

Public Document Pack



**North
Northamptonshire
Council**

Meeting: Licensing Sub-Committee


Date: Tuesday 14th December, 2021

Time: 2.00 pm

Venue: Council Chamber, Cedar Drive, Thrapston, NN14 4LZ

To members of the Licensing Sub-Committee

Councillors Jonathan Ekins (Chair), Jennie Bone (Vice Chair) and Barbara Jenney

Agenda			
Item	Subject	Presenting Officer	Page no.
01	Apologies for non-attendance		
02	Members' Declarations of Interests		
03	Notifications of requests to address the meeting		
Items requiring a decision			
04	Review of the Premises Licence for International Supermarket, 82 High Street, Rushden, NN10 0PQ	Samantha Edmunds	3 - 80
05	Review of the Premises Licence at The Angel Hotel trading as Decades, Carrington Street, Kettering, NN16 0BY	Russ Howell	81 - 124
06	Close of Meeting		
<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p>Proper Officer Monday 6 December 2021</p>			

This agenda has been published by Democratic Services.

For further information please contact:

Louise Tyers, Senior Democratic Services Officer

☎ 01832 742198

✉ louise.tyers@northnorthants.gov.uk

Meetings at the Council Offices

Due to the Covid-19 pandemic seating in the Council Chamber may be limited. If you are intending to attend the meeting as a spectator, please contact Louise Tyers as detailed above.

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.

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

Press & Media Enquiries

Any press or media enquiries should be directed through the Council's Communications Team to communications@northnorthants.gov.uk

Public Enquiries

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

Licensing Sub-Committee Tuesday 14 December 2021

Report Title	Application for a Review of the Premises Licence at International Supermarket, 82 High Street, Rushden NN10 0PQ
Report Author	Iain Smith Assistant Director of Regulatory Services iain.smith@northnorthants.gov.uk

List of Appendices

Appendix A – Application for Review of Premises Licence

Appendix B – Map of Area

Appendix C – Representations

Appendix D – Current Licence

Appendix E – Statement of Licensing Policy (East area Sovereign Policy)

1. Purpose of Report

- 1.1. To obtain the Sub-committee's decision in respect of an application for a review of the premises licence for International Supermarket, 82 High Street, Rushden NN10 0PQ

2. Executive Summary

- 2.1 An application for a review of the premises licence for International Supermarket, 82 High Street, Rushden NN10 0PQ was received on 27 October 2021. The appropriate notice was displayed at the premises, at the East area Council Offices and on the North Northamptonshire website. Two representations were received.

3. Recommendations

- 3.1 The Sub-committee is recommended to determine the application.
- 3.2 At any stage, following the grant of a premises licence, a responsible authority may ask the licensing authority to review the licence because of a matter at the premises in connection with any of the four licensing objectives.
- 3.3 The Licensing Authority in determining what action to take, will seek to establish the causes of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

4. Report Background

- 4.1 The matters for which a review to the premises licence are sought relate to the prevention of crime and disorder and the protection of children from harm. The request for the review relates to a joint Northamptonshire Police, Trading Standards and North Northamptonshire Council (East area) visit where illegal tobacco products were being stored at the premises and an alleged underage sale(s) of alcohol. The application for the review is included within Appendix A and a map of the premises is included within Appendix B.
- 4.2 The Licensing Enforcement Officer has submitted a representation which relates to intel received before the joint visit and matters arising since the visit. Rushden Town Council have also commented in support of the application.
- 4.3 The representations can be seen in Appendix C.
- 4.4 A copy of the premises licence is included within Appendix D for information.
- 4.5 A copy of the sovereign council's policy (East Northamptonshire Council) can be seen in Appendix E.

5. Issues and Choices

5.1 Determination

- 5.1.2 The Sub-committee must carry out its functions to promote the licensing objectives having regard to:
- The Licensing Act 2003
 - The Council's Statement of Licensing Policy
 - S182 Guidance
- 5.1.3 The Act states that following a hearing, the panel may take the following actions if they deem them necessary to promote the licensing objectives:
- No action necessary as no steps required to promote the licensing objectives;
 - Issuing an informal warning to the premises licence holder and/or to recommend improvement within a particular period of time. This Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder;
 - To modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
 - Excluding a licensable activity from the licence;
 - Remove the designated premises supervisor;
 - Suspend the licence for a period of up to three months;
 - To revoke the licence.

5.2 Policy Considerations

5.2.1 This section highlights the elements of the licensing policy that are considered to be most relevant with respect to this application. This list is not exhaustive, and the policy should be considered fully prior to making decisions with respect to applications: -

- 2.10 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. This Licensing Authority wishes to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 2.13 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions relevant to the operating plan will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are appropriate, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public (e.g. Health and Safety at Work and Fire Safety legislation).

5.3 Section 182 Guidance Considerations

5.3.1 Sections 11.16 to 11.29 of the above guidance are particularly relevant to this application. This is not exhaustive, and guidance should be considered fully prior to making decisions with respect to applications.

6. Implications (including financial implications)

6.1.1 Resources and Financial

There are no resources or financial implications arising from the proposals.

6.2 Legal

6.2.1 A Legal Officer will be present at the hearing to outline all legal matters that need to be taken into consideration.

6.2.2 The Licensing Act 2003 sets out how an application for a Review of a Premises Licence should be dealt with. The Sub-Committee have to decide the outcome of the application to review, taking into account the Licensing Objectives.

6.2.3 In accordance with the provisions of the Act, an appeal against the final review decision may be made to a Magistrate's court within 21 days of the appellant 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.

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 As prescribed by the Licensing Act 2003 the following consultations have been undertaken:

Child Protection	No representation
Fire	No representation
Northamptonshire Police	Review applicant
Trading Standards	Statement included in police report
Home Office	No representation
Health Authority	No representation
Rushden Town Council	Representation
Environmental Protection	No representation
Licensing (Local Authority)	Representation
Planning	No representation
Public	No representation

6.5 Consideration by Scrutiny

6.5.1 There are no comments received by the Scrutiny Commission in relation to this report.

6.6 Climate Impact

6.6.1 There are no climate/environmental impacts that may arise regarding this report.

6.7 Community Impact

6.7.1 The licensing regime seeks to minimise any negative community impacts as its purpose is to promote the licensing objective which includes prevention of crime and disorder and public nuisance, public safety and the protection of children from harm.

7. Background Papers

7.1 None

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

**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 Police Constable 113 D.Bryan

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 International Supermarket 82 High Street	
Post town Rushden	Post code (if known) NN10 0PQ
Name of premises licence holder or club holding club premises certificate (if known) Rushden Market Ltd	
Number of premises licence or club premises certificate (if known) 20/01104/LAPNEW	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

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 PC 113 D.Bryan Northamptonshire Police Wellingborough Police Station Midland Road Wellingborough Northamptonshire NN8 1HF
Telephone number (if any) 101 EXT [REDACTED]
E-mail address (optional) david.bryan@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 | X |
| 2) public safety | |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | X |

Please state the ground(s) for review (please read guidance note 2)

I act on behalf of the Chief Officer of Police for Northampton shire, Mr Adderley. He has delegated responsibility and authorised me to act on his behalf with regard to representations made by Northamptonshire Police to Licensing Authorities across the county of Northamptonshire.

Northamptonshire Police call for the Review of the Premises Licence for International Supermarket under the Licensing Objective of the Prevention of Crime and Disorder, and the Protection of Children from Harm.

This Review relates to illegal tobacco products being stored at the premises, and an alleged underage sale(s) of alcohol.

Please provide as much information as possible to support the application (please read guidance note 3)

- 1) On the 24th of July 2021 Northamptonshire Police received a complaint of an underage sale of alcohol that took place at the premises. The report is of a 13 year old male being taken to hospital due to drinking excessive alcohol. The sale took place at the premises and the alcohol was sold to a 12 year old female. The alcohol was a bottle of vodka and the group of friends involved were between 12 and 13 years old.**
- 2) The complaint was made by a third party and the complainant did not inform Northamptonshire Police how they came by the information and there was little detail to follow up the allegation.**
- 3) Northamptonshire Police used their discretion and professional judgement and took the decision to monitor the premises with a view to either conducting a Test Purchase operation at the premises, or conducting a multi-agency visit at the premises.**
- 4) Since the initial report on the 24th of July 2021 and the date of these Review papers Northamptonshire Police only have the above mentioned incident recorded on their incident recording system.**
- 5) On the 31st of August 2021 North Northants Trading Standards Department made contact via E-mail with Northamptonshire Police. The request was in relation to a joint visit. They had received a similar complaint in relation to underage drinking and the sales taking place. The address they had was on the high street in Rushden but was not International Supermarket, however due to the similarities in the address I formed the opinion that the actual address was International Supermarket. The address Trading Standards was given is not a licensed premises.**
- 6) On the 5th of October 2021 a joint visit was conducted at the address Trading Standards was given, no alcohol was found in the store or the store rooms. International Supermarket was visited, the Designated Premises Supervisor was not present or the Premises Licence Holder.**
- 7) Various breaches of the conditions attached to the premises licence were discovered and no summary of the Premises Licence was on display.**
- 8) During a search of the premises a quantity of duty non paid cigarettes were discovered in the rear store room.**
- 9) Enquiries made with the Immigration Service relating to a male who was in charge of the premises at the time of the visit. The result of the enquiry discovered that the male had no right to work.**

Section 144 of the Licensing Act 2003 details the criminal offence relating to smuggled goods of premises that hold a premises licence.

