



**Pauls Stop & Shop
54 Montagu Street
Kettering**

Premises Licence Review Application

**Chief Supt Paul Fell
Territorial Commander
Northamptonshire Police**

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

Pauls Stop & Shop
54 Montagu Street

Post town Kettering

Post code (if known) NN16 8RU

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

Pauls Stop & Shop Ltd

Number of premises licence or club premises certificate (if known)

K/08/07757

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 below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms

Other title
(for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

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 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.

Recent incidents centred around the premises together with breaches of the licence and concerns in relation to the current DPS.

Please see attached report at Page 7

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 28th 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

At the inception of the 2003 Licensing Act in 2005 Pauls Stop & Shop converted their existing licence and simultaneously varied their hours which resulted in the issue of a Premises Licence authorising the sale of alcohol until midnight during the week and 0100hrs at weekends. The Premises licence was subsequently varied on two more occasions, latterly in 2008 when additional conditions put forward by Northants Police were added to the licence and the premises were subsequently authorised to sell alcohol 24 hours a day, 7 days a week.

Incidents

On Sunday 12th August 2012 at around 0145hrs an incident occurred at the shop which resulted in the arrest of a male who was accused by Mr Kamal PAUL of committing a racially aggravated public order offence. PC 199 Studd attended this incident in support of other officers and was asked to obtain a witness statement from PAUL. Due to the circumstances PAUL was asked to sit in a police vehicle in order for the statement to be taken. PAUL duly sat in the front passenger seat but then went on to create difficulties for the officer by firstly running off with PC Studd's police issue hat and after returning to the vehicle he commenced to activate the blue lights for the amusement of his friends. PC Studd formed the opinion that PAUL was drunk and also reports other concerns around PAUL's attitude to the law together with his demeanour and sobriety whilst working within the night time economy. (Statement attached). This racially aggravated crime was subsequently investigated by PC 1426 Townsend who reports that PAUL changed his version of events several times and through witness and CCTV evidence it was established that this was in fact a false allegation and no further police action was taken.

The Designated Premises Supervisor and a director of the business is Mrs Nirmla Rani PAUL who has recently been reported for an offence of 'knowingly selling alcohol to a person who is drunk', an offence which took place in August 2012 whilst she was working at the Dalkeith Convenience Store. Mrs PAUL is the holder of a Personal Licence by way of 'grandfather rights', as she held a Justices Licence prior to November 2005. There are justified concerns around Mrs PAUL's knowledge of licensing legislation as it is apparent that she has received little or no training or instruction and when interviewed by police had no knowledge or understanding of the licensing objectives and claimed to have no real understanding of the nature of alcohol or alcoholic drinks.

On Sunday 18th November 2012 PC 668 Paula Foley was working an 'Operation Nightsafe' duty at Kettering when at around 0600hrs she attended the premises in response to a call from a female member of the public who had called police after being intimidated and sworn at by a group of drunken males outside the shop. On arriving at the premises PC Foley saw one of the group being served with alcohol by Mr Joginder PAUL and on dealing with them she formed the opinion that they were all drunk. PC Foley moved the group of males on and subsequently advised Mr PAUL in respect of selling alcohol to a drunk.

On Wednesday 14th November 2012 PC 1048 Murphy and PC 113 Bryan, force Licensing Officers attended the premises and spoke with the only member of staff present, Mrs Neelam Paul. It was evident at the time that the Premises Licence was being breached by virtue of a failure to comply with the licence condition of keeping and maintaining a refusals register and there was no licence summary on display or copy licence available in the store.

Northants Police have serious concerns that the operators of Pauls Stop & Shop are failing to properly promote the Licensing Objectives. This concern is compounded by the fact the premises are licensed to sell alcohol 24/7 and effectively form part of Kettering's Night Time Economy. Evidence of recent incidents, breaches of licensing requirements and concerns around the sobriety and demeanour of Mr Kamal PAUL 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)

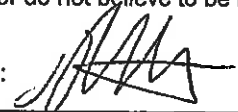
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Statement of : **JOE STUDD**

Age if under 18 : **OVER 18** (if over 18 insert 'over 18') Occupation : **CONSTABLE**

This statement (consisting of ~~2~~ 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it, which I know to be false, or do not believe to be true.

