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**North
Northamptonshire
Council**

Meeting: Licensing Sub-Committee
Date: Thursday 21st December, 2023
Time: 9.30 am
Venue: Council Chamber, Swanspool House, Wellingborough, Northants, NN8 1BP

To members of the Licensing Sub-Committee:

Councillors Jonathan Ekins, Jennie Bone and Lee Wilkes

Agenda			
Item	Subject	Presenting Officer	Page no.
01	Apologies for absence		
02	Members' Declarations of Interest (if any)		
03	Review of Premises Licence		3 - 26
04	Close of meeting		
<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p>Proper Officer 13 December 2023</p>			

This agenda has been published by Democratic Services.

Committee Administrator: Carol Mundy

 01933 231 521

 Carol.Mundy@northnorthants.gov.uk

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Where there is a need for the Council to discuss exempt or confidential business, the press and public will be excluded from those parts of the meeting only and will have to vacate the room for the duration of that business.

Public Participation

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Public Enquiries

Public enquiries regarding the authority's meetings can be made to democraticservices@northnorthants.gov.uk

Members' Declarations of Interest

Members are reminded of their duty to ensure they abide by the approved Member Code of Conduct whilst undertaking their role as a Councillor. Where a matter arises at a meeting which **relates to** a Disclosable Pecuniary Interest, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation.

Where a matter arises at a meeting which **relates to** other Registerable Interests, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but must not take part in any vote on the matter unless you have been granted a dispensation.

Where a matter arises at a meeting which **relates to** your own financial interest (and is not a Disclosable Pecuniary Interest) or **relates to** a financial interest of a relative, friend or close associate, you must disclose the interest and not vote on the matter unless granted a dispensation. You may speak on the matter only if members of the public are also allowed to speak at the meeting.

Members are reminded that they should continue to adhere to the Council's approved rules and protocols during the conduct of meetings. These are contained in the Council's approved Constitution.

If Members have any queries as to whether a Declaration of Interest should be made please contact the Monitoring Officer at – monitoringofficer@northnorthants.gov.uk

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Licensing and Appeals Sub Committee

Report Title	Licensing Act 2003 – Summary Review of Premises Licence
Report Author	Iain Smith Assistant Director of Regulatory Services iain.smith@northnorthants.gov.uk

List of Appendices

- Appendix A - Licensing Act 2003 Application for Review**
Appendix B – Police Certificate
Appendix C - Current Premises Licence
Appendix D - Interim hearing record of decision

1. Purpose of Report

- 1.1 To consider an application by Northamptonshire Police for summary review of the Premises Licence for Quality Food 4 You trading as Braces News, 99 -101 Montagu Street, Kettering.

2. Executive Summary

- 2.1 An application for summary review of the premises licence for Quality Food 4 You trading as Braces News, 99-101 Montagu Street, Kettering was received from Northamptonshire Police at 11.22am on Tuesday 28 November 2023.
- 2.2 The summary review process is an expedited process within the Licensing Act 2003 where there must be evidence of serious crime or serious violence or both.
- 2.3 The process has two stages, an initial interim steps consideration which must be carried out within 48 hours of the application being received followed by a formal review hearing within 28 days of the application being received.
- 2.4 An interim steps consideration hearing was held on Wednesday 29 November 2023 to give initial consideration to this application. The decision notice from that hearing is attached at Appendix D.

3. Recommendations

- 3.1 The sub-committee is asked to consider the application from Northamptonshire Police and consider:
- what steps it considers appropriate for the promotion of the licensing objectives

- decide which interim steps cease to have effect altogether or become the subject of any steps which it considers are appropriate to when making its determination on the review.

3.2 The actions that the authority may take are:

- the modification of the conditions of the premises licence;
- the exclusion of a licensable activity from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

4. Report Background

4.1 An Application for Summary Review of the Premises Licence for Quality Food 4 You trading as Braces News, 99 - 101 Montagu Street, Kettering has been received from Northamptonshire Police. A copy of the application and certificate required under the legislation are attached as Appendix A and B.

