



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

Premises Licence Review Application

**Chief Supt Paul Fell
Territorial 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) Milkai Ltd

Number of premises licence or club premises certificate (if known) K/10/12116

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 Unit C, Diamonds Business Centre Attley Way Irthlingborough Northants NN9 5GF
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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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 accordance with the Licensing Act 2003.

Several recent incidents have been recorded and dealt with by police, these include the sale of alcohol to a drunk and the sale of 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)

Please see attached report at Page 7

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

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If you have made representations before relating to this premises please state what they were and when you made them
None

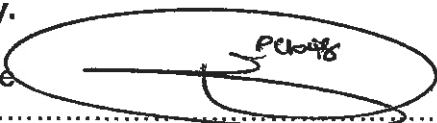
Please tick yes

- 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 TH 28 Nov 2012

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 Unit C, Diamonds Business Centre Attley Way	
Post town Irthlingborough	Post Code NN9 5GF
Telephone number (if any) 03000 111222 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.

Report in support of application.

Background information

Dalkeith Convenience Store is situated in the heart of Kettering's town centre and has held a licence authorising the sale of alcohol since 2009, the terms of which were varied in 2010 to allow these sales through to 0330hrs each and every morning.

The Premises Licence is held by 'Milkai Ltd', a registered company that lists Mr Kamal and Mrs Neelam PAUL as the only directors.

Historically police have dealt with concerns around Mr Kamal PAUL's actions at the premises and in March 2011 he was interviewed and formally warned for wasting police time and misusing the Pubwatch radio system. There were concerns at that time that PAUL was often drunk whilst working at the premises. The radio facility was subsequently removed from the premises by Kettering Pubwatch and PAUL was strongly advised against 'drinking on duty'.

Incidents

On Saturday 23rd June 2012 at around 0100hrs T/Sgt 568 Atter had cause to deal with Kamal PAUL at the premises who alleged that customers had racially abused his mother who was present and working in the store. It transpired that this wasn't the case and in fact it was PAUL who was being abusive towards female customers. Sgt Atter reports the fact that he had to offer strong words of advice to PAUL, who was extremely aggressive, acting in an immature and inappropriate manner and was slightly drunk. There is also a concern here around PAUL effectively employing himself as an un-licensed door supervisor at the premises. (Statement attached)

At around 0030hrs on Sunday 12th August 2012 PC 692 Rock attended the premises to deal with an allegation that a member of staff had failed to return a passport to a customer. It was ultimately decided that the passport could have been lost elsewhere, however, PC Rock reports the breach of a licence condition in that Kamal PAUL was unable to show footage of the incident as the in-store CCTV system was u/s.

On Friday 17th August 2012 at around 2200hrs and as part of an on-going police licensing operation, PC 138 Johnson and Special Constable 3328 Quinlan observed a 'drunk sale' take place at the store. The seller was Mrs Nirmla Rani PAUL (Kamal Paul's mother) who is the holder of a Personal Licence and currently the Designated Premises Supervisor at the other family run store at Montagu St, Kettering. Mrs PAUL was subsequently interviewed by police and has been reported for an offence under S141 Licensing Act 2003, 'knowingly sell alcohol to a person who is drunk' and advised around the failure to display a summary of the Premises Licence at the store. (Statement attached)

At around 1445hrs on Tuesday 09th October 2012 PC 1048 Murphy attended the premises and found a male person seemingly 'minding' the premises. On being questioned it was clear that this male was not a Personal Licence holder and had not been authorised either verbally or in writing to sell alcohol. The DPS, Neelam PAUL, was contacted by phone from the store and advised that her staff required at very least authorisation to sell alcohol and preferably some degree of instruction or training.