Signature: 

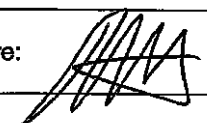
Date: 25-OCT-2012

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

On 12th August 2012 I was on duty in full uniform. I was conducting mobile patrols in the area of Kettering in an unmarked police vehicle equipped with blue emergency lights, registration KX58NXE. I was single crewed.

At approximately 0145hrs I was driving along VICTORIA STREET junction with MONTAGUE STREET and could see that a police van had stopped outside PAULS STOP AND SHOP. I could see PC 1364 CONDON and asked if there was anything I could help with. He requested I took a statement from KAMAL PAUL, a male who I know as the owner of PAULS STOP AND SHOP. PC CONDON informed me an incident had occurred inside the premises whereby a male had been arrested for a racially aggravated public order offence.

I attended the premises where I found PAUL with another female, who I believe is his mother. Due to customers entering the shop and interfering with the enquiry, I requested he joined me in my vehicle outside. PAUL joined me in the car, sitting in the front seat. At this point I could smell intoxicating liquor on PAUL. He was also very exaggerated with his speech, speaking loudly and fast. I do not know PAUL that well, but have spoken with him several times and would say that his speech and demeanour was influenced by intoxicating liquor, namely alcohol. At this point I had to reach for some statement paper. I can't remember if I left the vehicle or remained in the front seat, but PAUL left the vehicle. Approximately 30 seconds later I heard the Control Room asking if an officer had lost their police hat as they could see a male running down MONTAGUE STREET holding a police hat. At this point I realised it was PAUL, who had ran off in the direction of his shop with my police hat. PAUL walked back to my car, he was joking with people in the shop. I asked for further details on the incident so I could continue the statement, but he appeared more concerned at entertaining the persons in his shop. He then started beckoning at them calling them to the police car. I again asked that we could concentrate on the statement. Approximately 5 minutes later PAUL noticed that my police vehicle was equipped with blue lights. He asked

Signature: 

Signature witnessed by: N/A

Continuation of Statement for : JOE STUDD

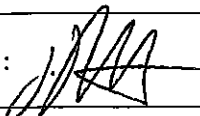
"HOW DO WE TURN THEM ON MATE?". I said "WE CAN'T, WE ARE ON CAMERA AND THE CONTROL ROOM WILL WONDER WHAT IS HAPPENING". He ignored me, reaching forward and turning the blue lights on. He laughed and beckoned again at persons inside the shop. I turned them off, he said "ONE MORE TIME, I WANT TO SHOW THEM". Again, he turned the blue lights on. At this point I could see that his coordination was impaired as he struggled to press the button, to the extent I was concerned he was going to break the fixture off the vehicle.

During the statement PAUL informed me that he had been drinking at the pub at the junction of STAMFORD ROAD, and MONTAGUE street with friends. I cannot recall the name of this pub. He said something to the effect of "IT'S MY ONE NIGHT OFF SO I WANTED TO GO AND HAVE SOME FUN, BUT IVE ENDED UP BACK HERE AGAIN". PAUL informed me his mother had phoned him stating there was trouble in the shop. PAUL ran to the shop from the pub, approximately a 5 minute run away. He did not call the police, he returned to deal with the incident himself. It wasn't until the male referred to him as a "PAKI" that he called the police. At the end of the incident PAUL said "WE SHOULD GO FOR A BEER SOME TIME". I felt this was a very inappropriate comment to make and would be unprofessional, but replied "YEAH THAT WOULD BE GOOD" to be polite. Throughout the incident PAUL made reference to how he is close friends with Inspectors and Superintendents.

Shortly after this incident I had a phone call from PAUL on my work mobile, a number I provided to him should he have any further issues in relation to the incident. PAUL informed him that he had been issued a ticket for not wearing a seatbelt and felt it was unfair, requesting that I try and help him out with it. He was asking questions on the legislation on seatbelts and whether tickets can be issued retrospectively. I informed him that it wasn't something I could help with and if he was not happy with the ticket he should contest it as per the instructions on the ticket. PAUL was being very friendly over the phone and I felt he was abusing his contact trying to escape paying the fine.

