Representation against the Premises Licence Application under the Licensing Act 2003 for Maja Sklep, 28a Rockingham Road, Kettering.

This application relates to a premises called Maja Sklep at 28a Rockingham Road, Kettering and is an application for a premises licence to sell alcohol for consumption off the premises between the hours of 08.00 and 23.00 7 days per week. The premises is described in the application as an international grocery store.

There is a history of alcohol related disorder, anti social behaviour and public nuisance in the Rockingham Road area which the Licensing Authority wishes to make the Licensing Committee aware of in its considerations which directly relates to Maja Sklep with an Eastern European customer base.

The concerns relate to the public nuisance and crime and disorder licensing objectives.

Prior to the end of 2013 there were 2 "international" off licences almost directly next door to each other in Rockingham Road, Eurofoods at 28a Rockingham Road, Kettering and Kettering Food and Wine at 34 Rockingham Road, Kettering.

On 23 April 2013 an application from Northamptonshire Police was made to Kettering Borough Council for a new Designated Public Places Order covering an area to the east of Rockingham Road and joining with the existing Designated Public Places Order at Rockingham Road and Eskdaill Street. This application went through the committee process and was adopted.

The documentation relating to this application is attached including details of the complaints that led to the application.

In November 2013 licensing reviews were called for Eurofoods and Kettering Food and Wine. In both review applications issues relating to street drinking outside these premises were a significant cause for concern alongside other matters. The relevant papers relating to these two hearings are attached.

The committee decision in both cases was to revoke both licences. The decision relating to Kettering Food and Wine is subject to an appeal in the magistrates court. The Eurofoods shop closed down as a result and is now the subject of this new application as Maja Sklep.

The issues of concern relate to the behaviour of the customers to this premises for whom drinking in public places at any time of day does not appear to be unusual based on previous evidence.

Para 13.19 of the s182 Licensing Act 2003 guidance describes "Cumulative impact" as meaning the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. In this instance it is not so much the significant number of licensed premises but the small concentration of premises with a similar customer

base who may participate in street drinking and associated anti social behaviour that is the key concern with this application.

Finally, the applicant was provided with details of the previous licensing hearing including the issues which had caused a review to be called.

Despite having this information available this application provides no positive steps to deal with the previous problems only standard offerings about signage and CCTV. The applicant has clearly not considered or understood the issues that need to be managed from the documentation provided. The Section 182 guidance is quite helpful in detailing the expectations on an applicant in identifying the steps to be taken to meet the licensing objectives in relation to the premises concerned.

Based on the application submitted to the Licensing Authority, the licensing authority does not believe that the applicant understands their duties under the Licensing Act 2003 and is of the opinion that if a licence is granted, issues relating to public nuisance and crime and disorder will persist as a result.

Russ Howell
Health Services manager
On behalf of the Licensing Authority

Request for Extension to DPPO in Kettering Town Centre. As discussed on the 23rd April by Insp Aistrop and members of Kettering borough council at a Partnership Meeting.

There have been a number of incidents where alcohol is being consumed in the open street, which are in turn leading to violence behaviour, anti social behaviour and criminal behaviour.

This is causing great distress to local residents and visitors alike and bringing down the quality of life for the local population.

I am therefore requesting an extension to the current DPPO which covers Kettering town Centre and part of Rockingham Rd.

The area I would like it extended to covers the streets of Crown St, Lindsay St, Princess St and the top sections of King St and Regent street to tie in with the current boundaries. Please see attached map for the original and proposed DPPO. The original DPPO is the black line and the proposed extension is shown by the pink line.

Below are some of the incidents which have been reported to Northants Police in recent months and observations by officers themselves.

Inc 633 07-Jul-2012
Fighting going on in the street in Lindsay St. Criminal damage was done to a vehicles wing mirror and the called stated that the offenders were all drunk.

Inc 632 07-Jul-2012
The owner of the vehicle then called in after seeing the fighting and people throwing bricks.

Inc 350 06-Jul-2012
Caller see 4 males urinating dropping litter in the car park at the rear of Euro Foods Rockingham Rd which leads into Crown St.
A form 60a has been submitted by the PCSO ref alcohol issue at the premises.

Inc 528 05-Jul-2012
8 Males drinking in the church yard (St Andrews church) the called had to walk between them to get access to the church which she found very intimidating.

Inc 46 04-Jul-2012
People drinking and cusing anti social behaviour on the front step of a house in Wellington St, caller stated they are no the residents of that address. Officers moved on two drunk people.

A report from PCSO Dodd

LAST SATURDAY 30TH JUNE 2012 I WITNESSED A BLONDE HAIRED FEMALE THAT WORKS IN THE EURO FOOD SHOP NEXT TO MY SHOP SELL ALCOHOL TO PERSON THOUGH THE MTAL GATE AT THE REAR OF THEIR SHOP TO PERSONS IN THE CAR PARK SERVICE AREA AT THE BACK OF OUR SHOPS.
THE PERSONS WHO PURCHASE THE ALCOHOL THEN CONSUME IT IN THE REAR SERVICE YARD NEXT TO OUR REAR DOORS AND GENERALLY ANY WHERE WITHIN THE CAR PARK AND SERVICE YARD. THEY THEN URINATE ALL OVER THE PLACE AND UP AGAINST WALLS AND LEAVE THE EMPTY CANS AND LITTER EVERYWHERE.

SPEAKING TO THE CALLER WHO STATES THAT THEY WITNESSED THE MALES IN THE GROUP URINATING AGAINTS THE WALLS IN THE REAR YARD AND DROPPING THEIR CANS ON THE GROUND AND THAT HIMSELF AND HIS WIFE CAN EASILY SEE THIS HAPPENING FROM THEIR BEDROOM WINDOW AND FIND IT VERY DISTRESSING AND FEEL THAT THIS SORT OF BEHAIVOUR IS REALLY DEGRADING THE AREA AND NOT ACCEPTABLE.

4 X POLISH MALES AND 1 X POLISH FEMALE ALL INSTRUCTED TO PICK UP ALL THE LITTER, GIVEN WORDS OF ADVICE ABOUT THE LAND BEING PRIVATE PROPERTY AND THEIR CONDUCT AND TOLD TO LEAVE THE AREA.

Inc 460 22-Jun-2012

Caller saw a group of people drinking, littering, and urinating in the car park in Crown St at the rear of Euro Foods, Rockingham Rd. Caller stated this is an ongoing problem.

Inc 535 15-Jun-2012
6/7 males drinking and urinating in the car park in Crown St, called stated it was not nice to see.

Inc 197 30-May-2012
Caller's brother is in a care home but still owns a house in Lindsay St. Caller is reporting males drinking in the grounds of the Euro Discount Store in Lindsay St then walking across to the shared entry of his brothers house and urinating in the alley way.

Inc 550 22-May-2012
Group of 5 males drinking in the ground of the St Andrews Church (caller is the Reverend of the church). This is an ongoing issue.

Inc 692 23-Jun-2012
Persons drinking in the entrance to Princes Ct, Princes St, they are being loud and rowdy.

Inc 10 02-Jun-2012
4 males drinking in Princes St and playing loud music.

Below is an e-mail received by Northants Police from a resident in Princess St on the 21st Jun.