Section 146 of the Licensing Act 2003, relates to the sale or supply of alcohol to a person under 18 years old.

Northamptonshire Police would ask the Licensing Sub-Committee of North Northamptonshire Council to consider revoking the premises licence for International Supermarket in this individual case.

The statutory section 182 Guidance that accompanies the Licensing Act 2003 details at point 11.27 what criminal activity should be treated particularly seriously by Committees, the sale and storage of smuggled tobacco and alcohol is listed. At point 11.28 details are contained that Licensing Authorities should seriously considered revocation in the first instance when looking at matters relating to point 11.27.

R (Bassetlaw District Council) v Worksop Magistrates Court outlines the case that the action(s) taken by the Licensing Committee can be punitive. Where crime is involved, wider considerations come into play. Those considerations might include the prevention of crime and at least deterrence, if not punishment. Where premises have been used for a criminal purpose, the Licensing Authority has a duty to take steps in the interest of the wider community.

Please find attached statements from [REDACTED] North Northants Trading Standards and PC 113 D.Bryan detailing the visit made to the premises on the 5th of October 2021. In addition images taken of the seized goods discovered in the store room.

Please tick yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

20th October 2021

Capacity **Northamptonshire Police Licensing Constable**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT

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

URN

--	--	--	--

Statement of: **David BRYAN**

Age if under 18 O/18 (if over 18 insert 'over 18') Occupation: Police Constable 113

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 in it, anything which I know to be false, or do not believe to be true.

Signature

[Redacted Signature]

Date 20th of October 2021

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

I am currently a serving Police Officer with Northamptonshire Police, I have been in the role of a Licensing Constable for the past 16 years and a Police Constable for 24 years. I have delegated responsibility from the Chief Constable of Northamptonshire Police to act on his behalf with regard to representations made by Northamptonshire Police to licensing authorities across the county of Northamptonshire.

This statement is in relation to a shop named International Supermarket, situated at 82 High Street, Rushden, NN10 0PQ. The shop holds a Premises Licence for Off-sales of alcohol.

On Tuesday the 5th of October 2021 I was on duty in plain clothes in the company of colleagues from North Northants Trading Standards Department, [Redacted]

Also present was a colleague Rita GROVES North Northants Licensing Officer responsible for the Rushden area. At approximately 11:15am we all entered the premises International Supermarket and identified ourselves to the sole occupant of the store was a male who was stood behind the counter where goods are paid for, when asked for his details he gave the name of [Redacted] I informed [Redacted] that I was conducting a check on the premises in relation to compliance of conditions attached to the Premises Licence. [Redacted] stated that he did not work at the premises he was just minding it for a friend and then asked whether I wanted to talk to the 'boss' and began to make a phone call. I proceeded with my checks and firstly noticed that there was not a summary of the Premises Licence on display. [Redacted] had come off his mobile phone now, it is my opinion based on my experience of visitng premises in Northamptonshire where an individual state they are not working that they actually are. I decided to continue with my questions relating to the Premises Licence and the attached

Signature:		Page 15	Signature Witnessed by:	
------------	--	---------	-------------------------	--

conditions. I noticed that there was a CCTV system installed however [redacted] stated he did not know how to use it or whether it recorded images. [redacted] did not know about any of the conditions, stated that he didn't have to record his details anywhere to be 'working' in the premises and had not undertaken any form of training associated with the Licensing Act 2003. A refusals register was not anywhere to be found and [redacted] had no knowledge of one existing. Signage in relation to Challenge 25 was not displayed in an adequate way, in fact the one A4 sign^{side} was resting on it's long side not upright on the shelf behind the counter, in addition [redacted] did not know what the Challenge 25 policy was.

At this stage [redacted] managed to get in contact with the 'boss' on his phone and handed it to me, I spoke with a male who the contact name on the phone was [redacted]. I believe, he stated he would attend the store within half an hour. Whilst we were awaiting the 'boss' we conducted a search of the premises and in a rear store room for the premises discovered various brands of non duty paid cigarettes. Section 144 of the Licensing Act 2003 makes it an offence to keep smuggled goods (alcohol and tobacco) on relevant premises, namely a Premises that holds a Premises licence, These items were seized by the Trading Standards Officers, whilst we were bagging the cigarettes up and counting them [redacted] was present only momentarily going back into the main part of the store from time to time. He stated to me that his 'boss' had been back in contact and was only ten minutes away. Once the discovery was found [redacted] went back on his phone and it then transpired that his 'boss' was no longer attending the store. After the cigarettes were seized, counted and documented we left the store, although [redacted] stated he was not working the the shop in my opinion he was, we all left the premises at approximately 12:05pm.

Signature: [redacted]

Signature witnessed by: [redacted]

Signature:

[redacted signature]

Signature witnessed by:

NORTH NORTHAMPTONSHIRE COUNCIL
Trading Standards

STATEMENT OF WITNESS

(Criminal Procedure Rules, Part 16; Criminal Justice Act 1967, s.9, Magistrates' Court Act 1980, s.5B)

Statement of: [REDACTED]
(Name of Witness)

Age of Witness: (if Over 18
over 18 enter "over
18")

Occupation of Witness: Trading Standards Officer

This statement (consisting of 1 page 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 in it anything which I know to be false or do not believe to be true.

Dated the 12th day of October, 2021 (Signed):

I am employed by North Northamptonshire Council Trading Standards Service as a Trading Standards Officer, based at Deene House, Corby. On 5th October 2021, accompanied by my colleagues [REDACTED] and [REDACTED], we met with PC 113 BRYAN an Alcohol Licensing Constable with Northamptonshire Police and Rita GROVES a Licensing Enforcement Officer with North Northamptonshire Council. We carried out a joint inspection of International Supermarket, 82 High Street, Rushden, NN10 0PQ. Myself and the above colleagues entered International Supermarket at approximately 11:15, where we introduced ourselves and showed our identification to the male behind the till counter. The male said his name was [REDACTED] [REDACTED] date of birth of [REDACTED] and he said he was from Iran. I explained the reason for the visit was due to this Service receiving complaints surrounding the sale of illicit tobacco and under age sales of alcohol. I conducted a search of the premises and opened a closed door to a stock room. In that stock room was a box that contained various brands of foreign labelled cigarettes, some of these products were also in non-standardised packaging. I seized these items which equated to 185 packets or 6,210 individual cigarettes. After bagging the evidence I left [REDACTED] with copies of the appropriate paperwork and myself and all colleagues left the premises at approximately 12:04.



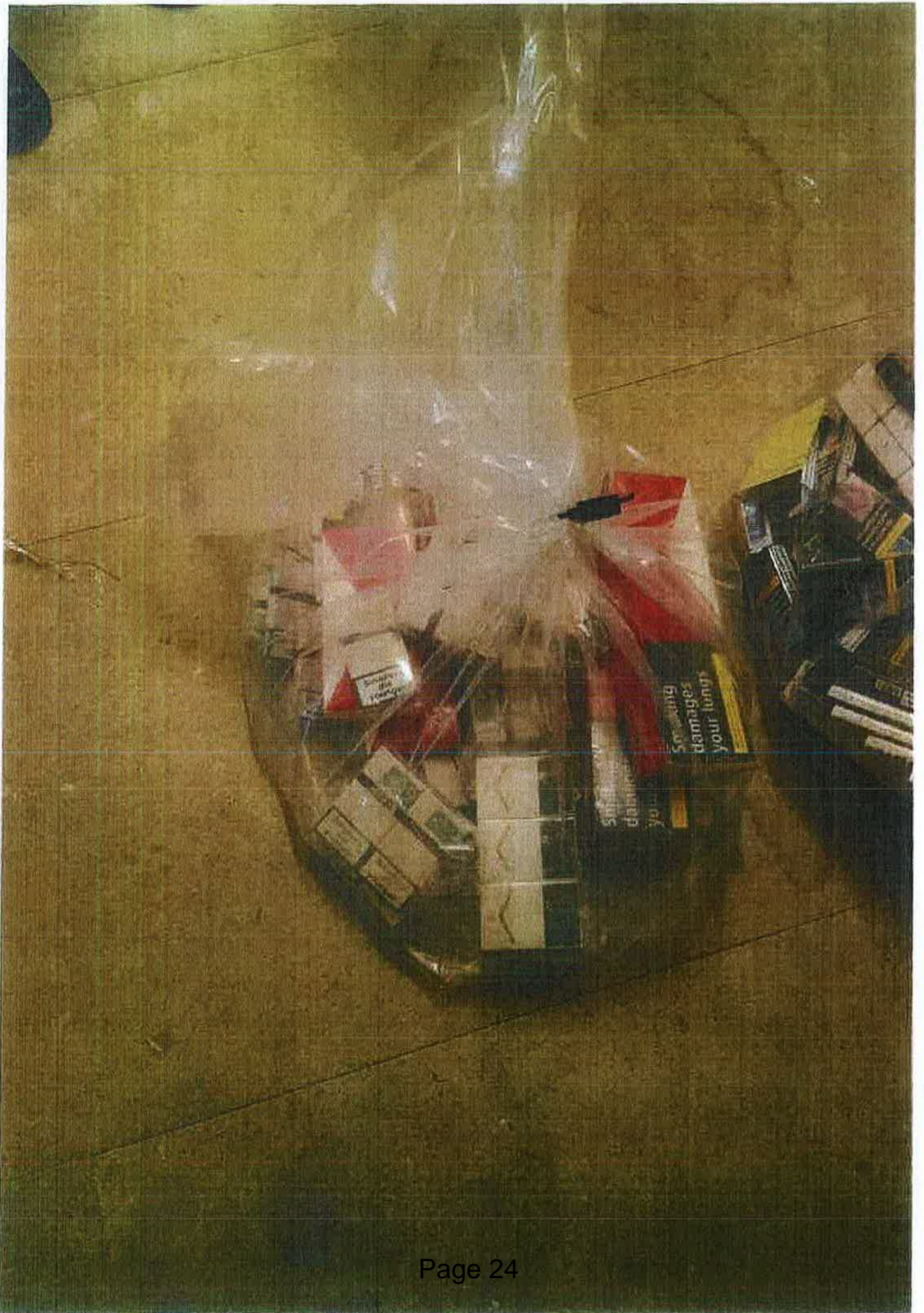
DS (.