4.2 The application is submitted under the amendments to the Licensing Act 2003 by the Violent Crime Reduction Act 2006. This power provides an expedited review process in certain circumstances.

4.3 A copy of the Premises Licence is attached within Appendix C.

4.4 An interim steps consideration hearing was held on Wednesday 29 November 2023 to give initial consideration to this application. The decision notice from that hearing is attached at Appendix D.

4.5 The sub-committee must be satisfied that there is evidence of serious crime or serious violence or both. For the purpose of understanding these requirements the Home Office guidance states:

Serious crime: The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) (a) and (b) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:

(a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or

(b) Involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder: There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also used.

4.6 An appeal may be made to the magistrates' court within 21 days of the licence holder being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

- 4.7 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.

5. Issues and Choices

- 5.1 Having considered the information provided by Northamptonshire Police the sub-committee must consider the options available to it as detailed above and take such action as it considers necessary to address the concerns raised in Northamptonshire Police's application.

6 Implications (including financial implications)

6.1 Resources and Financial

- 6.1.1 There are no resource or financial implications in relation to this report

6.2 Legal

- 6.2.1 The Summary review process is detailed within Section 53A to 53D of the Licensing Act 2003 and Chapter 12 of the Section 182 Guidance issued under the Licensing Act 2003.

6.3 Risk

- 6.3.1 There are no significant risks arising from the proposed recommendations in this report.

6.4 Consultation

- 6.4.1 The authority advertised the review inviting representations from any persons as described in regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

- 6.4.2 The relevant notices were published on the day after the day of receipt of the chief officer's application.

- 6.4.3 No representations have been received.

6.5 Consideration by Scrutiny

- 6.5.1 Not considered

6.6 Climate Impact

- 6.6.1 No climate impact.

6.7 Community Impact

6.7.1 A licensing authority must carry out its functions under The Licensing Act 2003 with a view to promoting the licensing objectives.

The licensing objectives are—

- (a) the prevention of crime and disorder;
- (b) public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

7 Background Papers

- Licensing Act 2003
- Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005
- Home Office Summary Review Guidance Section 53A-C Licensing Act 2003
- Section 182 guidance issued under the Licensing Act 2003

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

North Northamptonshire Council
41 Meadow Road
Kettering
NN16 8TL

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

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 the 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.**

I Police Constable 113 D Bryan [on behalf of] the chief officer of police for the Kettering police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Quality Food 4 You Ltd (Trading as Braces)
99 Montagu Street**

Post town: Kettering

Post code (if known): **NN16 8XJ**

2. Premises licence details:

Name of premises licence holder (if known): Quality Food 4 You Ltd

Number of premises licence holder (if known): 19/00910/LAVDPS

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

Please see attached signed certificate and attached images.

Signature of applicant: 

Date: 28.11.23

Capacity: Police Licensing Officer

Contact details for matters concerning this application:

Address: **PC 113 D Bryan**
Wellingborough Police Station
Midland Road
Wellingborough
NN8 1HF

Telephone number(s): 101 EXT 434409 Mobile 07766 768576

Email: david.bryan@northants.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or

- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

and Off-Licence during an intelligence led operation regarding the criminal activity of the sale and/or storage of illicit tobacco products.

In the kitchen area of the back store room a conceal compartment (hide) was discovered. Within the hide the following was discovered;

5104 Packets of duty not paid cigarettes, estimated value based on a packet of legal duty paid cigarettes is £74,518.40.

81 Packets of 50g Hand Rolling Tobacco estimated value based on a legal duty paid packet of HRT is £2721.60.

The total being £77,240.00

Tobacco Duty on a single packet of cigarettes is 16.5% of the retail price plus £5.89, TSD used the figure of a packet of duty paid cigarettes being £14.60. This would mean the revenue on a single packet would be £8.29.