I am email today to report an increase in anti social behaviour frequently taking place in Princes Street, Kettering. I have lived on the street for 6 years; no anti social behaviour was evident at the time of moving into the property, over the course of the first few years the street was a pleasure to reside in; however in the last year i have experienced frequent disturbances, graffiti and intimidating behaviour. This is often

located opposite my house by a block of flats. Most afternoon/ evenings here people congregate drinking.
I have been about my business I get leered at and had men acting in a harassing nature.

On most Saturday nights 2-6am men will congregate drinking and shouting. 3 men were once drinking leaning against my property waking the household up. This went on for a while and finally I asked the gentlemen to reduce the noise, I got told they would and then was sworn at and the behaviour continued. We had to call the police, but we don't believe they followed our call up with a visit.

The sound is audible in our house especially at the front of the property. We are often woken up but feel intimidated by the sheer number of men to say anything. We are awake for hours by the disturbance.

Our friend has just come to visit and said he was confronted at the top of the street by a number of men who would not let him pass.

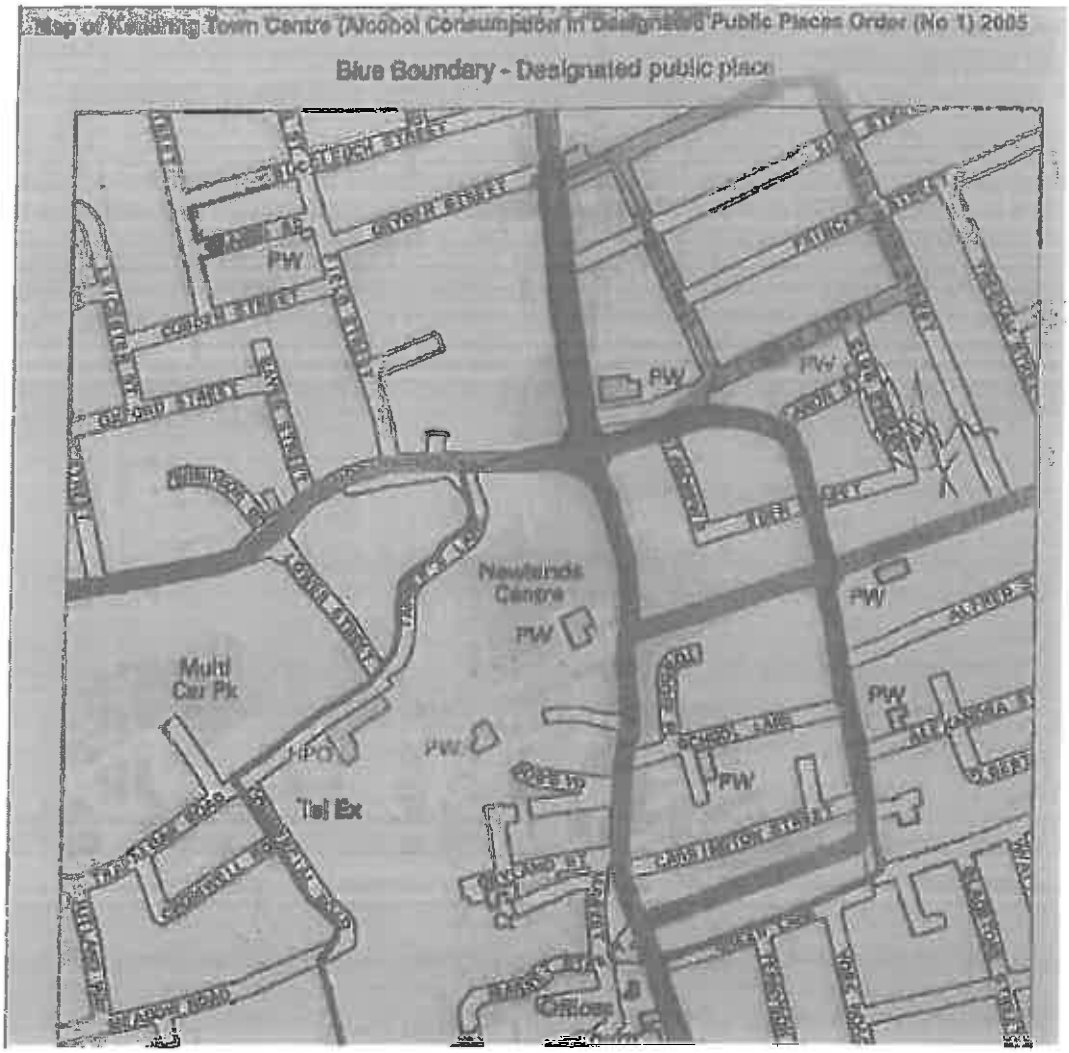
I have always experienced a free and safe life, but am now finding myself getting a little scared and upset living here. We want to have a child but am having reservations due to where we live.

The condition of the street has deteriorated. A large amount of graffiti greeted me as I woke up one morning; the litter has increased from beer cans to used furniture gracing the street.

I have never seen a police presence here. It seems like a free for all. I thought drinking in the streets was not tolerated nor was littering. I often shop at Sainsburys and wake past to shops on the way, where by mainly men are drinking alcohol and I get leered at. I only see a large amount of police in the town centre but never in the streets off the town centre. I am angry this area of town appears to be overlooked. We would not accept it from teenagers drinking and causing a disturbance.

The lady who wrote the e-mail has spoken to a PCSO Norman from Kettering Station and will call in any more problems to the control room. Letters about reporting any anti social behaviour have also been sent to the other residents in the street.

There have been 8 other incidents reported between Mach and May of this year for this area. The problems tend to be higher when the weather is better.


Map of Reading Town Centre (Alcohol Consumption in Designated Public Places Order (No 1) 2005
Blue Boundary - Designated public place
PW
Newtands Centre
Multi Car Pk
Tel Ex
Chalet

BOROUGH OF KETTERING

Committee	COUNCIL	Item	Page 1 of
Report Originator	Community Safety Officer	*Fwd Plan Ref No:*	
Wards Affected	All Saints Ward	(Date) 12th December 2012	
Title	**DESIGNATED PUBLIC PLACES ORDER**		

Portfolio holder – Cllr Ian Jelley

1. PURPOSE OF REPORT

The purpose of this report is to seek approval for a *Designated Public Places Order* for the area bordered by Rockingham Road, Regent Street, Wellington Street and Lindsay Street, adjacent to Kettering town centre.

2. INFORMATION

For a number of years Kettering town centre has been covered by a Designated Public Places Order, which prohibits the consumption of alcohol on street or in public places in an anti-social manner. The extent of the zone, which has been in place since 2005 is indicated in black on the attached plan.

In more recent times there have been a number of incidents where alcohol is being consumed in the streets in the area bordered by Rockingham Road, Regent Street, Wellington Street and Lindsay Street, adjacent to Kettering town centre (please see appendix 'A'). These incidents have in turn led to violent behaviour, anti-social behaviour and criminal behaviour. This is causing great distress to local residents and visitors to the area, and is reducing the quality of life for the local population. It is therefore proposed to extend the existing zone to include the area indicated in grey on Appendix A, although for legal purposes, the Council will be making a new order covering both areas.