AS/2



NS/3



D3/4



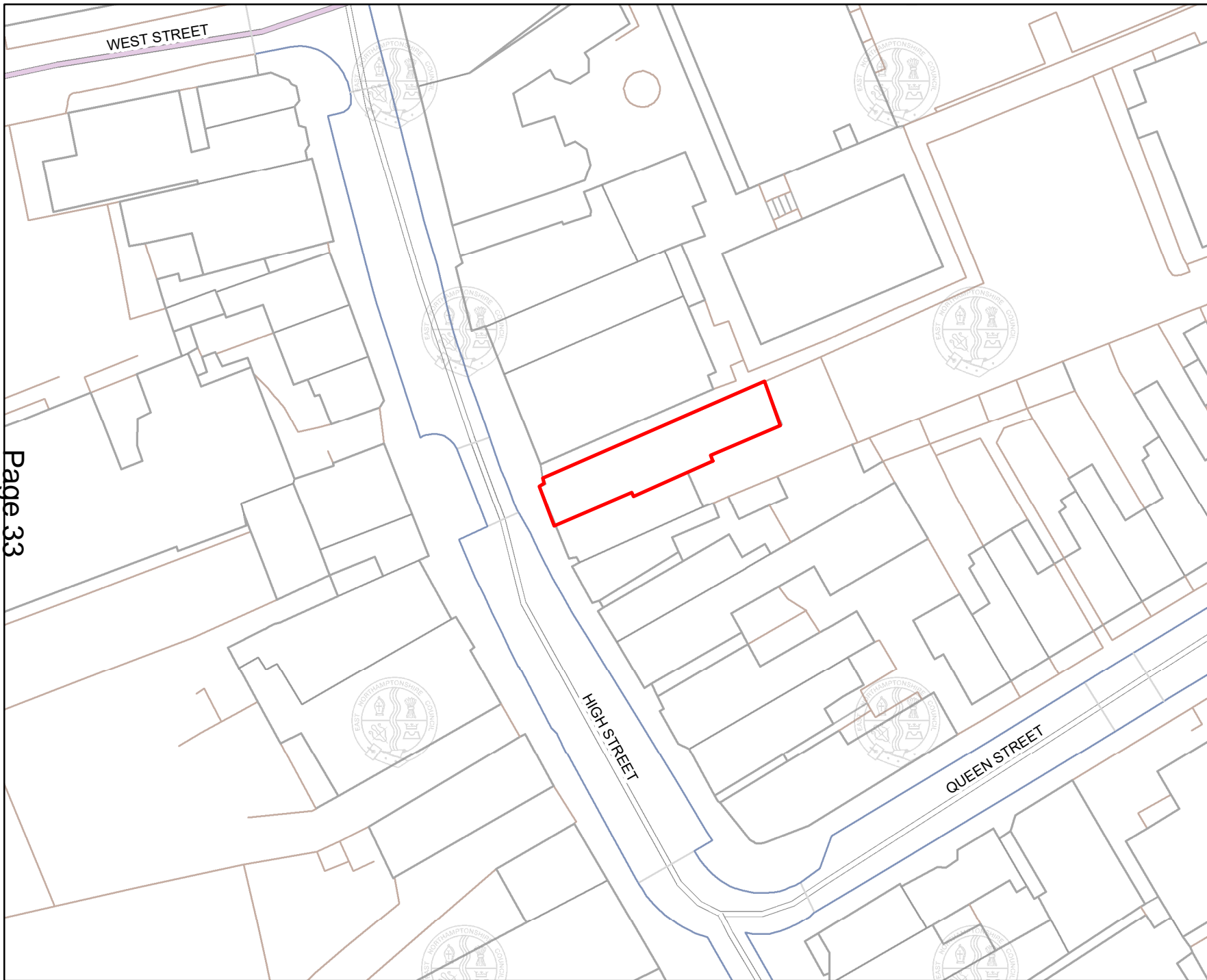
DB/5



DS/6



DS/7



N
Scale:
1:500

Environmental Services

82 High Street
Rushden
NN10 1PQ

Appendix

This map is accurate to the scale specified above when reproduced at: A3

© Crown Copyright and database right 2021. Ordnance Survey 100019072

This page is intentionally left blank

MEMORANDUM

To: Central Licensing Administration Unit

From: Rita Groves
Licensing Enforcement Officer
Regulatory Services / Health Protection

Ref: Review application for International Supermarket
82 High Street, Rushden, Northamptonshire NN10 0PQ

Date: 23 November 2021

In reference to the review application for the above premises I wish to make the following comments in support of the review:

On 3 August 2021, Emma Matthews (Licensing Compliance Officer) received some intel by email that International Supermarket was selling alcohol to minors. It was also reported that the owners of the store were selling cheap cigarettes which were being kept elsewhere and being taken to the shop to sell.

The above intel was shared with PC Dave Bryan at Northamptonshire Police and [REDACTED] at North Northamptonshire Trading Standards. The intel prompted a joint visit which was carried out on Tuesday 5 October 2021 (See witness statement at appendix 1).

The Licensing Act 2003 makes it clear that criminal activity in licensed premises should be treated particularly seriously and I therefore support Northamptonshire Police in this review.



**North
Northamptonshire
Council**

Statement of Witness

Section 9, Criminal Justice Act 1967 and
Sections 5A(3)(a) and 5B,
Magistrates Court Act 1980

STATEMENT OF RITA GROVES

Age of witness: Over 18

Occupation of witness: Licensing Enforcement Officer

Address of witness: North Northamptonshire Council, Cedar Drive, Thrapston,
Northamptonshire NN14 4LZ

This statement, consisting of 4 page(s) 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 in it anything I know to be false or do not believe to be true.

My name is Rita GROVES and I am employed by North Northamptonshire Council (NNC) as the Licensing Enforcement Officer. I am an Authorised Officer under the Licensing Act 2003. On Tuesday 5 October 2021, in Rushden, I met with PC Dave BRYAN (DB) of Northamptonshire Police, [REDACTED] of North Northamptonshire Trading Standards and two Trading Standards Apprentices [REDACTED] and [REDACTED]. Intel received by Northamptonshire Police and North Northamptonshire Council prompted the visit. At approximately 11:15 we entered International Supermarket, 82 High Street, Rushden NN10 0PQ and each identified ourselves. There was only one member of staff on duty who had no identification on him. He stated that his name was Mr [REDACTED].

Dated the 8 October 2021

(Signature:) _____

■■■■. ■■■■ stated that he does not work at the shop, that he was only helping out for an hour and he did not know anything about the running of the shop. After ■■■■ had taken some details from ■■■■, DB asked some questions about the Licensing Act 2003 Premises Licence. It became apparent that at least 5 conditions on the licence were being breached.

1. CCTV must be installed capable of recording and storing images. The system must record at all times the premises is open to the public. Images must be stored for 31 days. The system must cover the entrance and all retail areas.
2. A person must be on the premises at all times they are open to the public to enable viewing of recordings on request of an officer from a responsible authority and subsequent full downloads must be available within the following 24 hours.

Although there was a CCTV camera in view, ■■■■ did not know how the CCTV worked or where the viewing monitor was.

3. A record of staff members must be kept that includes the names, dates of birth, home addresses and current, valid documentation demonstrating the right to work of the individual with photographic id. This record must be kept on the premises at all times. These records must be made available to an officer from a responsible authority including an immigration officer on demand.

Mr ■■■■ stated that his details had not been checked or put in a book when he started work in the shop that day.

Dated the 8 October 2021

(Signature:) _____

4. All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale and awareness of the Challenge 25 age verification policy. This training must be completed prior to them being allowed to sell alcohol. A record of this training must be kept and maintained with a copy of the syllabus. The recipient of the training must sign to state they have received and understood the training and this should be dated. This record must be kept on the premises at all times.