On 12th October 2012 at around 2200hrs PC 839 Thomas witnessed a male that she knew to be only 17yrs old enter the store. Together with PC 725 Street she entered the premises just as this male was leaving with a large bottle of beer. PC Thomas established the identity of the 'seller' and the fact that no I.D. had been requested. The male subsequently confirmed that he was under the age of 18yrs and the alcohol was confiscated. The 'seller' was not a Personal Licence holder and was dealt with at the time by way of formal words of advice given by PC Thomas. (Statement attached)

Northants Police have serious concerns that the operators of Dalkeith Convenience Store are failing to properly promote the Licensing Objectives. This concern is compounded by the fact the premises are licensed to sell alcohol late into the morning and effectively form part of Kettering's Night Time Economy. Evidence of recent offences under the Licensing Act 2003 and concerns around the sobriety and demeanour of one of the owners lead us to ask for the following;

Any action that can be reasonably taken by the Licensing Authority to prevent Mr Kamal PAUL being involved in the running of the business at times that coincide with the town centre night time economy, along with the imposition of the following conditions;

- 1. Removal of the current Designated Premises Supervisor.**
- 2. Any new DPS to have achieved a recognised qualification in the management of Licensed Premises, such as the 'National Certificate for Designated Premises Supervisor' or an equivalent.**
- 3. Modification (reduction) of the hours that all licensable activities can take place.**
- 4. A personal licence holder to be on duty at all times alcohol is for sale**
- 5. All staff to be trained in relation to the sale of alcohol to drunks and underage persons. Details of this training and auditable training records to be maintained and produced immediately to police or authorised officer on request.**

Town centre 'late night' off-licensed premises

A further issue that has been brought to the notice of police via Kettering Pubwatch and the Street Pastors organisation is in relation to the proliferation of empty cans and bottles found in the town centre at weekends. On-licensed premises report a growing trend towards the purchase and consumption of cheaper alcohol that takes place between their venues, which results in street drinking and littering. There is a concern here that whereas on-licensed premises provide a degree of control over the consumption of the alcohol sold by them, there is no safeguard in place when alcohol is purchased to drink at the time from a town centre off-licence. Figures obtained from the Kettering Street Pastors indicate that a total of 4343 bottles, cans and glasses were picked up by them in the twelve months from July 2011 to June 2012, with 373 alone being collected in October of this year. This issue is obviously not solely down to an individual off-licence but is relevant to any application concerning a late night town centre off-licence.

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 ATTER

Age if under 18 : over 18 (if over 18 insert 'over 18') Occupation : Temporary Police Sergeant 568

This statement (consisting of 2 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: 09/11/12

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

I am the above named person and I am currently employed by Northamptonshire Police as a serving Police Officer.

On Saturday 23rd June 2012 I was on duty in full uniform and on foot patrol in Kettering when at approximately 01:00 hours I was at the SOS BUS opposite Dalkeith Place. Whilst at this location I was called over to Kamal's Stop & Shop by a male I now know to be Kamal PAUL bn 26-OCT-1977. PAUL then walked to the back of the shop and shouted at a group of females telling them to get out. He repeatedly shouted at them for them to leave the store despite their protestations that they were genuine shoppers looking to buy items. I believed them, as whilst they were clearly on a night out they were looking at the water. I spoke to this group and advised them that there was a shop opposite that would probably welcome their custom if PAUL did not, whilst I was talking to this group PAUL was shouting over my shoulder "GO HOME".

I then returned to the SOS bus where I witnessed PAUL drinking from an open vessel of alcohol whilst effectively acting as security on the door to the shop. I did not see him serve a customer or stock the shelves; instead he was stood at the door and was shouting and hassling customers. I was then again called over to the shop by PAUL. PAUL was shouting at a female to leave as the female's bank card had been rejected by the card machine whilst attempting to purchase items. The female was reasonable and stated that she had another card and that if not she


Signature : 

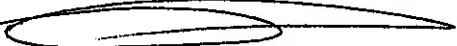
Signature witnessed by :

Continuation of Statement for : James ATTER

would probably have enough cash anyway. PAUL was shouting "GO HOME". I spoke to the female separately and was sympathetic but explained that PAUL did not have to serve her if he did not wish to. PAUL was still shouting over my shoulder despite me telling him to go away, this aggravated the female and she initially refused to leave due to PAUL'S behaviour until I eventually persuaded her to leave.