Designated Public Places Orders were introduced by section 13 of the Criminal Justice and Police Act 2001 and amended by section 26 of the Violent Crime Reduction Act 2006. The actual process itself is contained within The Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007.

The Criminal Justice and Police Act 2001 allows local authorities to designate areas for the purposes of the act where they are satisfied that nuisance or annoyance to the public or disorder have been associated with drinking in that place and that a designation order is appropriate. The 2007 regulations do not place a requirement on the local authority to conduct a formal assessment, over a given period, of the nature of the problem. Whether or not an order is

appropriate is a matter for local judgement, based on the circumstances applying. A designation order does not lead to comprehensive ban on drinking alcohol in the open air within the specific area nor is it a street drinking ban. It is intended to restrict anti-social drinking in public places. Legitimate business premises within the public place that have licenses to supply or sell alcohol will be excluded from a designated public place at all times. (This includes premises with a pavement licence). It will be at the discretion of a police officer to determine whether action is required against an individual or group of people.

3. CONSULTATION AND CUSTOMER IMPACT

Before making an order the Council has to consult the police and any affected parish council and all licensees of licensed premises operating in the area. Then it must publicise the proposed details and give 28 days for representations to be made.

Once an order has been made, the Council has to advertise the notice, erect signage in the designated area and make the public aware that restrictions on public drinking may apply.

Full consultation took place between the local authority and the police at the meeting of the Kettering Community Safety Partnership Board on 23rd April 2012, when it was agreed to apply for a Designated Public Places Order. This was supported by the wider Kettering Community Safety Partnership. Further consultation has taken place at subsequent meetings of the Partnership.

Premises licence and club premises certificate holders for premises defined in the Act and Regulations have received a letter asking them for their views on a DPPO. In addition, the proposal to make an order was published in the Northants Telegraph on Thursday October 18th 2012. No representations have been received in relation to the publicity and consultation exercise.

4. POLICY IMPLICATIONS

Under the current constitution, only Council can approve a Designated Public Places Order, until such time as it delegates this function to the Licensing Committee.

5. FINANCIAL RESOURCE IMPLICATIONS

There are costs associated with publicity in local newspapers and signage of the DPPO area.

6. HUMAN RESOURCE IMPLICATIONS

There are resource implications for the local police, who need to be persuaded that they can police all the zones in place throughout the Borough. There are also DDPOs in place in Burton Latimer and Desborough Town centre and at the grange shopping parade in Kettering, as well as Kettering town centre.

7. LEGAL IMPLICATIONS

Please see previous item 2 Information.

8. RISK MANAGEMENT

Risk management will take place through the local authority, police and Kettering Community Safety Partnership.

9. CORPORATE OUTCOME

Reduction in crime, fear of crime and anti-social behaviour. An improvement in public perception that the police and local council are dealing with the anti-social behaviour and crime issues that matter in this area.

RECOMMENDATION

a) To approve a Designated Public Places Order for the area bordered by Rockingham Road, Regent Street, Wellington Street and Lindsay Street, adjacent to Kettering town centre.

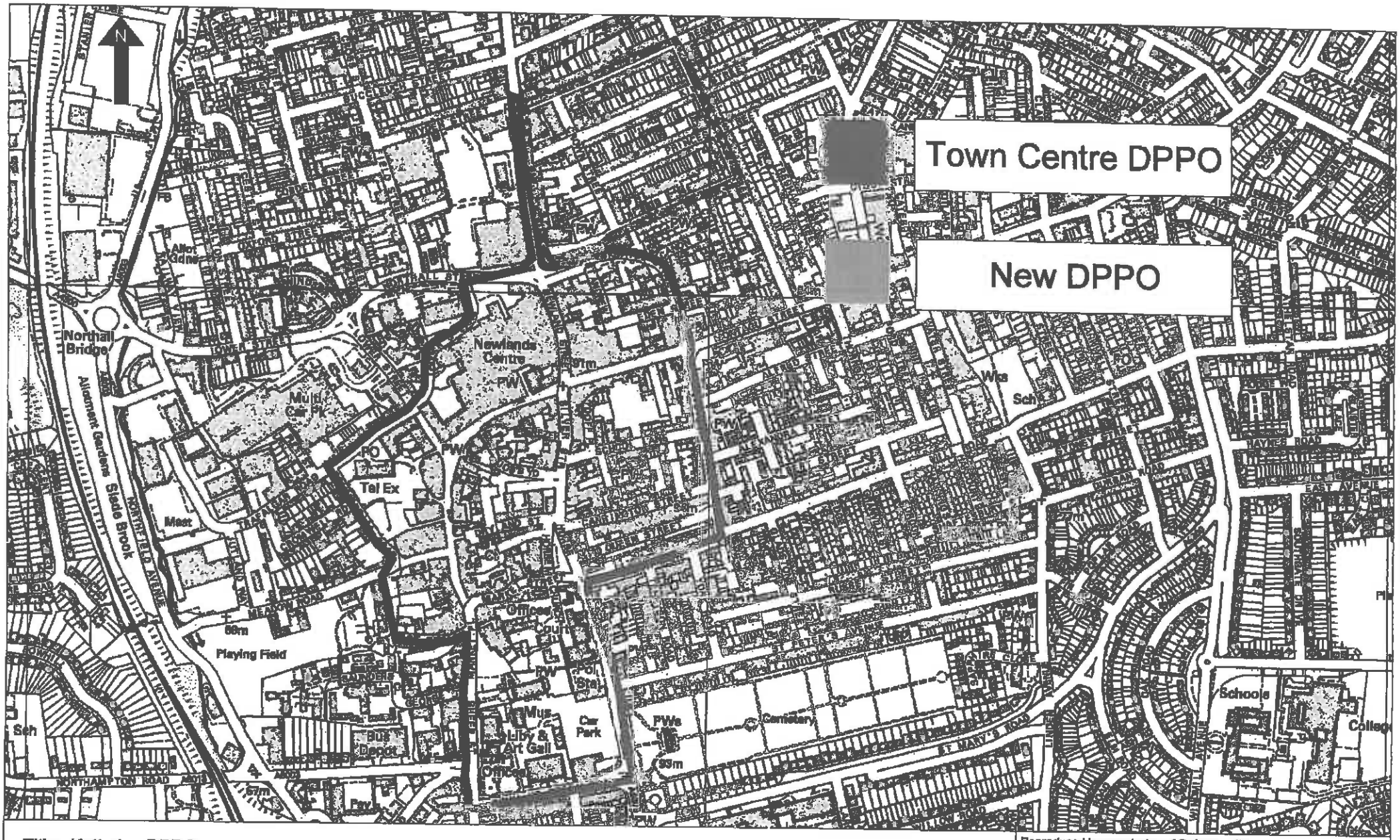
b) To delegate future decisions on the creation of a DPPO to the full Licensing Committee.

Background Papers:

Title of Document:
Date:
Contact Officer:

Previous Reports/Minutes:

Ref:
Date:



Title: Kettering DPPO

Kettering Borough Council

Date: 28:11:12	Scale: 1:7500	Drawn by:

Lisa Vaughan

From:	Murphy Kev [Kev.Murphy@northants.pnn.police.uk]
Sent:	18 September 2013 16:03
To:	Russ Howell
Cc:	Lisa Vaughan; Worthington Mark; Paul Maylunn
Subject:	Euro Foods 28A Rockingham Road, Kettering
Attachments:	Murphy Kev_11_56_44_2013_09_18.PDF

Mr Howell,

I am aware that Mr Paul Maylunn has submitted an application for the review of the Premises Licence for the above mentioned premises, on behalf of Northamptonshire Trading Standards Service.