Although there was a Challenge 25 poster in clear view on the shelf behind the counter, it was on its side and ■ when questioned did not know what Challenge 25 meant.

5. A refusals register must be maintained. Both registers must be available for inspection at any time the premises is open.

■ was not aware of any refusal register at the premises and did not find any documentation behind the counter.

Trading Standards Officers checked the fridges and found one out of date product, though as there were many products which were not labelled in English, it was unclear if there were any further products out of date. Behind the main store, there was a small area with racking and a few items of stock (mainly soft drinks and alcohol). DB, ■ and I then checked the rear storeroom. Both storeroom areas were separated from the main shop by a door. There were a few boxes, a chair and a few items of store fixtures and fittings in this room. ■ started to check the boxes and found a small box of tobacco and a large box of mixed foreign and UK branded cigarettes. The

Dated the 8 October 2021

(Signature:)

Appendix 1

cigarettes were sorted into 3 piles, UK cigarettes with correct branding, UK cigarettes with incorrect branding (not showing health warnings) and foreign branded cigarettes with wording in other languages. The cigarette boxes were counted, bagged and tagged. The UK correctly branded cigarettes were left at the shop and all the others were seized by Trading Standards who left seizure and visit paperwork with [REDACTED]. During the visit [REDACTED] had called the shop owner several times. He stated that the shop owner was called [REDACTED]. At first, he said that the owner would come back to the store to meet with us and would be with us in half an hour. A few minutes later he stated that the shop owner would be with us in ten minutes. When [REDACTED] was asked to contact the owner and tell him that we had found the cigarettes, [REDACTED] informed us that the owner would no longer be coming back to the shop. We left the store at approximately 12:10. END OF STATEMENT.

Dated the 8 October 2021

(Signature: _____)

Louise Tyers

From: ENC Licensing Unit
Sent: 11 November 2021 14:05
To: Pat Mackness
Subject: FW: Review of Premises Licence, International Supermarket, 82 High Street, Rushden, NN10 0PQ

For you

From: Nicola Gibson [REDACTED]
Sent: 11 November 2021 13:57
To: ENC Licensing Unit <LicensingUnit.ENC@northnorthants.gov.uk>
Subject: Review of Premises Licence, International Supermarket, 82 High Street, Rushden, NN10 0PQ

Good Afternoon,

Rushden Town Council are in support of this licencing review.

Kind Regards

Nicola Gibson

Assistant to Town Clerk

(Part-time: Monday, Tuesday, Thursday, Friday 9.15am – 14.45pm)

Rushden Town Council
Rushden Hall
Rushden
Northants NN10 9NG

Tel: 01933 316216

E-mail: [REDACTED]

Web: www.rushdentowncouncil.gov.uk

We take the processing of your data seriously and will only hold your personal details for as long as is necessary. We will not share your personal details with any third party unless required to do so by law or if you have expressly permitted us to do so.

We have updated our Privacy Policy which you can view here [Rushden Town Council Privacy Policy](#)

Where the contents of this email and/or attachment include materials prepared by RUSHDEN TOWN COUNCIL the use of those materials is subject exclusively to the conditions of engagement between RUSHDEN TOWN COUNCIL and its client. This communication is confidential and may contain legally privileged information. By the use of email over the Internet RUSHDEN TOWN COUNCIL is not waiving either confidentiality of, or legal privilege in, the content of the email and of any attachments. If the recipient of this message is not the intended addressee please call the Council immediately on 01933-316216. RUSHDEN TOWN COUNCIL will communicate with you by email however; RUSHDEN TOWN COUNCIL cannot guarantee the confidentiality, reliability or speed of these communications, or any attached documents. IF you wish to send to RUSHDEN TOWN COUNCIL any urgent communications please notify the addressee first by telephone on 01933-316216. As the addressed recipient of this email you must not copy, on forward, or disclose this communication, or any information in it, to anyone without our senders consent.

Any views expressed in this email are those of the individual sender and are not necessarily those of North Northamptonshire Council unless explicitly stated.

This email (including any attachments) may contain confidential or privileged information and is intended solely for the use of the individual or entity to whom it is addressed. Any confidential, sensitive or protectively marked material must be handled accordingly.

If you are not the intended recipient you must not disclose, distribute, copy, print or rely on any of the information contained in the email or attachments, and all copies must be deleted immediately. If you do receive this email in error, please notify the sender immediately and note that confidentiality or privilege is not waived or lost.

North Northamptonshire Council may monitor the contents of emails sent and received via its network for the purposes of ensuring compliance with relevant legislation and the Council's policies and procedures. All such monitoring will take place in accordance with relevant legislation including privacy and data protection legislation. For details of how North Northamptonshire Council uses personal information please see the Council's website.

North Northamptonshire Council has scanned this email and attachments for viruses but does not accept any responsibilities for viruses once this email has been transmitted. You should therefore carry out your own anti-virus checks before opening any documents.

This page is intentionally left blank



Part A

Premises Licence

Premises Licence Number	20/01104/LAPNEW
--------------------------------	-----------------

Part 1 – Premises Details

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

International Supermarket
82 High Street
Rushden
Northamptonshire
NN10 0PQ

Telephone Number: 07719 804586

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

Monday to Sunday 08:00 - 23:00

The opening hours of the premises

Monday to Sunday 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

Rushton Market Ltd
82 High Street
Rushden
Northamptonshire
NN10 0PQ

Email [REDACTED]@yahoo.com Work Phone: 07719 804586

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

12843674

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

Mr Halil Ibrahim Unsal
[REDACTED] Thrupp Bridge
Wootton
Northampton
NN4 6AR

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: PA 0600
Licensing Authority: Northampton 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—

$$P = D + (DxV)$$

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 2 – Conditions consistent with the Operating Schedule

Spirits must be displayed on the back fitting located behind the sales counter and not be available by self service.

Alcohol sold for consumption off the premises must be sold in sealed containers

CCTV must be installed capable of recording and storing images. The system must record at all times the premises is open to the public. Images must be stored for 31 days. The system must cover the entrance and all retail areas.

A person must be on the premises at all times they are open to the public to enable viewing of recordings on request of an officer from a responsible authority and subsequent full downloads must be available within the following 24 hours.

A record of staff members must be kept that includes the names, dates of birth, home addresses and current, valid documentation demonstrating the right to work of the individual with photographic id. This record must be kept on the premises at all times. These records must be made available to an officer from a responsible authority including an immigration officer on demand.

All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale and awareness of the Challenge 25 age verification policy. This training must be completed prior to them being allowed to sell alcohol. A record of this training must be kept and maintained with a copy of the syllabus. The recipient of the training must sign to state they have received and understood the training and this should be dated. This record must be kept on the premises at all times.

A refusals register must be maintained. Both registers must be available for inspection at any time the premises is open.

Deliveries shall only be made to residential or business premises.

Risk assessments required under separate legislation will be maintained.

The trading hours of the premises will not cause a nuisance. The premises licence holders representative, the DPS and staff must be aware of the potential for persons known as 'street drinkers' and if individuals so identified must refuse service.

The mandatory age verification policy will be Challenge 25 and signage will be displayed.

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

None

Annex 4 – Plans

Please see attached
20/01104/LAPNEW P1



Part B

Premises Licence Summary

Premises Licence Number	20/01104/LAPNEW
--------------------------------	------------------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description: International Supermarket 82 High Street Rushden Northamptonshire NN10 0PQ
Telephone Number: 07719 804586

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

Monday to Sunday 08:00 - 23:00

The opening hours of the premises

Monday to Sunday 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

Rushton Market Ltd
82 High Street
Rushden
Northamptonshire
NN10 0PQ

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

12843674

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

Mr Halil Ibrahim Unsal

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

NO

Signed:



Date: 1 October 2020

Name: Samantha Edmunds
Position: Health Protection Manager
For and on behalf of the Licensing Authority

This premises licence **20/01104/LAPNEW**
has been issued by North Northamptonshire Council, East Northamptonshire Area
Licensing, Thrapston Offices, Cedar Drive, Thrapston, NN14 4LZ
T: 0300 126 3000 | DD: 01832 742102 | Web: www.northnorthants.gov.uk

Our Issue Reference No: 20/01104/LAPNEW



EAST NORTHAMPTONSHIRE
Licensing Act 2003
Statement of Licensing
Policy for
Regulated Entertainment, Late
Night Refreshment and the Sale of
Alcohol

EAST NORTHAMPTONSHIRE
Licensing Act 2003 Statement of Licensing Policy for
Regulated Entertainment, Late Night Refreshment and the Sale of Alcohol