I then returned to the shop and was giving PAUL strong words of advice when he stated that the female had called his mother "PAKI". I expressed surprise and asked why PAUL had not told me initially. The female behind the till that I believe to be PAUL'S mother then stated "NO SHE DIDN'T, DON'T LIE" or words to that effect. I then gave PAUL strong words of advice and explained to him that I would be submitting a report to the licensing department. I strongly suggested that he went home. PAUL then began to film me on his mobile phone. I returned to the SOS bus. After approximately 5 minutes PAUL left and I did not see him again. PAUL was drinking from an open vessel of alcohol (beer can), he had slurred speech, he was slightly unsteady on his feet. I would say that he was slightly drunk.

PAUL was extremely aggressive and troublesome with customers and this did not cease when Police were in attendance, he was aggressive, immature, slightly drunk and inappropriate. I was genuinely disgusted with his behaviour as a (supposed) provider of customer service and licence holder. 

Signature 

Signature witnessed by :

RESTRICTED (when complete)

STATEMENT OF WITNESS

(Criminal Procedure Rules, r.27.2;
Criminal Justice Act 1967, s. 9, Magistrates Courts Act 1980, s.5B)

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Statement of : Simon Johnson

Age if under 18 : 0'18' (if over 18 insert 'over 18') Occupation : Police Constable 138

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: 17th August 2012

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


At about 10pm on Friday 17th August 2012 I was on mobile uniform foot patrol duty in company with SC 3382 QUINLAN in Kettering Town Centre. My attention was drawn to two extremely drunk Polish males who were staggering and unable to stand unaided in the area of the Horsemarket. I recorded these males on my bodyworn video and then monitored their movements as part of a Policing Operation. These males staggered along Silver Street and remained outside Abacus for some time before staggering across the road to 'Pauls Stop and Shop' in Dalkieth Place. I again captured this on my Body worn video. I stood opposite the shop and had a clear view of these two males selecting cans of alcohol from the display at the far end of the shop and taking these to the counter. I saw the transaction take place but didn't see which male paid. They were served by an elderly Asian female. I saw the two males leave the shop with the alcohol and I went across and stopped them. SC QUINLAN then took the details of the males as [REDACTED] and [REDACTED] and I recovered a 50 cl can of Stella Artois which is 5% alcohol from each of them. (exh SCJ1)

I then went into the shop and spoke to the woman who had served them and established that she was the Designated Premises Supervisor. She gave her name as Mirnla-Rani PAUL 20-JUL-1957. I requested to see the Premises Licence and she was unable to show it to me and instead indicated an empty frame on the wall behind the counter.

I informed her that she had committed offences and that she would be visited by the Police Licensing Unit.

I later booked the two cans into detained property reference PR 053154/12.

Signature:



Signature witnessed by:

(To be completed if applicablebeing unable to read the above statement I,of..... read it to him/her before he/she signed it.

Signed..... Date.....)

RESTRICTED (when complete)

STATEMENT OF WITNESS

(Criminal Procedure Rules, r.27.2;
Criminal Justice Act 1967, s. 9, Magistrates Courts Act 1980, s.5B)

URN

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Statement of : Victoria Thomas

Age if under 18 : over 18 (if over 18 insert 'over 18') Occupation : Police 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: 1/11/2012

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

I am Pc 839 Victoria Thomas of the Northamptonshire Constabulary, currently stationed at Kettering Police Station.

On Friday 12th October 2012 I was on foot patrol in/company with Pc 725 Street on Silver Street, Kettering. At approximately 22:00hrs I saw a male I know to be 17years old, enter the Off Licence, PAUL'S STOP N SHOP.

Subsequently, Pc Street and I entered the shop where the 17year old male had completed payment of a large bottle of beer and was leaving the store. When I asked the shop assistant, who identified herself as, Vaishali PATEL (17/8/87), if she had checked the males age. She stated that she had not requested identification as she had checked it a few weeks ago and that he was of age.

However, when I asked the male his age, he immediately admitted that he was only 17 years old and handed over the bottle of alcohol. Words of advice were given to PATEL.

Signature:

Signature witnessed by:

(To be completed if applicablebeing unable to read the above statement I,of..... read it to him/her before he/she signed it.

Signed..... Date.....)