Please find below a representation in support of this review made on behalf on Northamptonshire Police. This representation includes supporting evidence in the form a written statement made by PCSO Nadia Norman.

The Premises Licence for Euro Foods was transferred into the name of the current owner, Mr Arasi AHMADI, in July 2012. As a result of concerns around the proper licensing of the store and 'street drinking' whilst the premises were under the control of the previous owner I visited the premises on 13th July 2012 and spoke with Mr AHMADI. Personal details were checked and verified and advice was given around the sale of alcohol and proper control of persons buying alcohol from the store.

On 01st September 2012 police officers attended the premises in response to a report that a large fight was taking place inside the shop.
several Eastern European males exited the premises as officers arrived and witnesses state that these males had been fighting amongst themselves. It was evident that these males had been purchasing alcohol from the shop and consuming it outside in the street. PC 1198 Sae-Thang attempted to advise the shop owner around selling alcohol to drunks and allowing them to consume the alcohol outside of his premises, however, his response was merely to blame the police for not turning up as quickly as he would have liked.

The premises were visited on 26th Oct 2012 by Police and Trading Standards officers when PC 440 White seized a number of identification documents that were apparently being held by the PLH in respect of unpaid debts. The following items were seized and retained: 25 x Driving Licences / 3 x Passports / 2 x Bank cards. The majority of these documents clearly belonged to Polish and Lithuanian nationals. Mr AHMADI was subsequently interviewed and advised by PC White in respect of these documents.

The Area surrounding the premises has been subject to an 'AO1' since April 2013 and forms part of a 'DPPO' - (These terms are further explained by PCSO Norman in the accompanying statement).

On 19th May 2013 at around 1845hrs PCSO Norman attended the premises after being informed by the Borough CCTV control room that there was a group of males outside of the store drinking alcohol. PCSO Normans statement details the level of drunkenness encountered and the fact that she had to call for assistance due to the demeanour and behaviour of some of the males. Again it was highlighted albeit not evidenced that 'drunken sales' were taking place.

In view of the concerns documented and the findings of Northamptonshire Trading Standards officers it is clear that the licensing objective of 'Preventing Crime and Disorder' is not being properly promoted.

Regards,

Kev.

PC 1048 Kev Murphy | Licensing Officer
Community Safety dept | Northamptonshire Police
Ext 5706| 01933 235175

If calling from outside Northants please use 03000 111222
kev.murphy@northants.pnn.police.uk
NPLicensingUnit@northants.pnn.police.uk
Licensing Unit, Community Safety Department,
Wellingborough Police Station, Midland Rd, Wellingborough NN8 1HF
Please consider the environment before printing this email

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

Statement of : Nadia Norman

Age if under 18 : over 18 (if over 18 insert 'over 18') Occupation : Police Community Support Officer

This statement (consisting of 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:

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

I am the above named Police Community Support Officer with Northamptonshire Police working at Kettering Police Station.

This statement is regarding behaviour and information regarding a shop which forms part of my beat as a local PCSO.
This shop is EUROFOODS, 28a ROCKINGHAM ROAD, KETTERING.

The area is covered under an A01 NP/5823/13– (Anti Social Behaviour Crime) relating to conduct linked to street drinking and the impact on the local communities. This has been in place since APRIL 2013 although the problems stem from much earlier, as far back as 2011.
The MO of the A01 reads: "EASTERN EUROPEAN MALES REPEATEDLY USE THE LOCATION TO DRINK ALCOHOL DESPITE BEING A DPPO LOCATION. COMPLAINTS HAVE BEEN RECEIVED FROM MEMBERS OF THE PUBLIC OF DRUNKEN BEHAVIOUR SUCH AS URINATING IN A PUBLIC PLACE, SHOUTING AND SWEARING."

The area including the shop fronts on Rockingham Road is part of a DPPO (Designated Public Place Order) which means that it is in effect an alcohol free zone, and means that officers and PCSO's can confiscate open containers of alcohol, and demand names and addresses of those causing ASB or disorder. We applied for an extension to the DPPO in early 2011, after EURO FOODS and KETTERING FOOD AND WINE opened on Rockingham Road. We had noticed an increase in calls regarding alcohol related disorder and ASB, especially out of the front of the shops.
Section 27 dispersal orders have also been used by Police Offices within the A01 area and DPPO area. Officers can state how long a person is banned from the area from. This can be 12, 24, or 48 hours depending on the severity of the behaviour. If this banning order is breached then the person can be arrested and held for court.
We have been actively using Section 27 notices as an enforcement measure against the street drinkers since the beginning of the A01 in April 2013.

On 19th May 2013 I submitted a 60a relating to EUROFOODS.
I had received a call from Kettering Borough CCTV operators stating that there was a group of males oustdei EUROFOODS drinking alcohol. I was passed a description of a male in a white t shirt and a red jumper around his shoulders seen to re enter EUROFOODS and return with a can of alcohol. This male and the group had been

Signature : Signature witnessed by :

Continuation of Statement for : Nadia Norman

spoken to less than ten minutes before by another PCSO colleague and had their alcohol confiscated. Another male had been seen on CCTV lying across the from of a car bonnet which was parked outside EUROFOODS.

As I approached the group, a blonde female who had been stood talking to the males re entered EUROFOODS from outside. As I passed the door, she was stood behind the counter serving a customer. A male then emerged from standing behind an electricity box across the road with his back to me. He was doing up the fly on his trousers as he stumbled back across the road, clearly intoxicated, having to avoid traffic, and it had been obvious that he had been urinating behind the box. This male was asked by me to hand over his alcohol can but he refused and carried on drinking from it. At this point I had to request assistance as none of the males were complying with my requests to hand over alcohol containers. All the males in the groups smelt strongly of alcohol, and their demeanour and behaviour were intimidating and rowdy.

The male who had been urinating was given a Section 27 by officers who attended, and the group were eventually dispersed after having their alcohol cans confiscated.

I entered EUROFOODS and spoke to the blonde female, to discuss the fact of CCTV seeing a clearly drunk male exiting their shop with another can of alcohol. There was another female present in the shop that spoke very clear English and seemed to understand the issue around selling alcohol to drunken people, added to the fact of the DPPO and running A01.

On various occasions, I have been into EUROFOODS on Rockingham Road to advise staff in regards to the A01 and the DPPO, and how as shop owners and staff they are partly responsible for the behaviour of persons outside their shop and to report incidents of disorder and ASB to the police.

In 2011, all shops were advised of the extension to the DPPO and the impact this may have on their customers.

The shop staff have been told repeatedly that the police would support and assist them if they needed to call in, and I have repeatedly given them contact cards with personal contact details and switchboard numbers.

So far, we have not received any contact.

My main concern with EUROFOODS is the fact that staff are regularly stood outside with the street drinkers, even though they are well aware that these groups should not be there at all. They clearly know the prolific offenders, at witnessed by myself in relation to the 60a submitted in May. They have little regard in relation to the behaviour of their staff encouraging the loitering of groups around EUROFOODS.

Members of the local Eastern European community have stated to me previously that EUROFOODS is well known to sell counterfeit and cheap tobacco within the shop.

Signature : Signature witnessed by :

Decision of Licensing Committee 5 November 2013

Eurofoods, 28 Rockingham Road, Kettering

1. The Decision

1.1. The Premises Licence for Eurofoods is revoked in accordance with Section 52 (4) (e) of the Licensing Act 2003 and paragraph 19.12 (g) of the Northamptonshire Licensing Act 2003 Statement of Licensing Policy for Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol (January 2011 to January 2014).

2. Evidence considered

2.1. In arriving at the decision the licensing sub committee considered oral representations from the Section Manager of Northamptonshire County Council Trading Standards Service, Paul Maylunn, and the information contained in the review application dated 12th September 2013. They also considered representations made by Mr Maylunn concerning an ongoing criminal investigation by the Trading Standards Service and which were heard whilst members of the public were excluded from the hearing under Regulation 14 (2) of the Licensing Act 2003 (Hearings) Regulations 2005.

2.2. *The sub-committee also considered oral representations by PC Kevin Murphy of Northamptonshire Police in support of the written representation by the Police emailed to the licensing authority on 18th September 2013, as well as the witness statement of PCSO Nadia Norman, including evidence that the Eurofoods store is situated within a Designated Public Place Order DPPO zone. This zone was created under powers granted to Kettering Borough Council by section 13 of the Criminal Justice and Police Act 2001and if an individual refuses to comply with a Police Constable's request to refrain from drinking within such a zone, then either the alcohol can be confiscated or the person removed from the area. The sub-committee also considered the written representation made by a member of the public in support of the review.*

2.3. The Premises Licence Holder (PLH) is Mr Arasi Ahmadi. He attended the hearing and was accompanied by Mr Rashid. This person assisted Mr Ahmadi and provided some interpretation for him during the course of the meeting. The sub-committee considered representations made on behalf of Mr Ahmadi by Mr Rashid as well as from Mr Ahmadi himself. The sub-committee was satisfied that the PLH understood the proceedings without the assistance of an interpreter beside Mr Rashid. The sub-committee was satisfied that Mr Rashid communicated anything that Mr Ahmadi did not appear to readily understand and that Mr Ahmadi gave full representations and responded to questions from Members of the sub-committee with the assistance of Mr Rashid where required. They did not consider it in the interests of justice to adjourn the hearing to allow for the Mr Ahmadi to obtain the services of an independent interpreter.

2.4. The sub-committee initially heard that the PLH disputed the evidence of Paul Maylunn relating to the sale and seizure of foreign labelled tobacco products and alcoholic drinks in respect of which duty had not been paid, on the basis that he had not personally sold such items to members of the public. He stated that he had bought the alcohol legitimately in the UK and presented the sub-committee with a bundle of invoices and sales receipts to evidence that this was the case. He stated that he wanted to be presented with photographic evidence of the under age sale of cigarettes during the Trading Standards Service test conducted on 2nd September 2013. However, Mr Ahmadi later told the sub-committee that he accepts responsibility for the accusations against him and his business by the Trading Standards Service and the Police.

2.5. The PLH also explained that identification documents that had been found at the store and seized and that did not belong to any employee of the store had been taken from customers as security for the payment of outstanding debts. The PLH did not realise this practice was not legitimate in the UK and stated that he no longer does this.

2.6. The PLH stated that the vehicle alleged to belong to him and in which foreign tobacco products were found by Trading Standards Officers did not belong to him at the time of those inspection in July 2013. He maintained that he had sold the car to a friend shortly beforehand but had not had time to inform the DVLA. As a result, he said he was not responsible for the goods found in the car. This vehicle now belongs to him again because the friend did not pay him.

2.7. The PLH stated that he felt he had little choice but to sell alcohol to intoxicated persons who congregate outside his premises and drink on the street. These persons threaten him and his business if they are refused and refuse to leave the area when requested. Mr Ahmadi also told the sub-committee that other shops in the area of his shop also serve alcoholic drinks to these people and that he should not be held responsible for the sales of other businesses. He also said that his business relies upon the sale of alcohol for financial viability and that if his premises licence was revoked then Eurofoods may go out of business. As a result, he asked the committee for a final chance to show that the premises can uphold the licensing objectives.

2.8. Mr Ahmadi is willing to sign an agreement stating that if any of his premises licence conditions are breached or there are any further incidents of a failure to uphold the licensing objectives, then he will voluntarily surrender the premises licence for Eurofoods.

2.9. Mr Ahmadi was asked by the sub-committee to name the four licensing objectives. He could not do so, despite being given assistance by Mr Rashid, although he did say that premises must not sell alcohol to persons less than eighteen years of age.

3. Facts upon which the decision is based

3.1. The sub-committee was satisfied as to the following;

3.2. The review was called by Northamptonshire County Council Trading Standards Service in relation to a failure to uphold the licensing objectives of protecting children from harm and the prevention of crime. Northamptonshire Police and a member of the public made representations in relation to a failure to uphold the licensing objective of preventing disorder and preventing public nuisance.

3.3. Foreign labelled cigarettes and tobacco were covertly purchased from the premises on 2nd and 31st March 2011 and 28th January and 3rd September 2013 by Trading Standards officers. Substantial quantities of foreign labelled tobacco products were found at the premises and seized by Trading Standards officers on 7th April 2011 and 16th and 24th July 2013. Eighteen bottles of spirits in respect of which duty had not been paid were found at the premises and seized by Trading Standards officers on 23rd August 2013. On 23rd September 2013 a 16 year old volunteer in a test purchase operation conducted by the Trading Standards Service was sold a packet of cigarettes at Eurofoods without having been asked to produce any identification to confirm her age.

3.4. The sub-committee gave great weight to this evidence and consider that these incidents were each major failures to uphold the licensing objectives of preventing crime and protecting children form harm. The sub-committee noted a representation by Paul Maylunn that businesses selling foreign labelled tobacco products have a detrimental financial effect on businesses selling legitimate tobacco products because duty will have not been paid on smuggled items which are then often sold at a substantially reduced price.

3.5. The sub-committee also gave great weight to the evidence given by Paul Maylunn whilst members of the public were excluded from the hearing and which concerned matters which were the subject of an ongoing criminal investigation in accordance with regulation 14 (2) of The Licensing Act 2003 (Hearings) Regulations 2005.

3.6. *The sub-committee gave appropriate weight to the representations from Northamptonshire Police and PCSO Norman concerning males buying alcoholic drinks at Eurofoods and drinking these in the immediate vicinity the store, which is in within a DPPO zone. They also gave weight to the representations concerning incidents of disorder caused by these intoxicated males and the representation that the store regularly sold alcoholic drinks to intoxicated persons.*

3.7. *The sub-committee also considered the representation by the member of the public concerning the nuisance caused by street drinkers in the locality of Eurofoods and other nearby licensed shop premises. They gave some weight to the representations by the Police and the member of the public but also appreciated that Eurofoods cannot be held completely*

liable for the actions of intoxicated persons simply because they may have purchased alcoholic drinks from those premises. They also gave weight to representations from the PLH that the sale of alcoholic drinks to intoxicated males cannot be attributed solely to Eurofoods.

