



**Dalkeith Convenience Store
10-11 Dalkeith Place
Kettering**

Premises Licence Review Application

**Chief Supt Paul Fell
Local Policing Commander
Northamptonshire Police**

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 Chief Superintendent Fell

(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

Postal address of premises or, if none, ordnance survey map reference or description Dalkeith Convenience Store 10-11 Dalkeith Place	
Post town Kettering	Post code (if known) NN16 0BS

Name of premises licence holder or club holding club premises certificate (if known) Pauls Sop and Shop No 2 Ltd
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Number of premises licence or club premises certificate (if known) K/13/24391

Part 2 - Applicant details

I am

Please tick yes

- 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 Northants Police Licensing Unit Wellingborough Police Station Midland Rd Wellingborough NN8 1HF
Telephone number (if any) 101 Ext 5706
E-mail address (optional) nblicensingunit@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)

Northamptonshire Police are seeking a review of this Premises Licence under the Licensing Objectives marked above and in respect of a further offence of selling alcohol to a person under the age of 18 years.

Please provide as much information as possible to support the application
(please read guidance note 2)

Dalkeith Convenience Store (currently trading as Pauls Stop and Shop) was subject to a review of their Premises Licence (K/10/12116) on 23rd January 2013.

This review was as a result of an application made by Northants Police which included evidence around the sale of alcohol to drunk and underage persons.

The Licensing Committee on this occasion determined that the DPS, at that time, Mrs Neelam PAUL, be removed and added a total of eight separate conditions to the Premises Licence, several of which were aimed specifically at preventing the sale of alcohol to children.

On Thursday 05th Sep 2013 at 1715 hours the premises were subject to a test purchase operation carried out by Northants Police, where Mrs Nirmla PAUL sold alcohol to a 16 year old girl. (Copy evidential statement attached). Mrs PAUL will be dealt with expeditiously in respect of this offence and it should also be noted that subsequent to the previous review hearing Nirmla PAUL has a conviction for 'selling alcohol to a drunk' at the Dalkeith Place store.

On Wednesday 11th Sep 2013 PC 1048 Murphy attended the premises and conducted a compliance check in respect of the Premises Licence conditions. It was found that the premises were trading in breach of two conditions previously imposed by the licensing committee. (Copy evidential statement attached).

This most recent offence together with the breach of licence conditions demonstrates a failure to learn from the experience of both prosecution and the licence review process and clearly demonstrates that the licensing objectives around the prevention of crime and the protection of children are not being effectively promoted.

As a result of the earlier review the current licence conditions are concise, unambiguous and comprehensive in their nature. It is our contention therefore, that the promotion of the Licensing Objectives cannot be enhanced by the introduction of further conditions and as such this licence should now be subject to revocation.

Have you made an application for review relating to this premises before **Please tick yes**

If yes please state the date of that application

Day Month Year

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

A previous application for the review of this licence was made by Northants Police on 28th Nov 2012 and was heard by a licensing committee at Kettering on 23rd Jan 2013.

This application included evidence around disorder, the sale of alcohol to children and the sale of alcohol to a drunk between June and October 2012.

- 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

 PC1048

Date 12th Sep 2013

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
PC 1048 Kevin Murphy Northants Police Licensing Unit Wellingborough Police Station Midland Road	
Post town Wellingborough	Post Code NN8 1HF
Telephone number (if any) 101 Ext 5706	
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.

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

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Statement of: **James O'HARA**

Age if under 18 : **021**

(if over 18 insert 'over 18')

Occupation : **Police Constable 944**

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:

John O'Hara

Date: **5th September 2013**

Tick if witness evidence is visually recorded (supply witness details on rear)

At 17.15 hours on Thursday the 5th September 2013 I was on duty in plain clothes in PAULS STOP & SHOP, DALKEITH PLACE, KETTERING.

At this time Child A and Child B entered the Store and selected a bottle of Lambrini cherry wine £2.99 and took it to the counter to purchase it. Both Child A and B are 16 year old girls who work for the Police as test purchasers.

Child A and B placed the bottle on to the counter next to the till and I saw the shop assistant who later gave her name as Nirmala PAUL, born 20-7-1957, scan the bottle and request £2.99. At no time did PAUL make any challenges regarding age / ask for any identification. The money was paid and Child A and B left the store with the purchased alcohol beverage.

At 17.20 hours, same date, I returned to the shop in the company of PC440 Tony WHITE, where I identified Nirmala PAUL as the person who I had witnessed make an underage sale of alcohol. After being cautioned by PC WHITE PAUL looked at me and said, "I DID ASK THEIR AGE BEFORE SELLING - YOU SAW ME". This statement was completely untrue.

John O'Hara

John O'Hara

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A (3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1)

URN

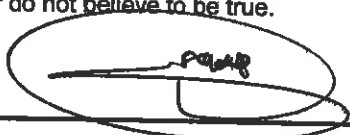
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Statement of : Kevin J Murphy

Age if under 18 : 0/18 (if over 18 insert 'over 18') Occupation : Police Constable - Licensing Officer

This statement (consisting of ^{ONE} page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature:



Date: 12 Sep 2013

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Licensing Officer for Northamptonshire Police and I have been a Police Officer for over 23 years. My role is within the Alcohol Harm Reduction Team dealing with licensing issues. I have received external training and I hold the BIIAB Level 2 National Certificate for Licensing Practitioners, Licensing Practitioners (gambling), Personal Licence Holders and Designated Premises Supervisors. I have been in my current role for around 5 years.

On Wednesday 11th September 2013 at 1515hrs I visited Dalkeith Convenience Store (trading as Pauls Stop and Shop) at Dalkeith Place Kettering in company with PC 440 White.

On arrival I spoke with a person I know to be Nirmla PAUL, who was working behind the counter. I am aware that Mrs PAUL, along with her husband, is the Premises Licence Holder at the store and that she currently holds a Personal Licence under the Licensing Act 2003.

I had with me a copy of the current 'additional conditions' that apply to the Premises Licence and commenced checks in relation to these conditions.

It became apparent that the premises were in breach of the condition around staff training / training records when Mrs PAUL seemed unaware of the requirement and failed to produce the necessary documents in respect of staff training.

I subsequently asked to see the Refusals Register which again could not be produced and when questioned, Mrs PAUL claimed that any refusals are noted onto pieces of paper that are then passed to her son who would cross-transfer them into a register.

All other licence conditions were being complied with at this time.

Signature:



Signature witnessed by: