

BOROUGH OF KETTERING

LICENSING SUB COMMITTEE

Meeting held – 31st October 2013

Present: Councillor Bunday (Chair)
Councillors Henson and Derbyshire

Also Present James Chadwick (Legal Services)
Russ Howell (Health Services Manager- KBC)
PC Kevin Murphy (Northants Police)

Joginder Paul (Dalkeith Convenience Stores)
Philip Somarakis (Davenport Lyons)
John Anderson (Wentworth Security)
S Panchal (PLC Ltd)

Rachel Paling (Committee Administrator)

13.LCP.07 APOLOGIES

None

13.LCP.08 DECLARATIONS OF INTEREST

None

13.LCP.09 TO DETERMINE AN APPLICATION FOR REVIEW OF A LICENSING ACT 2003 PREMISES LICENCE FOR DALKEITH CONVENIENCE STORE, DALKEITH PLACE, KETTERING

A report was submitted which sought the Committee's decision on an application for review of a Licensing Act 2003 Premises Licence.

PC Kevin Murphy attended the meeting and gave an overview of the Police representation submitted. PC Murphy confirmed that on 5th September 2013 a test purchase operation led by Northants Police under Operation Honey was carried out. Mrs Nirmla Paul, a Personal Licence Holder sold alcohol to a 16yr old female, without requesting any form of identification. On 11th September 2013, PC Kevin Murphy visited the premises and requested to see the Refusals and Training records for the

premises. Mrs Nirmla Paul was unable to produce these items on request.

It was noted that Operation Honey followed guidelines and codes and was not conducted on an ad-hoc basis. It was well planned and could be relied upon for evidence.

Additional information was provided in relation to an incident on 25th October 2013 outside of Dalkeith Convenience Store where four males under the age of 18 were arrested for assault. Two of them had been captured on the store's CCTV system purchasing alcohol from the store just prior to the assault. None of the males had identification on them at the time but had since been identified as under 18.

PC Murphy asked the committee to give serious consideration to revoking the Premises Licence as conditions of the licence had been clearly broken.

Mr Philip Somarakis of Davenport Lyons, representing Mr Joginder Paul, attended the meeting and gave further information.

Mr Somarakis provided details of Lacors Guidance which explained the acceptable practices of test-purchasing. Mr Somarakis accepted that under-age children had been sold alcohol and that the correct questions had not been asked with regards to proof of age.

Till receipts from October 2013 onwards were submitted to the committee, which also contained occasions where refusals had been made. It was noted there was a ring binder containing print outs from the till in the shop, however, Mrs Nirmla Paul had not handed this over when requested by the Police on their visit.

Mr Joginder Paul confirmed to the committee that he was in the shop all of the time and that he was in charge.

Mr John Anderson of Wentworth Security Consultants Ltd, attended the meeting and gave further information in relation to a separate test purchase that had been conducted on 28th October 2013.

Mr Panchal of PLC Ltd also attended the meeting and gave further information in relation to providing training to Mr Joginder Paul and Mrs Nirmla Paul as well as producing a training manual which included the licensing objectives and staff training records.

The Committee entered discussions as they felt necessary with the relevant parties.

The Chair advised the attendees of the meeting that due to the length of the meeting and time needed to consider the information in order to make a determination, the written determination would be served forthwith within five working days under Regulation 26(2) of the Licensing Act 2003 (Hearings) (Regulations 2005).

After consideration to all the information provided, it was

RESOLVED that the Premises Licence for Dalkeith Convenience Store be revoked.

(The committee exercised its delegated powers to act in the matters marked)*

(The meeting started at 2.00pm and ended at 4.36 pm)

Signed.....
Chair

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