3.8. The sub-committee gave weight to Mr Ahmadi's representations that refusing to sell alcoholic drinks to intoxicated street drinkers was difficult but were of the opinion that the licensing objectives demanded that he do so and the resultant failure to uphold the licensing objectives in this way was ultimately unacceptable. It demonstrated poor management of the premises and insufficient control over the business by the Designated Premises Supervisor.

3.9. The sub-committee gave weight to Mr Ahmadhi's eventual acceptance of incidents concerning the sale and seizure of foreign labelled tobacco products at the premises. They also gave great weight to his representation that the financial viability of Eurofoods relies upon sales of alcohol. However, the sub-committee also gave great weight to Mr Ahmadi's failure to name the four licensing objectives and consider that the inability of a DPS to at least name the four objectives is a completely unacceptable situation.

3.10. The sub-committee noted that no evidence was presented in relation to sales of alcohol to children even though the Trading Standards Service directed Members to parts of the guidance that concerned such sales and the potential consequences for licensed premises.

4. Reasons

4.1. In considering whether the step to be taken is appropriate in relation to the Premises, the committee had regard to the guidance under section 182 of the Licensing Act 2003 and the Northamptonshire Licensing Act 2003 Statement of Licensing Policy for Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol (January 2011 to January 2014).

4.2. The sub-committee feels that the only appropriate and proportionate way to uphold the licensing objectives of protecting children from harm and preventing crime is to revoke the premises licence under section 52 (4) (e) of the Licensing Act 2003 and paragraph 19.12 (g) of the aforementioned Statement of Licensing Policy.

4.3. Paragraph 11.25 of the section 182 guidance states "*there is no reason ... why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.*"

4.4. In regard to the multiple incidents of the sale of foreign labelled tobacco products to Trading Standards officers and the two evidenced seizures of foreign labelled tobacco products and bottles of alcoholic drinks, the sub-committee consider that this is evidence of criminal activity involving Eurofoods. Paragraph 11.27 of the section 182 guidance states that "*There is certain criminal activity that may arise in connection with licensed premises should be treated particularly seriously. These are the use of the licensed premises: ... for the sale of smuggled alcohol and tobacco*".

4.5. Paragraph 11.28 of the section 182 guidance goes on to state "*Where reviews arise and the licensing authority determine that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.*"

4.6. Paragraph 11.23 of the section 182 guidance states "*... where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.*"

4.7. The sub-committee feel that the only appropriate and proportionate way to achieve the promotion of the licensing objectives in relation to Eurofoods, given the evidence before them of the sale of smuggled tobacco products, irresponsible trading through and inability to refuse to sell alcoholic drinks to intoxicated individuals and the sub-committee's lack of faith in the management and the DPS is to revoke the premises licence.

4.8. The sub-committee consider that the management of Eurofoods has fallen well below the standards expected of it by the licensing legislation. The PLH has exhibited a blatant disregard towards the licensing objectives by persistently selling foreign labelled tobacco on the premises and making no attempt to even limit sales of alcohol to intoxicated street drinkers causing nuisance in the immediate area around the premises.

4.9. Having examined the evidence and taken account of the licensing policy and the statutory guidance issued under 182 of the Licensing 2003, the sub-committee is unable to conclude that imposing any conditions on the premises licence would be sufficient in this particular case to prevent criminal activity taking place at the premises. Any conditions would only concern licensable activities. The sub-committee has no power to make a legally enforceable agreement of the type suggested by Mr Ahmadi regarding an automatic surrender of the premises licence for Eurofoods in the event of further evidence of criminal activity at the premises.

4.10. The sub-committee do not consider that, given the nature and weight of evidence criminal activity before it, a suspension for the maximum period permitted by the Licensing Act 2003 would be appropriate or even

proportionate in this case. The section 182 guidance indicates that revocation should be seriously considered where the premises are used for the sale of smuggled alcohol and tobacco and this is the most appropriate course of action on this occasion.

Kettering Food and Wine Centre
34 Rockingham Road
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 Kettering Food and Wine Centre 34, Rockingham Road	
Post town Kettering	**Post code (if known)** NN16 8JS

Name of premises licence holder or club holding club premises certificate (if known) Asadula Hassan Zada

Number of premises licence or club premises certificate (if known K/10/27611

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.

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

Kettering Food and Wine Centre applied for and were granted a Premises Licence in late 2010 with the original application seeking to sell alcohol from 0600hrs until 0200hrs at weekends with a terminal hour of 2359 hrs during the week. There was some negotiation around these hours which resulted in the terminal hour at the weekend being adjusted back to 2359hrs. The applicant, Mr Asadula Zada, did at the time of his application volunteer to provide doorstaff and commit to having a Personal Licence holder on site at all times that alcohol was being sold. However, at that time the provision of doorstaff appeared unnecessary and although offered, it was apparent that Mr Zada would not be able to fulfil the condition in respect of personal licence holders, as such these terms did not ultimately form part of the licence.

Subsequent to the grant of the Premises Licence a culture of 'street drinking' became apparent in the area which, after complaints of anti-social and criminal behaviour resulted in the creation of an additional Designated Public Places Order (DPPO), that has been in place since 2012 and encompasses an area bordered by Rockingham Road, Regent Street, Wellington Street and Lindsay Street.

More recently the same area has been covered by a Northants Police 'AO1', which is a system used to monitor and document anti-social behaviour, in this case an area subject to repeated complaints and concerns around drunken behaviour in the street.

In July 2012 local officers reported the emergence of an issue around persons attending the rear door of the premises, this being accessed via a delivery yard running off Crown St and shared with other businesses on Rockingham Rd. Local residents were complaining of anti-social behaviour occurring due to groups of males being served alcohol from the rear of the premises and then loitering and drinking in this area.

In September 2012 PC 821 Allbright attended the premises in order to retrieve some CCTV evidence in relation to an assault that had occurred on Rockingham Rd near to the store. He was met with an angry Mr Zada who was 'ranting' about the lack of police when it came to dealing with the street drinking issue. PC Allbright reported that he attempted to advise Mr Zada in respect of selling alcohol to drunks but came away with the opinion that Zada was either ignorant or complacent when it came to his knowledge and obligations around the sale of alcohol to drunk persons.

On 20th April 2013 at around 2100 hrs PCSO 7154 Nadia Norman attended the premises in response to a call stating that there was a large group of males outside that were being abusive to staff. PCSO Norman reports that she had to call for assistance from other officers due to the demeanour of this group and that ultimately the PLH did not seem to care that he was responsible for causing the problem. (Detail included in attached officer statement).

On 09th May 2013 PC 1048 Murphy attended the premises in order to conduct a licensing check. Mr Zada was not present but was spoken to via the telephone after being called by one of his employees. It was noted that the two members of staff present were not Personal Licence holders and that there was no written authority for them to sell alcohol. There were no training records at the store and the staff stated that their training had consisted of Mr Zada telling them to observe the 'Challenge 25' principle, which they did appear to understand. The CCTV system was found to be in good working order. Advice was given to the staff and Mr Zada around the sale of alcohol to drunks and the prevention of persons drinking in the street outside the store.