The revenue lost due to no duty being paid on the smuggled cigarettes equals £42,312.16.

The duty on HRT is £351.03 per 1000 grammes, the total in grammes seized was 4050, the estimated lost revenue £1579.00

The total duty not paid is estimated at £44,891.16

Section 144 of the Licensing Act 2003 A person commits an offence if he knowingly keeps or allows to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

In addition point 11:27 of the Statutory section 182 guidance that accompanies the Licensing Act 2003 details certain criminal activity that may arise in connection with licensed premises which should be treated as particularly serious, one of the activities listed is the sale or storage of smuggled tobacco and alcohol.

Signed:



X452

Date: 24. 11. 23

Kettering

Borough Council

Part A

Premises Licence

**Kettering Borough Council,
Municipal Offices, Bowling Green Road, Kettering, NN15 7QX
Tel 01536 534291 Fax 01536 532424
www.kettering.gov.uk**

Premises Licence Number	15/00285/LAPNEW
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description:

Braces News
99 Montagu Street
Kettering
Northamptonshire
NN16 8XJ

Telephone Number:

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Alcohol consumed off premises

Sunday	10:00 - 22:30
Monday to Saturday	08:00 - 23:00

The opening hours of the premises

Sunday	10:00 - 22:30
Monday to Tuesday	08:00 - 23:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Quality Food 4 You Ltd
99 - 101 Montagu Street
Kettering
Northamptonshire
NN16 8XJ

Email: Bely15101977@gmail.com

Registered number of holder, for example company number, charity number (where applicable)

11829847

Name, address, and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Mobile Phone: [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: 19/00139/LAPERS
Licensing Authority: Kettering Borough Council

If this premises licence authorises the supply of alcohol, the following conditions must be complied with:

1. No supply of alcohol may be made under the premises licence—
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

If this premises licence requires the use of door supervisors.

5. Where the premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Explanatory Notes and Definitions for Mandatory Condition 8.

Definitions

“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

“permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

“relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

“valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price calculated would not be a whole number of pennies, it shall be taken to be the price calculated rounded **up** to the nearest penny.

NOTE: This note is provided to give assistance in calculating prices, it is not a legal document. If you are unsure on any issue related to permitted prices, seek advice. Further information can be found about mandatory conditions can be found at <https://www.gov.uk/alcohol-licensing#mandatory-licensing-conditions>.

Part A

Premises Licence

**Kettering Borough Council,
Municipal Offices, Bowling Green Road, Kettering, NN15 7QX
Tel 01536 534291 Fax 01536 532424
www.kettering.gov.uk**

Premises Licence Number	15/00285/LAPNEW
--------------------------------	-----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description:

Braces News
99 Montagu Street
Kettering
Northamptonshire
NN16 8XJ

Telephone Number:

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Alcohol consumed off premises

Sunday	10:00 - 22:30
Monday to Saturday	08:00 - 23:00

The opening hours of the premises

Sunday	10:00 - 22:30
Monday to Tuesday	08:00 - 23:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Quality Food 4 You Ltd
99 - 101 Montagu Street
Kettering
Northamptonshire
NN16 8XJ

Email: Bety15101977@gmail.com

Registered number of holder, for example company number, charity number (where applicable)

11829847

Name, address, and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Mobile Phone: [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number: 19/00139/LAPERS
Licensing Authority: Kettering Borough Council

If this premises licence authorises the supply of alcohol, the following conditions must be complied with:

1. No supply of alcohol may be made under the premises licence—
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

If this premises licence requires the use of door supervisors.

5. Where the premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must
 - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
 - (b) be entitled to carry out that activity by virtue of section 4 of that Act.

Explanatory Notes and Definitions for Mandatory Condition 8.

Definitions

“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

“permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,**
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and**
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;**

“relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,**
- (ii) the designated premises supervisor (if any) in respect of such a licence, or**
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;**

“valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

Where the permitted price calculated would not be a whole number of pennies, it shall be taken to be the price calculated rounded up to the nearest penny.