CONTENTS

1.	Executive Summary	3
2.	Purpose and Scope of Licensing Policy	3
3.	Duplication	5
4.	Strategies	5
5.	Live Music	5
6.	Objectives	6
7.	The Licensing Authority as a Responsible Authority	8
8.	Health Authority as a Responsible Authority	8
9.	Responsible Authorities	9
10.	Planning	9
11.	Licensing Hours	9
12.	Temporary Event Notices	10
13.	Sexual Entertainment	10
14.	Cumulative Impact and Special Policies	10
15.	Early Morning Restriction Orders	12
16.	Children	13
17.	Conditions	14
18.	Reviews	14
19.	Minor Variations	16
20.	Enforcement	16
21.	Licensing Suspensions	17
22.	Administration, Exercise & Delegation of Functions	17
23.	Advice and Guidance	18
24.	Equal Opportunities	18
25.	Review of Policy	18
26.	Late night levy	19
	<i>Annex 1 Delegation of Functions</i>	<i>20</i>
	<i>Annex 2 Contact Details</i>	<i>21</i>
	<i>Annex 3 Other Policies, Legislation & Guidance</i>	<i>22</i>
	<i>Annex 4 Useful Information</i>	<i>24</i>
	<i>Annex 5 Local Area Profile</i>	<i>25</i>

1. Executive Summary

- 1.1 The Licensing Act 2003 introduced a revised licensing system for alcohol, entertainment and late night refreshment.
- 1.2 Section 5 of the Licensing Act 2003 has imposed a statutory duty on the Licensing Authority to produce a statement of licensing policy for a five years period, beginning with such day as the Secretary of State may by order appoint. This policy covers the period 10th December 2019 to 9th December 2024.
- 1.3 This document sets out the Licensing Authorities policy, which will guide the Council when considering applications under the Act. The policy provides guidance on the general approach the Council, as the Licensing Authority within the meaning of the Act, will take in terms of licensing. However, each licence application will be considered separately on its individual merits.
- 1.4 The Licensing Authority in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work in and the importance of safe and well run entertainment premises to the local economy and vibrancy of the area. However, the Council also recognises that balancing these interests will not always be straightforward and it will be guided by the four licensing objectives as set out in this policy.
- 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and as stated above each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, this Council in adopting the policy is indicating that a wide range of considerations will be taken into account.
- 1.6 The Council will use its powers to promote best practice in relation to the operation of licensed premises and is committed to partnership working with responsible authorities, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.
- 1.7 The Licensing Authority has had regard to the guidance issued by the Secretary of State under Section 182 of the Act when developing this statement of Licensing Policy. This Council may deviate from the guidance but will demonstrate good reasons for doing so.
- 1.8 The scope of this policy covers new applications, transfers and variations of licences and certificates including temporary event notices. This includes the review of licences and certificates which could lead to a range of sanctions including the revocation of a licence or a certificate.

2. Purpose and Scope of the Licensing Policy

- 2.1 The Licensing Act 2003 makes it a duty for the local authority to carry out its functions under the Act with a view to promoting the four licensing objectives:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance, and
 - The protection of children from harm
- 2.2 The purpose of this Policy is to detail how this Authority will comply with that duty.
- 2.3 In determining its statement of licensing policy, this Authority will have regard to the guidance issued by central government and other regulatory bodies to ensure that its actions are consistent with those nationally. To further ensure consistency the licensing authorities of Northamptonshire will meet as necessary to ensure that a consistent approach is being achieved.

- 2.4 Licensing decisions will be made in accordance with the current legislation, case law, relevant guidance and in accordance with this policy.
- 2.5 No decision will be made which undermines the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.
- 2.6 Authorised persons, interested parties and responsible authorities, as defined in the Act, will have the right to make representations to the Licensing Authority on any application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. This Authority recognises that in the absence of relevant representations it will grant licences on the terms sought.
- 2.7 Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 2.8 This authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. However this Council recognises that licensing legislation is not a mechanism for the general control of anti-social behavior by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 2.9 The Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behavior by individuals once they are away from licensed premises and, therefore, beyond the control of the licence holder. Nonetheless, it is a key aspect of such control and licensing laws will always be part of the holistic approach to the management of the evening and night-time economy.
- 2.10 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol, supply of alcohol by or on behalf of a club to its members, regulated entertainment, and late night refreshment, and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. This Licensing Authority wishes to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 2.11 This Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the area attracting tourists and visitors, and is a source of employment.
- 2.12 This Licensing Authority will also have regard to wider considerations affecting the residential population and the amenity of any area. These include littering, fouling, noise and street crime.
- 2.13 In determining a licence application the overriding principle adopted by the Licensing Authority will be that each application will be determined on its merits. Only mandatory conditions and conditions offered or agreed with by the applicant will be imposed except where relevant representations against an application are received. Where relevant representations are received then further additional conditions to meet the licensing objectives may be added provided they are appropriate, proportionate and reasonable and deal with the issues raised. Licence conditions will not be imposed where other regulatory regimes provide sufficient protection to the public e.g. health and safety at work and fire safety legislation.
- 2.14 In considering licensing hours this Licensing Authority will place significant emphasis on the individual merits of an application. In addition, the views of the Police and other agencies will be important in this consideration.
- 2.15 Licensing hours will not inhibit the development of a thriving and safe evening and night-time local economy which is important for investment and employment locally and beneficial to tourism without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration.
- 2.16 Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the

community. Individual applicants should address the licensing objectives in their operating schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.

- 2.17 The purpose of this policy document is to assist the Licensing Authority in reaching a decision on a particular application, setting out those matters which will normally be taken into account. In addition, this policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the area with some measure of certainty.
- 2.18 Before determining its policy for any five-year period, this Authority will undertake full consultation as prescribed by the 2003 Act.
- 2.19 The views of all of those consulted will be given appropriate weight when the policy is determined together with those of any other persons or bodies which the Authority considers appropriate to consult with. When undertaking consultation exercises, this Authority will also have regard to cost and time.

3. Duplication

- 3.1 The enforcement of licensing legislation will at all times be distinct from other regulatory regimes such as fire safety and health and safety so far as is practicable.
- 3.2 Conditions will only be attached to premises licences and club premises certificates that are necessary for the promotion of the licensing objectives detailed in the introduction to this policy, be they mandatory conditions, conditions made against the operating schedule and/or following relevant representations. Under normal circumstances where matters are already provided for in other legislation they cannot be considered necessary in the context of licensing law.
- 3.3 To ensure clarity of enforcement roles appropriate liaison with other enforcing authorities will take place and, where considered appropriate, joint inspections by enforcement agencies will be arranged.

4. Strategies

- 4.1 Where relevant representations are received, this Licensing Authority will attach conditions to premises licences and club premises certificates where appropriate to reflect local crime prevention strategies, for example, the provision of closed circuit television cameras in certain premises. The need for such conditions will be considered specifically as part of the application consultation process with Northamptonshire Police and more generally through Crime and Disorder Partnerships.
- 4.2 The Licensing Committee will be advised of any relevant information received either reactively or proactively indicating that this policy is having a detrimental impact on live music and dancing and other regulated activities, to ensure that broader cultural activities and entertainment are not being affected. Where indications are that there is a negative effect on such events then this policy will be reviewed in order to identify how the issues may be remedied. Advice will be sought from other relevant bodies as appropriate where such issues are identified. Every care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions are applied.

5. Live Music Act

- 5.1 The Live Music Act came into force on 1st October 2012 and is designed to encourage more performances of 'live' music.
- 5.2 Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended between 08:00 and 23:00 hours, but it will be possible to impose new, or reinstate existing conditions following a review. When considering whether an activity constitutes 'the provision of regulated entertainment' each case will be treated on its own merits.

6. Objectives

6.1 Prevention of crime and disorder

The essential purpose of the licence or certificate is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and his staff or agents. They can however directly impact on the behavior of those under the licensee's direction when on their premises or in the immediate vicinity of the premises as they seek entry or leave.

There are a number of offences both within the Licensing Act 2003 and other legislation that relate to crime and disorder that a licensee should be familiar with. These offences stand in their own right and will not be duplicated as conditions on any licence/certificate.

Various 'PubWatch' schemes operate in Northamptonshire which aim to counter individuals who damage property, are violent and cause disorder, or use or deal in drugs, through exclusions. This Licensing Authority is supportive of such schemes and considers premises should join where it is appropriate to do so.

6.2 Public safety

The public safety objective is concerned with the physical safety, including fire safety, of the people using the relevant premises and not with public health, which is dealt with in other legislation. Public safety includes the safety of performers appearing at any premises. The Authority has noted that from 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. Responsibility for complying with the order rests with the 'responsible person' who has control of premises.

The Licensing Authority is familiar with the "Safer Clubbing Guide" and its application to nightclubs and dance events. The guide contains a number of suggestions and safeguards, which appropriate premises should consider and include within their operating schedules as necessary. There are a number of other key publications that relate to public safety at entertainment events, which the Licensing Authority would recommend to applicants.

6.3 The prevention of public nuisance

The public nuisance objective is designed to deal with the impacts of licensable activities at specific premises on persons living and working (including doing business) in the vicinity that is disproportionate and unreasonable. The main issues for concern will be noise nuisance, light pollution, noxious smells and litter.

The provision of welfare facilities such as toilets within licensed premises is relevant to the prevention of public nuisance. Adequate welfare provisions may prevent nuisance activities taking place within the street, such as urination. Licensees should therefore ensure that adequate facilities are provided within the premises and include these details within their operating schedule.

Public nuisance is not defined within the Act but is given a broad common law definition. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community. This may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined) in the vicinity of the licensed premises.