On the 26th August 2013 Kettering Borough CCTV operators contacted Northants police in relation to footage gathered earlier that day. PCSO Norman attended and took possession of a DVD (disc 5034) that contains images recorded by a camera overlooking Rockingham Road and clearly shows a group of males situated immediately outside Kettering Food and Wine at around 0630hrs that day. A group of 7 or 8 loiter outside the premises drinking from cans that they appear to purchase one at a time from the store. This group are joined on occasion by other males who also drink from cans before leaving and a smaller group of 3 or 4 are still present outside the premises at 1000hrs that day when the filming ceases. During the course of this footage it is evident that the group essentially take over the footpath and impede pedestrians. At no time does anyone from the store make any attempt to move these drinkers away. This footage can and will be made available to a licensing panel if required.

On the 31st August 2013 PCSO Norman observed a known 'street drinker' who was drinking from a can of alcohol outside the store and in her opinion was drunk. This male admitted that he had purchased his alcohol from the store. After dealing with this 'drinker', PCSO Norman entered the store and spoke with Mr Zada who again displayed a 'couldn't care less' attitude.

PCSO Norman also reports a growing concern around the hostility of the groups drinking outside the store, with at least two females reporting that they now feel intimidated when passing the premises and one suggesting circumstances that amount to an attempted sexual assault.

It is suggested that the following options be considered should the premises be allowed to continue with the sale of alcohol.

1. Removal of the current DPS
2. Any new DPS to hold the higher qualification (National Certificate for DPS)
3. That a Personal Licence Holder be present at all times that alcohol is sold
4. Modification (reduction) of the hours that alcohol can be sold
5. The prevention of 'single can' sales
6. That the wording of the condition around CCTV be modified in order that it becomes appropriate, concise and enforceable. (To include the addition of external cameras)
7. Staff training to be given, documented and training records to be retained
8. Notices displayed to discourage / prevent loitering and drinking outside the premises.
9. No sale or supply to be made from the rear door of the premises and customers not to enter other than via the door fronting onto Rockingham Rd.
10. That the licence be suspended for a period of time in order that appropriate changes are made

Please tick yes

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 26th 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; MC Rules 1981, r.70)

URN

Statement of: Nadia Norman

Age if under 18 : over 18 (if over 18 insert 'over 18') Occupation : Police Community Support Officer

This statement (consisting of 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:

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

I am the above named Police Community Support Officer with Northamptonshire Police working at Kettering

Police Station.

This statement is regarding behaviour and information regarding a shop which forms part of my beat as a local PCSO.
This shop is KETTERING FOOD AND WINE, 34 ROCKINGHAM ROAD, KETTERING.

The area is covered under an A01 NP/5823/13– (Anti Social Behaviour Crime) relating to conduct linked to street drinking and the impact on the local communities. This has been in place since APRIL 2013 although the problems stem from much earlier, as far back as 2011.
The MO of the A01 reads: "EASTERN EUROPEAN MALES REPEATEDLY USE THE LOCATION TO DRINK ALCOHOL DESPITE BEING A DPPO LOCATION. COMPLAINTS HAVE BEEN RECEIVED FROM MEMBERS OF THE PUBLIC OF DRUNKEN BEHAVIOUR SUCH AS URINATING IN A PUBLIC PLACE, SHOUTING AND SWEARING."
An A01 is booked on to increase targeted patrols in a particular area relating to that form of ASB. It creates a "hotspot" patrol route that local police and response officers are expected to assist in patrolling to increase a high visibility presence and reduce the ASB reports.

The area including the shop fronts on Rockingham Road is part of a DPPO (Designated Public Place Order) which means that it is in effect an alcohol free zone, and means that officers and PCSO's can confiscate open containers of alcohol, and demand names and addresses of those causing ASB or disorder. We applied for an extension to the DPPO in early 2011, after EURO FOODS and KETTERING FOOD AND WINE opened on Rockingham Road. We had noticed an increase in calls regarding alcohol related disorder and ASB, especially out of the front of the shops.
Section 27 dispersal orders have also been used by Police Offices within the A01 area and DPPO area. Officers can state how long a person is banned from the area from. This can be 12, 24, or 48 hours depending on the severity of the behaviour. If this banning order is breached then the person can be arrested and held for court.
We have been actively using Section 27 notices as an enforcement measure against the street drinkers since the beginning of the A01 in April 2013.

In 2012 I was made unaware by my colleague PCSO 7120 Barrie Dodd, who was the local officer at the time that

Signature : Signature witnessed by :

Continuation of Statement for : Nadia Norman

residents along Crown Street were complaining that groups were entering the rear service / delivery yard belonging to the row of shops including KETTERING FOOD AND WINE and being served goods including alcohol from the premises. Groups were then loitering in the area, urinating, becoming rowdy and intimidating and getting into the gardens of neighbouring properties. A male that was stopped in the rear yard behind KETTERING FOOD AND WINE stated to PCSO Dodd at the time that he had purchased his alcohol from same shop and was advised in future not to.

The service area is used by the florist, The Curtain Shop and KETTERING FOOD AND WINE. All were advised to keep the main gate locked if there were no deliveries expected, mainly to assist in reducing the number of people entering the yard and making it an ASB hotspot.

On various occasions, I have been into KETTERING FOOD AND WINE on Rockingham Road to advise staff in regards to the A01 and the DPPO, and how as shop owners and staff they are partly responsible for the behaviour of persons outside their shop and to report incidents of disorder and ASB to the police.

In 2011, all shops were advised of the extension to the DPPO and the impact this may have on their customers.

The shop staff have been told repeatedly that the police would support and assist them if they needed to call in, and I have repeatedly given them contact cards with personal contact details and switchboard numbers.

The shop appears to be a popular place for people to meet, socialise and buy their alcohol.

On 20th April 2013 I submitted a 60a relating to KETTERING FOOD AND WINE.

A call came over the radio at approximately 2100hrs regarding a large group outside KETTERING FOOD AND WINE being abusive to staff.

I attended as I was the closest resource and saw 10+ males outside KETTERING FOOD AND WINE, they were being extremely loud and rowdy and throwing things at each other as well as walking in and out of the shop. From their behaviour it was clear that the males were intoxicated. I asked them t move on, whilst confiscating 6 cans of open alcohol which one males stated they had bought from KETTERING FOOD AND WINE. Two of the males refused to move away and became so aggressive towards me that I had to call up for officer assistance after having to physically push one male away from me. I was very much aware that members of the public were having to cross the road to avoid the group, and their behaviour must have been very intimidating to anyone else in the area. Officers arrived and still the group refused to move away. Eventually the two main instigators of the group of drunken males were removed and taken home, leaving the others to disperse of their own accord. Both myself and a police officer went into KETTERING FOOD AND WINE after the incident with regards to the selling of alcohol to drunken persons, and the fact that the large drunk group causing disorder outside their premises had not been reported to us by them. In fact the shop owner had been watching the incident from the shop doorway. The owner seemed quite blasé about the incident, and did not seem to understand or care about the seriousness of the issues that the group were causing at the time.

On 26th August 2013 I submitted a 60a relating to KETTERING FOOD AND WINE.

I was contacted by Kettering Borough CCTV relating to a disc of footage they had of street drinkers outside KETTERING FOOD AND WINE from 0600-0830hrs.