NOTE: This note is provided to give assistance in calculating prices, it is not a legal document. If you are unsure on any issue related to permitted prices, seek advice. Further information can be found about mandatory conditions can be found at <https://www.gov.uk/alcohol-licensing#mandatory-licensing-conditions>.

Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

Annex 2 – Conditions consistent with the Operating Schedule

Embedded Conditions Apply (The licence is granted on the condition that the restrictions contained within the enactments specified under Licensing Act 2003 Schedule 8 (6) are adhered to).

Part B

Premises Licence Summary

**Kettering Borough Council,
Municipal Offices, Bowling Green Road, Kettering, NN15 7QX
Tel 01536 534291 Fax 01536 532424
www.kettering.gov.uk**

Premises Licence Number	15/00285/LAPNEW
--------------------------------	-----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description:

Braces News
99 Montagu Street
Kettering
Northamptonshire
NN16 8XJ

Telephone Number:

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Alcohol consumed off premises

Sunday	10:00 - 22:30
Monday to Saturday	08:00 - 23:00

The opening hours of the premises

Sunday	10:00 - 22:30
Monday to Tuesday	08:00 - 23:00

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption off the premises

Part 2

Name, (registered) address of holder of premises licence

Quality Food 4 You Ltd
99 - 101 Montagu Street
Kettering
Northamptonshire
NN16 8XJ

**Registered number of holder, for example company number, charity number
(where applicable)**

11829847

**Name of designated premises supervisor where the premises licence
authorises for the supply of alcohol**

Ms Tatana Pavlatova

State whether access to the premises by children is restricted or prohibited

No

Signed:



Date: 25 March 2019

Name: Russ Howell

Position: Health Services Manager

For and on behalf of the Licensing Authority

This premises licence **15/00285/LAPNEW**
has been issued by Kettering Borough Council,
Municipal Offices, Bowling Green Road, Kettering, NN15 7QX
Tel 01536 534291 Fax 01536 532424
www.kettering.gov.uk

Our Reference No: 19/00910/LAVDPS



Licensing and Appeals Sub Committee

Wednesday, 29th November 2023 at 2:00pm via MS Teams

To consider if any interim steps are required following application by Northamptonshire Police for summary review of the Premises Licence for Quality Food 4 You trading as Braces News, 99 -101 Montagu Street, Kettering.

Attendees:

Cllr Ekins (Chair)

Cllr Bone

Cllr Wilkes

Louise Delavaloire – Legal Advisor

Russell Howell – Licensing Manager

PC David Bryan – Northamptonshire Police

Carol Mundy – Committee Administrator

An application for summary review of the premises licence for Quality Food 4 You trading as Braces News, 99-101 Montagu Street, Kettering was received from Northamptonshire Police at 11.22 a.m on Tuesday 28 November 2023.

The summary review process is an expedited process within the Licensing Act 2003 where there must be evidence of serious crime or serious violence or both.

The process has two stages, an initial interim steps consideration which must be carried out within 48 hours of the application being received followed by a formal review hearing within 28 days of the application being received.

This hearing has been held to consider the interim steps.

The sub-committee considered Northamptonshire Police's application for summary review and the accompanying certificate of the relevant Superintendent under section 53a(1)(b) of the Licensing Act 2003.

The sub-committee are satisfied that the test for utilising the summary review process as the alleged criminal activity detailed results in substantial financial gain.

There serious concerns that the licensing objectives in relation to the prevention of crime and disorder and public safety are being undermined by criminal activity at the licensed premises.

The sub-committee concludes that it is necessary to implement the interim step of suspending the premises licence pending the full review hearing.

The review hearing will take place at 09:30am on 21st December 2023 at Swanspool Annexe, Doddington Road, Wellingborough, Northants, NN8 1BP.