This Licensing Authority will have regard to the powers available within the Anti Social Behaviour Act 2003. This provides that if noise from licensed premises is causing a public nuisance the local authority has powers to issue a closure order for up to 24 hours. This compliments the police powers under Part 8 of the 2003 Act.

6.4 The protection of children from harm

The Act has tightened up on the controls relating to the sale and supply of alcohol to children with new and further principle offences contained within the Act itself. However the intention of the Act is to make licensed premises accessible to families and only limit access to children where it is necessary in order to prevent physical, moral or psychological harm to them. This would include the protection of children from too early an exposure to strong language, sexual expletives, violence or frightening images, for example, in the context of film exhibitions, or where adult entertainment is provided.

When deciding where restrictions should be imposed, this Licensing Authority will examine the individual merits of each application and only impose conditions where the circumstances justify them.

Aspects of an application that would be likely to raise concerns in relation to access by children would include:

- Where entertainment or services of an adult or sexual nature are commonly provided;
- Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
- With a known association with drug taking or dealing;
- Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

It is not possible to provide an exhaustive list of the entertainment or services that are of an adult or sexual nature, therefore a common sense approach will be taken to interpretation. However such entertainment or services would also include entertainment involving strong and offensive language.

Where conditions are required for the prevention of harm to children, a range of alternatives will be considered as methods for limiting access. These could include:

- Limitations on hours when children may be present;
- Limitations of the presence of children under certain ages when particular specified activities are taking place;
- Limitations on the parts of the premises to which children might be given access;
- Age limitations (below 18);
- Requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- Full exclusion of those people under 18 from the premises when any licensable activities are taking place.

This Licensing Authority, Northamptonshire County Council Trading Standards Service and Northamptonshire Police take a very serious view of the persistent and illegal sale of alcohol and other age-restricted goods to children. Together with Trading Standards, this Licensing Authority will continue to seek to ensure that illegal sales of alcohol and other age-restricted goods are reduced and ultimately eradicated.

The sale of alcohol to minors (under 18 years of age) is a criminal offence and Trading Standards Service has over time, worked to advise the off-licence trade on how to set up systems to avoid sales taking place.

The Licensing Authority will maintain close contact with the police, young offender's team and Trading Standards officers regarding unlawful activities and share actions and intelligence where appropriate

7. The Licensing Authority as a responsible authority

- 7.1 This Licensing Authority acknowledges that it is now included in the list of responsible authorities. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. Therefore, it is for this Licensing Authority to determine when it considers it appropriate to act in its capacity as a responsible authority.
- 7.2 This Licensing Authority will not normally act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for this licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and this licensing authority is aware of relevant grounds to make a representation, a choice may be made to act in its capacity as responsible authority.
- 7.3 This Licensing Authority expects that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance.
- 7.4 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention and may do so where the authority consider it appropriate without having to wait for representations from other responsible authorities.
- 7.5 In cases where this Licensing Authority is also acting as responsible authority in relation to the same process, there will be a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases, licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 7.6 Accordingly, the officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) will be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority will not be involved in the licensing decision process and will not discuss the merits of the case with those involved in making the determination by the licensing authority. Communication between these officers in relation to the case will remain professional and consistent with communication with other responsible authorities.

8. Health as a responsible authority

- 8.1 Northamptonshire County Council Directors of Public Health (DPH) are now responsible authorities with all of the powers and responsibilities this brings. The introduction of Public Health as a responsible authority has gone some way towards starting to reduce alcohol-related harms through the use of licensing legislation. Conditions may be added by way of representation against an application or review of a licence if there is a specific health concern at a premises related to any or all of the four licensing objectives.
- 8.2 This Licensing Authority acknowledges that DPH will be useful in providing evidence of alcohol-related health harms when there is a revision of policy particularly in relation to cumulative impact policies or early morning restriction orders.
- 8.3 This Licensing Authority envisages that DPH's will also be useful in providing evidence such as alcohol-related A & E admissions or ambulance service data that might be directly relevant to an application under the Act.

9. Responsible Authorities

- 9.1 Northamptonshire Police Service
- 9.2 Northamptonshire Fire and Rescue Service
- 9.3 Northamptonshire County Council Trading Standards
- 9.4 District/Borough Councils for the relevant Licensing Authority, Environmental Health (Health and Safety and Environmental Protection) and Planning
- 9.5 Child Protection – Northamptonshire County Council
- 9.6 Home Office Immigration Enforcement
- 9.7 Local Health Authority – Northamptonshire County Council
- 9.8 In relation to a vessel, a navigation authority, the Environment Agency or the British Waterways Board

10. Planning

- 10.1 This Licensing Authority acknowledges that there must be proper separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority Planning Committee or following appeals against decisions taken by that committee.
- 10.2 The Licensing Committee may provide reports to the Policy and Development Control Committee on the situation regarding licensed premises in the area to ensure proper integration, including the general impact of alcohol related crime and disorder, to provide background information to any planning applications for potential licensed premises under consideration.
- 10.3 The planning authority also has a duty to consider matters of crime and disorder at this stage. This will enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
- 10.4 Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority. There is no legal basis for this Licensing Authority to refuse a licence application because it does not have planning permission,
- 10.5 The strength of planning policies is that there is an obligation both on the council, as local planning authority, and the decision maker on any appeal to give considerable weight to them. This helps ensure consistency in the decision making process.

11. Licensing Hours

- 11.1 Consideration will always be given to the individual merits of an application in line with the four licensing objectives and any relevant representations. This Authority recognises that longer licensing hours with regard to the sale of alcohol need to be managed effectively to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which may lead to disorder and disturbance.
- 11.2 However, when issuing a licence with hours beyond 23.00 hours, higher standards may be expected to be included in Operating Schedules to address the Licensing Objectives especially premises which are situated near to residential properties.
- 11.3 In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.
- 11.4 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application

and work with the parties concerned to ensure that adequate noise control measures are in place.

12. Temporary Event Notices

- 12.1 The most important aspect of the system of permitted temporary activities is that no permission as such is required for these events from the Council. The system involves the notification of an event to the Licensing Authority, Environmental Health and Northamptonshire Police, subject to fulfilling certain conditions.
- 12.2 As many users giving TEN's will not have commercial backgrounds or ready access to legal advice, the Licensing Authority will ensure that guidance is clear and understandable and will aim to keep arrangements manageable and user friendly for these groups.
- 12.3 Northamptonshire Licensing Authorities recommend that at least 28 days and no more than 3 months notice be given to hold such events, to allow it to help organisers plan their events safely.
- 12.4 The Licensing Authority will also remind notice givers of relevant offences under licensing law, including:
- the sale of alcohol to minors,
 - the sale of alcohol to a person who is drunk,
- 12.5 The Licensing Authority would encourage event organisers not to rely on giving the minimum amount of notice; Event organisers are encouraged to contact local Northamptonshire Police Licensing Officers as early as possible about their proposed event(s).

13. Sexual Entertainment

- 13.1 This Licensing Authority has adopted a policy in relation sexual entertainment venues under the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009. With reference to this related policy standard conditions are attached to such licences and where there are similar conditions in the two regimes, the more onerous apply.
- 13.2 This Licensing Authority acknowledges there is an exemption under the Local Government (Miscellaneous Provisions) Act 1982 that allows premises to provide sexual entertainment no more than 11 times per year and no more frequently than monthly.

14. Cumulative Impact and Special Policies

- 14.1 Commercial demand for additional licensed premises is not a matter for this Licensing Authority or its statement of policy but a matter for planning committees and for the market. On the other hand, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Committee.
- 14.2 Conditions may only relate to matters that the licensee can be expected to control. These are likely to relate to the premises themselves and the immediate vicinity. Where the number, type and density of premises selling alcohol are unusual, serious problems of nuisance and disorder can sometimes arise or begin to arise outside or some distance from the licensed premises. This has been described as the cumulative effect of the increasing capacity of all premises taken together and is outside of the control of licence conditions. There may be circumstances where this Licensing Authority receives relevant representations from a responsible authority or interested party that the

cumulative effect of new licences is leading to an area becoming saturated with premises, making it a focal point for large groups of people to gather and circulate, away from the licensed premises themselves. This might be creating exceptional problems of disorder and nuisance over and above the impact from the individual premises. In such circumstances this Licensing Authority may consider the question of whether the granting of any further premises licences or club premises certificates would undermine one of the licensing objectives. The Licensing Act 2003 allows for this, so long as cumulative impact is addressed in the context of the individual merits of any application.