I have attended several incidents on the town centre whereby PAUL has involved himself. If an incident occurs in the area of his shops, he will usually stand in close proximity filming the incident on his phone, usually provoking further problems. This has been whilst he is working behind the counter in his shop "PAULS STOP AND SHOP". My personal opinion is that PAUL is not fit to work in licensed premises, particularly during the night time economy. His demeanour and behaviour towards others often provokes trouble, of which during the drinking environment is often amplified with the consumption of alcohol, both by PAUL and the customers. I am an expert in drunkenness and believe this is often due to the consumption of alcohol.

Signature :



Signature witnessed by : N/A

RESTRICTED (when complete)

Appendix D

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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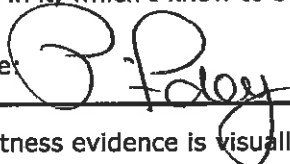
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Statement of : PAULA FOLEY

Age if under 18 : '018' (if over 18 insert 'over 18') Occupation : POLICE CONSTABLE

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:

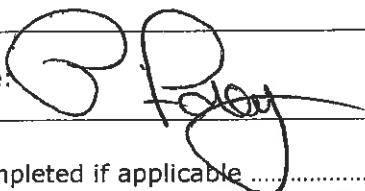


Date: 24/11/12

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

I AM THE ABOVE NAMED POLICE CONSTABLE. ONSUNDAY 18TH NOVEMBER, 2012 I WAS ON FULL UNIFORMED DUTY IN COMPANY WITH PC 931 BERRIMAN.
AT 06.00HRS ON THIS DAY WE WERE DIRECTED TO ATTEND PAULS STOP AND SHOP . MONTAGU STREET, KETTERING(INCIDENT 129 18/11/12) REFERS.
THE INCIDENT REFERED TO A GROUP OF MALES DRINKING OUTSIDE THE SHOP INTIMIDATING MEMBERS OF THE PUBLIC.
WHEN WE ARRIVED AT THE STORE, THE OWNER NOW KNOWN TO ME AS JOGINDER PAUL WAS IN THE PROCESS OF SERVING FURTHER ALCOHOL TO ONE OF THE GROUP OF MALES THROUGH THE HATCH WINDOW OF THE STORE AS THE MAIN DOOR TO THE STORE IS LOCKED DUE TO TIME OF NIGHT.
MYSELF AND PC BERRIMAN SPOKE WITH THE GROUP OF APPROX FIVE EASTERN EUROPEAN MALES, WHO IN MY OPINION WERE ALL DRUNK, SMELLING STRONGLY OF ALCOHL AND SLURRING THEIR WORDS. THE GROUP WERE PASSING AROUND A BOTTLE OF VODKA AND ALL HAD CANS OF LAGER.
I HAD NOTICED THE GROUP OUTSIDE THE STORE APPROX TWO HOURS BEFORE WE ATTENDED THE INCIDENT AS I WAS ON NIGHTSAFE DUTIES AND HAD CONDUCTED NUMEROUS LAPS OF THE TOWN IN THE FULLY MARKED POLICE VAN.

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.....)

Continuation of Statement for : PAULA FOLEY

Appendix D

IT WAS CLEAR THEY WERE ALL PART OF THE SAME GROUP.

THE GROUP OF MALES MOVED ON WHEN REQUESTED TO DO SO AND COMITTED NO OFFENCES.

I THEN WENT TO SPEAK WITH PAULAND ADVISED HIM THAT DUE TO THE FACT THAT I HAD OBSERVED HIM SERVING ALCOHOL PERSONS IN MY OPINION WERE DRUNK I WOULD BE SUBMITTING A FORM 60A (A LICENCED PREMISES REPORT).

PAUL STATED THAT THE MALE HE WAS IN THE PROCESS OF SERVING AS WE ARRIVED WAS NOT DRUNK.

HOWEVER AS STATED IN MY OPINION THEY WERE ALL DRUNK AND IT WAS CLEAR THAT THE MALE WAS PART OF THE GROUP.

A handwritten signature in black ink, appearing to read 'P. Foley', with a large, stylized initial 'P' and a horizontal line extending from the end of the name.

Signature :

Signature witnessed by :