Persons are seen on cctv to enter KETTERING FOOD AND WINE, buy alcohol, and then stand outside the shop meeting associates for over two hours without any intervention from staff.

The footage clearly shows this group blocking the pavement, entering the shop and drinking alcohol outside.

I sent this footage to PC 1048 Murphy, Licensing Officer at Community Safety to view.

On 31st August 2013 I submitted a 60a relating to KETTERING FOOD AND WINE.

A male, known to me as a prolific street drinker, was seen by myself stood outside KETTERING FOOD AND WINE drinking a can of alcohol. Upon seeing me approach he has opened a nearby lidded bin and placed the alcohol can inside. Whilst talking to the male, who was swaying from side to side, had slurred speech and smelt very strongly of alcohol, he stated he had bought the can from KETTERING FOOD AND WINE. He only had one can of alcohol on his person which suggested to me that he had only recently bought it.

After I dispersed the male from the area, I spoke to the owner in KETTERING FOOD AND WINE whose response was just that there are drinkers on the street all the time. He didn't appear to care. When I reiterated that

Signature : **Signature witnessed by :**

Continuation of Statement for : Nadia Norman

they need to start calling police be stated that this was too much hassle for staff to do.

Recently, I have been approached by members of the public and residents regarding two further issues relating to the ongoing issues outside the shops on Rockingham Road.

I have been approached by two females on two separate occasions, whilst dealing with incidents of drunken groups outside KETTERING FOOD AND WINE and surrounding area. Each female has stated to me that early mornings, from 0600 onwards, groups are gathering outside KETTERING FOOD AND WINE and are becoming increasingly hostile, and intimidating, towards lone females who are also on their way to work.
One female stated that she is picked up on ROCKINGHAM ROAD at 0630hrsd each day to be taken to work. She has had males from these groups trying to get money off of her, trying to get her to buy them alcohol, and she has also had one male try to touch her inappropriately. This has upset her to the extent that she now walks a completely different way to work, and has arranged with her employer to collect her further along Rockingham Road away from the shops. I have asked this female to call in at once if she has any further incidents of this. She was extremely upset, and I feel that for her to have approached me to say this whilst I was dealing with a group of drunken males only speaks volumes for how eagerly she wanted to tell someone about it.

Residents on Crown Street - by the rear service yard – have recently reporting an increase in persons entering the rear yard again and walking towards the back of KETTERING FOOD AND WINE.
On a recent visit by myself, the store was empty of staff but I noticed a group of females by the open rear door at the back of the shop. The owner appeared distracted and keen for me not to see them after he realised I was there and had spotted him talking to them.
The door at the back of the shop is often left open throughout the day.

It appears that KETTERING FOOD AND WINE is a popular place for these groups to meet, buy their alcohol and food and then use the immediate area to continue with the drinking and reported associated behaviour.
The groups are predominately other Eastern Europeans, many of who work shifts on the industrial estate, unit and production factories in and around Kettering.
The early morning drinkers will be groups who have just finished their shift and are on their way home, or could even possibly be those who are on their way to start work. These shifts are mainly 12 hours, starting and finishing at 0600, 0700, and 0800 dependant on the employer. This I have been told by the drinkers themselves.

Based on the fact that members of the public and residents are complaining that the drinking and behaviours of these groups are becoming increasingly worse first thing in the morning, with the groups congregating outside KETTERING FOOD AND WINE, I would suggest that due to previous lack of cooperation from KETTERING FOOD AND WINE in regards to being the supplier of these street drinkers, and lack of support from them in regards to the policing of these issues, that their licence times be adjusted to reflect the early morning issues we are now experiencing with the street drinkers. I would ultimately like to see the reduction in early morning sales of alcohol when all it appears to be doing is making the street drinking situation worse.

Signature : Signature witnessed by :

Decision notice

Review of Premises licence

Kettering Food and Wine Centre, 34, Rockingham Road Kettering Northamptonshire

Date of hearing: 2pm Monday 18th September 2013

1. The Decision

   1.1. That the Licence be revoked

2. Evidence considered

   The committee received written representations annexed to the committee report:

   2.1. from PC Kevin Murphy of the Police licensing support unit

   2.2. A written statement from PCSO Nadia Norman

   2.3. from Northamptonshire County Council Trading Standards department

   2.4. one representation from a member of the public annexed to the report. Nevertheless it considered that it could give little weight to that representation in relation to the matters it could legally consider

3. At the hearing it received further oral representations from PC Kevin Murphy, PCSO Nadia Norman, Mr Paul Maylunn of Northamptonshire County Council Trading Standards department and from Robert Jordan, the representative of the premises licence holder Mr Asadule Zada. Mr Zada himself also spoke.

4. It was asked by the police to consider extracts from a video recording made from Kettering Town Centre CCTV system alleged to show activities on the pavement outside the premises. After considering representations from Mr Jordan that it was unfair to do so and taking legal advice it

concluded that there would be no significant unfairness by doing so and agreed to see it. The extracts concerned were timed on the recording between 6.15am and 8.15am approx on 26th August 2013

5. The committee declined to consider a statement from the police of a recent incident

6. Facts on which the decision is based
   The committee were satisfied as to the following facts:

7. From the evidence of PCSO Nadia Norman and the CCTV recording drunken persons were regularly present on the pavement outside the premises likely to cause harassment alarm or distress to persons on the pavement. It found that evidence particularly compelling.

8. That evidence also showed persons appearing to be drunk entering the premises. It concluded that it was likely that such persons had purchased alcohol from within the premises. It considered the representations from Mr Jordan and Mr Zada that neither he or his staff made such sales but was satisfied that some person or persons on the premises had regularly sold alcohol to intoxicated persons

9. It was satisfied from the evidence of Mr Maylunn that illegal sales of tobacco had been made from the premises on a number of occasions. It did not accept the evidence of Mr Zada that these arose from a mere mistake or that they had ceased after he had signed a formal undertaking not to do so for the Trading Standards department.

10. Alcohol had been sold from the rear door of the premises and persons had been permitted to drink there.

11. Reasons
    In considering whether steps were appropriate in relation to the premises the committee had regard to the council's licensing policy and guidance under section 182 of the Licensing Act 2003.

12. The starting point of the committee was that it had concluded that there was public nuisance caused by the willingness of the premises licence holder to permit the sale of alcohol to intoxicated persons resulting in public nuisance outside his premises.

13. It noted the provisions of 11.19 of the government guidance under section 182 of the Licensing Act 2003 that where warnings had failed it should consider whether further action was appropriate. It considered that the fact that warnings had been given by the Police without result on a number of occasions justified more than simply imposing conditions to promote the public nuisance licensing objective.

14. The committee also noted the provisions of 11.27 of the guidance relating to the crime and disorder licensing objective that revocation of a license, even in the first instance, should be seriously considered where the crime and disorder licensing objective was being seriously undermined.

15. Taking the serious public nuisance occasioned by the attitude of the premises licence holder to the sale of alcohol to intoxicated persons, with the criminal sale of illegal tobacco products from the premises the committee considered that the only proportionate response was to revoke the licence. In doing so it took into account that the premises licence holder was also the Designated Premises Supervisor in relation to the premises and that it was unlikely that removing him in that capacity would adequately promote the prevention of crime and public nuisance.

Signed .....

Committee chairman

Date: 22/11/2013.