- 14.3 However this Licensing Authority will not impose quotas that restrict the consideration of any application on its individual merits or which seek to impose limitations on trading hours in particular areas, either formally or informally.
- 14.4 However, it may be necessary for this Licensing Authority to adopt a special policy of refusing new licences because the area is already saturated with certain types of licensed premises. In such circumstances this policy is not absolute and will still allow for the circumstances of each application to be considered properly and for licences which are unlikely to add significantly to saturation to be approved provided all other requirements are met.
- 14.5 In deciding whether to adopt such a policy, the licensing authority will have regard to:
 - a) Identification of serious and chronic concern about crime and disorder or public nuisance;
 - b) Consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises and if so identify the area from which problems are arising and the boundaries of that area; or that the risk factors are such that the area is reaching a point when a cumulative impact is imminent;
 - c) Consultation with those persons and bodies identified in Section 5(3) of the 2003 Act.
- 14.6 Where this process identifies such a need, this Licensing Authority will consider adoption of a special policy relating to future licence applications from that area. Reference to any such special policy will be made in the Licensing Policy Statement and the special policy will be published as part of the statement of licensing policy.
- 14.7 A special policy cannot be used to set a terminal hour for premises in the identified area.
- 14.8 This Licensing Authority has duties under Section 17 of the Crime and Disorder Act 1998 to do all that it can to prevent crime and disorder in its locality and to promote the licensing objectives in the Licensing Act 2003.
- 14.9 In considering representations relating to a particular application, this Licensing Authority will have regard to the impact on the promotion of the licensing objectives in the area. In any representations, the onus will be on the objector to lay an evidentiary base for the assertion that the addition of the premises in question would produce the cumulative impact claimed. The impact can be expected to be different for premises with different styles and characteristics.
- 14.10 Any special policy adopted by this Licensing Authority will be reviewed regularly to assess whether it has had the effect intended, whether it is needed any longer or whether it needs extending.
- 14.11 A special policy on cumulative impact will not be used as grounds for removing a licence when representations are received about problems with an existing licensed premises. Nor can it justify rejecting variations to a licence except where those variations are directly relevant to the policy (as would be the case with an amendment significantly to increase the capacity limits of a premises).
- 14.12 This Licensing Authority will not adopt quotas which pre-determine the individual merits of any application – even in respect of premises selling alcohol for consumption on those premises – as they have no regard to the individual characteristics of the premises concerned. Public houses, nightclubs, restaurants, hotels, theatres, concert halls and cinemas all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be given to those differences and the differing impact they will have on the local community.
- 14.13 This Licensing Authority recognises that once away from these premises, only a minority of consumers will behave badly and unlawfully. The licensing policy is part of a much wider strategy for addressing

these problems. Other mechanisms which may be used to deal with such issues which fall outside of the scope of this licensing policy include:

- a) planning controls;
- b) positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority;
- c) the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols;
- d) powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly;
- e) police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices;
- f) the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- g) the confiscation of alcohol from adults and children in designated areas;
- h) Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises causing a nuisance;
- i) the power of the Police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question.

14.14 This Licensing Authority and Northamptonshire Police will continue to work closely together to ensure that these other mechanisms are used appropriately to deal with the issues of concern and where possible will supplement these with other local initiatives that similarly address these problems.

15. Early Morning Restriction Orders

15.1 The power for this Licensing Authority to introduce an EMRO is specified in sections 172A to 172E of the 2003 Act which was amended by Section 119 of the Police Reform and Social Responsibility Act 2011. Regulations prescribing the requirements in relation to the process for making an early morning restriction order (EMRO) were brought in force on 31st October 2012.

15.2 This Licensing Authority will have reference to the guidance that has been introduced which relates to:

- the EMRO process
- the evidence base
- introducing an EMRO
- advertising an EMRO
- dealing with representations
- hearings
- implementation
- limitations
- enforcement

15.3 The legislation provides this Licensing Authority with the discretion to restrict sales of alcohol by introducing an EMRO to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of this Licensing Authority's area and if relevant on specific days and at specific times. This Licensing Authority will be satisfied that such an order would be appropriate to promote the licensing objectives.

15.4 The only exemptions relating to EMROs are New Years Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.

15.5 The decision to implement an EMRO will be evidence based and will be considered by Full Council.

16. Children

- 16.1 This Authority recognises that there will be a considerable variety of premises for which licences may be sought. These include theatres, cinemas, restaurants, concert halls, cafes, take-away food businesses and fast food outlets as well as public houses and nightclubs. In addition, subject to the licensee's discretion and any conditions included in a premises licence or club premises certificate, the Licensing Act 2003 does not prohibit children in licensed premises except in the circumstances detailed in s145 of the Licensing Act 2003.
- 16.2 This Authority will not limit the access of children to such premises unless it is necessary for the prevention of harm to children. No statement of policy can properly anticipate every issue of concern that could arise in respect of children with regard to individual premises and so general rules have not been included. Consideration of the individual merits of each application remains the best mechanism for judging such matters.
- 16.3 However, notwithstanding the above, this Authority considers that the following premises give rise to particular concern in respect of children:
- a) where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
 - b) with a known association with drug taking or dealing;
 - c) where there is a strong element of gambling on the premises;
 - d) where entertainment or services of an adult or sexual nature are commonly provided;
- 16.4 In these circumstances this Authority will consider the appropriate option for the prevention of harm to children where relevant representations are made. While complete bans on access to children are likely to be rare, there may be circumstances when no other option is considered appropriate. However, in the majority of cases where limiting the access of children to licensed premises is considered necessary, the options which will be considered are:
- a) Limitations on the hours when children may be present;
 - b) Age limitations (below 18);
 - c) Limitations on the exclusion of the presence of children under a certain age when particular specified activities are taking place;
 - d) Requirements for an accompanying adult;
 - e) Full exclusion of people under 18 from the premises when any licensable activities are taking place
- 16.5 Where the above restrictions are not considered necessary, access to licensed premises by children will remain a matter for the discretion of the individual licence holder or club. Where the licence holder volunteers prohibitions and restrictions and no other relevant representations are made, the volunteered prohibitions and restrictions will be made into conditions and no other conditions in relation to the presence of children will be applied.
- 16.6 Northamptonshire Police and Northamptonshire County Council Trading Standards Service are jointly responsible for the enforcement of ss146, 147, 147(a) and 147(b) of the Licensing Act 2003 (The sale of, and allowing the sale of alcohol to children). Trading Standards are mainly responsible for 'off licence' premises and the Police have the main responsibility for 'on licence' premises.
- 16.7 With regard to children in premises giving film exhibitions, this Authority will request conditions requiring that arrangements must be in place for restricting children from viewing age-restricted films or videos classified according to the recommendations of the British Board of Film Classification or the local authority itself.
- 16.8 The Portman Group operates a Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks on behalf of the alcohol industry. The Code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or older. Complaints about products under the Code are considered by an Independent Complaints Panel and the Panel's decisions are published on the Portman Group's website, in the trade press and in an annual report. If a product's packaging or point-of-sale advertising is found to be in breach

of the Code, the Portman Group may issue a Retailer Alert Bulletin to notify retailers of the decision and ask them not to replenish stocks of any such product or to display such point-of-sale material, until the decision has been complied with. The Code is an important weapon in protecting children from harm because it addresses the naming, marketing and promotion of alcohol products sold in licensed premises in a manner which may appeal to or attract minors. A copy of the Code can be found at www.portmangroup.org.uk. www.portmangroup.org.uk

17. Conditions

- 17.1 A key concept underscoring the Licensing Act 2003 is for conditions to be attached to licences and certificates that are tailored to the individual style and characteristics of the premises and events concerned. Conditions may only be applied following the receipt of relevant representations where they have been agreed by all parties concerned or have been applied by the Licensing Committee. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions.
- 17.2 This Licensing Authority agrees that any condition imposed must be:
- clear;
 - enforceable;
 - evidenced;
 - proportionate;
 - relevant; and be expressed in plain language capable of being understood
- 17.3 This Authority will therefore avoid the general application of standardised conditions to licences and certificates.
- 17.4 However to ensure consistency, when it is necessary to apply conditions, this Authority will draw from pools of model conditions where available, from which appropriate and proportionate conditions may be drawn in particular circumstances to suit individual cases. The model conditions will cover the following:-
- Crime and disorder
 - Public safety
 - Public nuisance
 - Protection of children from harm

18. Reviews

- 18.1 The Licensing Act 2003 makes provision for the review of premises licenses where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring.
- 18.2 At any stage following the grant of a premises licence or club premises certificate, a responsible authority or an interested party (such as a resident living in the vicinity of the premises), may request this Licensing Authority review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 18.3 A review of a premises licence will follow any action by Northamptonshire Police to close down premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a Magistrates' Courts' determination sent to the Licensing Authority.
- 18.4 In all cases, the representation must relate to a particular premises for which a licence is in force and must be relevant to the promotion of the licensing objectives.
- 18.5 Representations must be made in writing and may be amplified at the subsequent review or may stand in their own right. Additional representations, which do not amount to an amplification of the original representation, may not be heard at the hearing.

