes and 1 packet of hand rolling tobacco that were below the counter, none of them had UK duty paid. In total the estimated value of the alcohol seized was approximately £3500.00, contact details of the Officer's seizing the alcohol were left at the premises. To date the Premises Licence Holder has made no attempt to contact Northamptonshire Police about this matter.

Northamptonshire Police would ask the Licensing Sub-Committee of Northampton Borough Council to revoke the Premises Licence, it is our assertion that the manner in which the premises is being operated does not promote the Licensing Objectives.

When making this application Northamptonshire Police have consulted the statutory section 182 Guidance that accompanies the Licensing Act 2003, specifically paragraphs 11.24 – 11.28, which relates to Reviews in connection with crime.

R (Bassetlaw District Council) v Worksop Magistrates Court outlines the case that the action(s) taken by the Licensing Committee can be punitive. Northamptonshire Police ask the Licensing Committee to consider Revocation of this particular Premises Licence in the interests of the wider community for reasons detailed in the above case, who are involved or considering engaging in this illegal activity.

This is Northamptonshire Police's initial submission to the Licensing Authority further details regarding the visit will be submitted in accordance with the Licensing Act 2003 Hearing Regulations.



Please tick ✓ yes

Have you made an application for review relating to the premises before

X

If yes please state the date of that application

Day	Month	Year
14	11	2019

If you have made representations before relating to the premises please state what they were and when you made them

1. The premises licence was called for Review in respect of the Prevention of Crime and Disorder licensing objective. The Review related to specifically, a seizure on the 18<sup>th</sup> June, 2019 of 2,960 packets of illicit (No duty paid) cigarettes and 53.5 kgs of hand rolling tobacco in addition they seized 2538 litres of alcohol that at the time could not be accounted for.
2. On the 19<sup>th</sup> September, 2019 officers from Northants Police, HMRC, NCC Trading Standards Department and officers from Northampton Borough Council conducted 6 visits in the Borough of Northampton, one of these visits was to D-Light. A male was found to be in charge of the premises, this male gave his details to officers. Checks were conducted at the time with the Immigration Service and the male was found to have no legal right to work in the UK.
3. In addition to the points above, a number of warnings were issued by NCC Trading Standards regarding complaints of illicit tobacco sales.

Please tick ✓

- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

*L Tracey PC10*

Date

19/05/2020

Capacity **Northamptonshire Police Licensing Constable**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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### Licensing Act 2003 - Premises Licence Register as at 10:31 on 1 July 2020

#### D-LIGHT Convenience Store

69 Kettering Road, Northampton, Northants, NN1 4AW

**Premises Licence PL1008 from from 04/06/2020 to indefinite**

#### Licence holder(s)

<b>Full Name:</b>	Mr Shafiqullah Malik Zadeh
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#### Designated Premises Supervisor

<b>Full Name:</b>	Pending
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#### Permitted Activities

- the sale by retail of alcohol

#### Premises Open Hours Granted

	Time From	Time To
Monday-Thursday	08:00	23:00
Friday-Saturday	08:00	02:30
Sunday	08:00	23:00

#### Activities - Times Granted

	Time From	Time To
<b>M. The sale by retail of alcohol for consumption OFF the premises only</b>		
Monday-Thursday	08:00	23:00
Friday-Saturday	08:00	02:30
Sunday	08:00	23:00

### ANNEX 1 - MANDATORY CONDITIONS

#### Mandatory conditions where licence authorises supply of alcohol

- (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.

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014.

#### **The following conditions shall come into force on 28th May 2014**

- 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.
- For the purposes of the condition set out in paragraph 1-
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) "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;
- (c) "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;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### ADDITIONAL MANDATORY CONDITIONS

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended by the The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014.

#### **The following conditions shall come into force on 1<sup>st</sup> October 2014**

3. (1) 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.

(2) 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.

(3) 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.

#### Licence Conditions

A CCTV system is in operation. recordings will be kept for 28 days and appropriate members of staff will be trained to retrieve recordings on reasonable request by an authorised officer.

Challenge 25 proof of age scheme is in place.

The Premises Licence holder and staff will work with the Police to promote the licensing objectives.

#### **Conditions added to the Premises Licence for D-Light, 69 Kettering Road, Northampton following the Licensing Sub-committee hearing on 17 February 2020**

The Premises Licence Holder will conduct a Fire Risk Assessment to the satisfaction of the Northamptonshire Fire & Rescue Service within 3 months of the date of the Sub-committee's decision, i.e. by 17 May 2020. The Premises Licence Holder will take any necessary steps identified by the Fire Risk Assessment to the satisfaction of Northamptonshire Fire and Rescue Service.

Mr Aram, once removed from his role in accordance with the Sub-committee's decision, is not to be employed at the premises in any capacity whether paid or unpaid.

The Premises Licence Holder will provide and maintain a CCTV system to the specifications recommended by the Northamptonshire Police and set out further below.

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly regarding facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/supply of alcohol occurs.
2. Equipment must be maintained in good working order, be correctly time and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 28 days. The Premises Licence Holder must ensure that at all times the premises are open the Designated Premises Supervisor (DPS) or a member of staff who is trained and capable of downloading CCTV footage in a recordable media format is on the premises. The DPS or staff member will download and produce any footage to a Police Officer, an authorised officer or Trading Standards Officer on demand and in a viewable format.
3. CCTV equipment shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational weekly log report must be maintained and be endorsed by signature, indicating that the system has been checked and is compliant during that week.
4. In the event of any system failure, actions taken to remedy same are also to be recorded. The Premises Licence Holder/DPS must report the failure of the system to the Police (on contact number '101') and Council Licensing Department immediately.

Responsible Alcohol Retailing Training:

1. All staff engaged in the sale of alcohol are to be trained in Responsible Alcohol Retailing prior to commencing employment at the premises. Any existing staff are to receive such training (if not already provided) within 3 months of the date of the Sub-committee's decision, i.e. by 17 May 2020.
2. Re-training is to be carried out annually.
3. Records of training provided, including training materials used, shall be kept on the premises and must be produced to a police officer or an 'authorised person' (as defined by section 13 of the Licensing Act 2003) or a Trading Standards Officer for the area in which the premises are located on demand.

CHALLENGE 25:

1. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises and shall require the production of appropriate identification documents such as a passport or photographic driving licence. The policy shall be produced to a police officer or an 'authorised person' (as defined by section 13 of the Licensing Act 2003) or a Trading Standards Officer for the area in which the premises are located on demand.
2. Prominent, clear and legible signage indicating that the scheme is being operated shall also be displayed at all entrances to the premises and behind any counter at which sales of alcohol will be made. The signage is to be in a form provided by a national group such as the British Beer and Pub Association, Challenge25.co.uk or pass-scheme.org.uk.

REFUSALS:

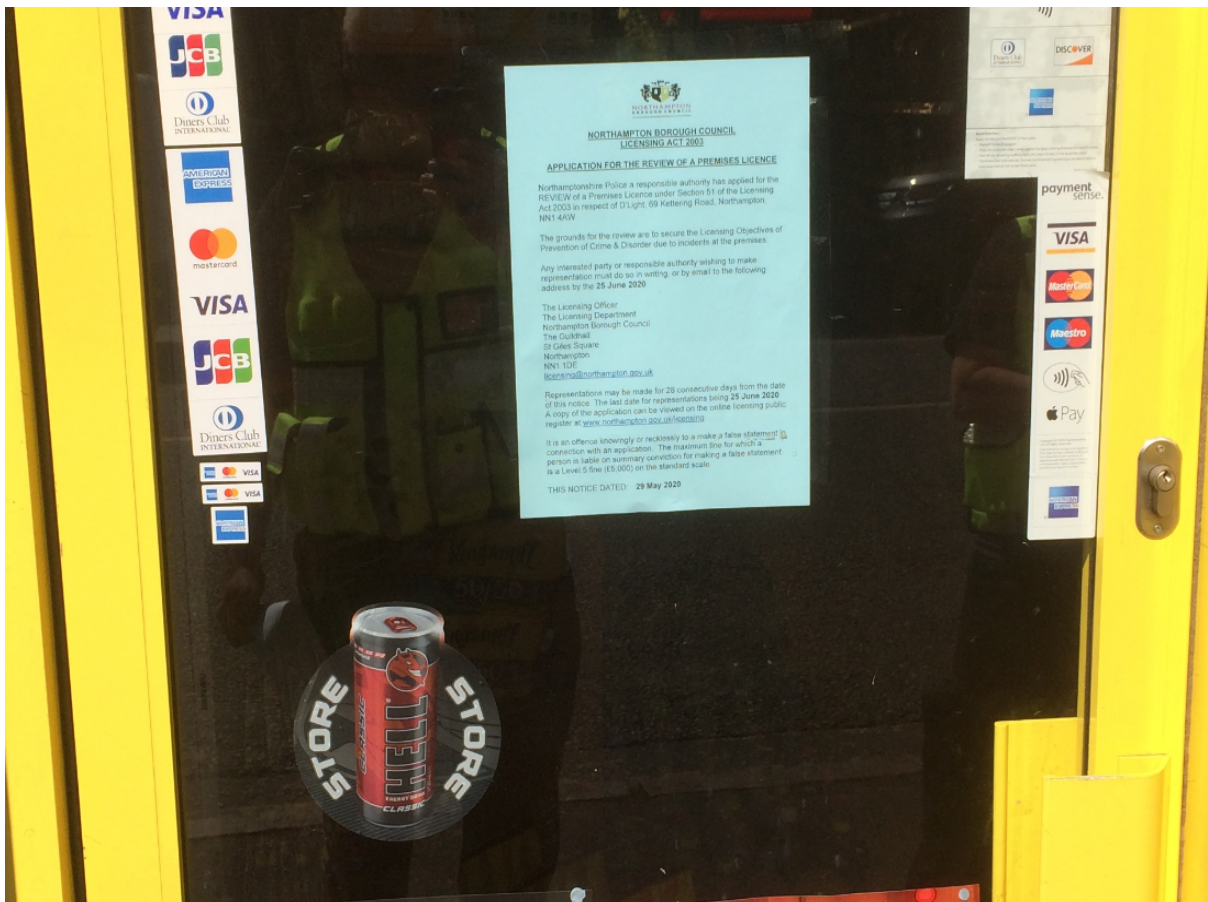
1. A written register of Refusals will be kept in relation to any refusal to sell alcohol, whether due to the person's age or lack of sobriety. The register will include a description of the person concerned, the date and time of the incident, any requests made to verify their age (where relevant), and any other details of the incident. The register shall be kept for a period of 12 months and will be produced to a police officer or an 'authorised person' (as defined by section 13 of the Licensing Act 2003) or a Trading Standards Officer for the area in which the premises are located on demand.


IMMIGRATION:

1. A written record must be kept at the premises and must be produced to a police officer or an 'authorised person' (as defined by section 13 of the Licensing Act 2003) or a Trading Standards Officer for the area in which the premises are located on demand. This written record must record the following information as a minimum:
  - a. Details of all persons employed at the premises in any capacity.
  - b. The full names, dates of birth and current home addresses of persons listed as (a) above.
  - c. A copy of the current Home Office 'Right to Work' Checklist or any other current document issued by the Home Office, with the above information within a separate document for each employee.
2. All such information shall be recorded/copied prior to employment at the premises, and should be supported by a copy of the relevant document(s) indicated in the current Home Office 'Right to Work Checklist' or any other current document issued by the Home Office.

LOITERING:

1. The Designated Premises Supervisor and staff will use their best endeavours to ensure that persons unconnected with the business do not loiter within the premises.



  
**NORTHAMPTON BOROUGH COUNCIL**  
**LICENSING ACT 2003**

**APPLICATION FOR THE REVIEW OF A PREMISES LICENCE**

Northamptonshire Police a responsible authority has applied for the REVIEW of a Premises Licence under Section 51 of the Licensing Act 2003 in respect of D'Light, 69 Kettering Road, Northampton, NN1 4AW

The grounds for the review are to secure the Licensing Objectives of Prevention of Crime & Disorder due to incidents at the premises.

Any interested party or responsible authority wishing to make representation must do so in writing, or by email to the following address by the **25 June 2020**

The Licensing Officer  
The Licensing Department  
Northampton Borough Council  
The Guildhall  
St Giles Square  
Northampton  
NN1 1DE  
[licensing@northampton.gov.uk](mailto:licensing@northampton.gov.uk)

Representations may be made for 28 consecutive days from the date of this notice. The last date for representations being **25 June 2020**. A copy of the application can be viewed on the online licensing public register at [www.northampton.gov.uk/licensing](http://www.northampton.gov.uk/licensing)

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine (£5,000) on the standard scale.

THIS NOTICE DATED: **29 May 2020**