- 18.6 Where the request for a review originates from an interested party e.g. a local resident or residents' association, this Licensing Authority will first to consider whether the complaint made is relevant, vexatious, frivolous or repetitious.
- 18.7 A repetitious complaint is one that is identical or substantially similar to:
- a) a ground for review made in respect of the same premises licence which has already been determined; or
 - b) representations considered by the Licensing Authority when the premises licence was granted; or
 - c) representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and
 - d) in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of a licence.
- 18.8 This Licensing Authority recognises the need to prevent attempts to review licences, following the failure of representations on earlier occasions. The Licensing Authority will judge what is to be regarded as a reasonable interval in these circumstances. This Licensing Authority has regard to the recommendation in the guidance that more than one review originating from an interested party should not be permitted within a period of 12 months on similar grounds except in compelling circumstances or where it arises following a Closure Order.
- 18.9 This Licensing Authority also recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Council would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement. This Licensing Authority will advise licence holders that a failure to respond to such a warning may lead to a responsible authority requesting a Review.
- 18.10 This Licensing Authority will hold a hearing following a request for a Review from a responsible authority, interested party or after closure procedures described earlier. This Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.
- 18.11 In determining a review, this Authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:
- a) no action necessary as no steps required to promote the licensing objectives;
 - b) issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. This Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder;
 - c) to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);
 - d) excluding a licensable activity from the licence;
 - e) remove the designated premises supervisor;
 - f) suspend the licence for a period of three months;
 - g) to revoke this licence.
- 18.12 This Licensing Authority in determining what action to take will seek to establish the causes of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.

19. Minor Variations

- 19.1 The purpose of the minor variation process is to save time, money and regulatory resources by allowing small variations that could not impair the promotion of the licensing objectives to be made to premises licences and club premises certificates through a simplified and less costly procedure. Under this process, the applicant is not required to advertise the variation in a newspaper or copy it to Responsible Authorities. However, they must display it on a white notice at the premises. The notice must be displayed for a period of 10 working days starting on the working day after the minor variation application was given to the Licensing Authority.
- 19.2 The holder of a premises licence or a club premises certificate can apply to the Licensing Authority for a minor variation to the licence or the certificate using the prescribed form. In determining an application this licensing authority will consult such of the Responsible Authorities as it considers appropriate.
- 19.3 This Licensing Authority will take into account any relevant representations made concerning the application by Responsible Authorities or by an interested party; relevant representations must be about the **likely effect** of the grant of the application on the promotion of the licensing objectives. This Licensing Authority will grant an application only if it considers that none of the variations proposed in the application could have an adverse effect on the promotion of any of the licensing objectives. In any other case the authority must reject the application. There is no right to a hearing in this process.
- 19.4 An application may not be made under the minor variation provision if the effect of the variations proposed in it would be to:
- extend the period for which a premises licence has effect;
 - to vary substantially the premises to which a premises licence/club premises certificate relates;
 - to specify (in a premises licence) an individual as the Designated Premises Supervisor (DPS);
 - to authorise the sale or supply of alcohol or to authorise the sale by retail or supply of alcohol at any time between 11pm and 7am or increase in the amount of time on any day during which alcohol may be sold by retail or otherwise supplied; or
 - to disapply the mandatory conditions concerning the supervision of alcohol sales by a personal licence holder and the need for a Designated Premises Supervisor who holds a personal licence at a community premises.
- 19.5 If an application is refused, the Authority must notify the applicant in writing, giving its reasons for the refusal. The Authority is required to reach its determination within a period of fifteen (15) working days starting on the first working day after the authority receives the application, otherwise the application is rejected and the Authority must return the application fee.
- 19.6 Minor variations will generally fall into four categories:
- minor changes to the structure or layout of a premises;
 - small adjustments to licensing hours;
 - the removal of out of date, irrelevant or unenforceable conditions or volunteered conditions;
 - the addition of certain licensable activities.

20. Enforcement

- 20.1 This Licensing Authority will establish protocols and have regular liaison with the local police, fire & rescue service, trading standards, other County local authorities and other agencies on enforcement issues. This will provide for a more efficient deployment of local authority staff and police officers

who are commonly engaged in enforcing licensing law and the inspection of licensed premises. There will also be regular liaison with other enforcement authorities.

- 20.2 In particular, these protocols will provide for the targeting of agreed problem and high risk premises which require greater attention, while providing a lighter touch in respect of low risk premises which are well run. The limited validity of public entertainment, theatre, cinema and late night refreshment house licences has in the past led to a culture of annual inspections regardless of whether such inspections are necessary.
- 20.3 The Licensing Act 2003 does not require inspections to take place, save at the discretion of those charged with this role. The principle of risk assessment and targeting will prevail and inspections will not be undertaken routinely but when and if they are judged necessary. This should ensure that resources are more effectively concentrated on problem premises.

21. Licence Suspensions

- 21.1 This is a power brought as part of the amendments brought about by the Police Reform and Social Responsibility Act 2011. This Licensing Authority must suspend premises licences and club premises certificates on the non-payment of annual fees. The procedure to be used is set out in regulation.

22. Administration, Exercise and Delegation of Functions

- 22.1 The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more Officers acting under delegated authority.
- 22.2 Many of the licensing procedures will be largely administrative with no perceived areas of contention. In the interests of efficiency and effectiveness officers will generally carry out these duties.
- 22.3 On applications where there are relevant representations these will be dealt with by a Committee or sub committee of the Licensing Authority, as will any application for review of a licence.
- 22.4 This Licensing Authority will expect applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 22.5 Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their Operating Schedule.
- 22.6 The 2003 Act provides that decisions and functions may be taken or carried out by licensing committees or delegated to sub-committees or in appropriate cases, to officials supporting the Licensing Authority. In the interests of speed, efficiency and cost-effectiveness, as many of the decisions and functions will be purely administrative in nature; functions will be delegated to the appropriate level within the organisation where possible. See Annex 1.
- 22.7 Where applications are non contentious, (for example, no representations to the grant of a premises licence) these applications will be delegated to officers in order to speed matters through the system. Any such matters passed in this way will then be listed for comment at the next Committee meeting. The Committee will not have the opportunity to reverse officers' decisions

23. Advice and Guidance

- 23.1 Advice may be obtained via the Central Licensing Administration Unit who will assist people in advising them on the type's of licences they will need to apply for, the unit can be contacted in the following ways:-

Website

www.northantslicensing.gov.uk

Email: licensingunit@east-northamptonshire.gov.uk

Telephone: 01832 742102

In person or writing to:
Central Licensing Administration Unit
East Northamptonshire Council
Cedar Drive
Thrapston
Northamptonshire
NN14 4LZ

The details above will be different for Daventry District Council, South Northamptonshire Council and Northampton Borough Council.

24. Equal Opportunities

- 24.1 Over the last four decades, discrimination legislation has played an important role in helping to make Britain a more equal society. However, the legislation was complex and, despite the progress that has been made, inequality and discrimination persist and progress on some issues has been stubbornly slow.
- 24.2 [The Equality Act 2010](#) provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.
- 24.3 In implementing the Licensing Act 2003, associated legislation and guidance, this Licensing Authority is committed to ensuring that the obligations and duties within this legislation are met.

25. Review of the Policy

- 25.1 This licensing policy will be formally reviewed and published every five years (section 5 Licensing Act 2003). This review of the policy will be subject to the consultation process. Section 5(4) of the Act provides that the licensing authority must keep its policy under review **during** each five year period and make appropriate revisions. Again, any revisions must be subject to consultation.
- 25.2 Where a special policy relating to cumulative impact or early morning restriction orders is being adopted this will be reviewed regularly at least every five years, to assess whether it is needed any longer, or indeed needs expanding. Any cumulative impact policy will also be reviewed to ensure that it has had the intended effect. There will be on-going dialogue and consultation with local residents to consider whether any area is nearing the point where the concentration of premises has a cumulative impact.
- 25.3 This Licensing Authority will consider the most appropriate time to refresh policies, with a view to balancing businesses' need to be kept advised of changes with the additional burden that responding to frequent consultations can bring.

26. Late Night Levy

26.1 The legislative provisions relating to the late night levy are not part of the Licensing Act 2003 but are contained in Sections 125 to 139 of the Police Reform and Social Responsibility Act 2011. The provisions came into force on 31st October 2012.

26.2 Regulations have been brought into force setting out the way in which the levy must be applied and administered, and arrangements for expenses, exemptions and reductions.

Guidance has also been introduced in relation to:

- implementing the levy and the consultation process
- the design of the levy
- exemptions from the levy
- reductions in levy charges
- how revenue raised from the levy may be spent
- the levy charges
- the levy collection process

26.3 With regard to exemptions, this licensing authority retains discretion whether to exempt certain premises or not but only for those types of premises set out in paragraphs 1.24 to 1.31 of the guidance on the Late Night Levy.

26.4 This Licensing Authority also has the discretion whether to reduce the amount of the levy by 30% for premises which participate in business-led best practice schemes i.e. Best Bar None.

26.5 Any revenue from a levy will be split between this licensing authority and Northamptonshire Police, with at least 70% of the 'net' levy (after expenses) paid to the Police. A formal service level agreement will be established to ensure that this licensing authority and Northamptonshire Police are aware of responsibilities and undertakings, and to ensure that the use of levy funds can be clearly communicated to those businesses contributing to it.

26.6 These new powers enable licensing authorities to charge a levy in relation to persons who are licensed to sell or supply alcohol late at night as a means of raising a contribution towards the costs of policing the night-time economy. Any decision to introduce, vary or cease the requirement for a levy will be made by the full council. Other decisions in relation to how the levy is administered may be subject to delegation.

Annex 1 - Delegation of functions

Matter to be dealt with or Panel	Full Committee	Sub Committee	Officers
Application for personal Licence	-	If a police objection made	If no objection made
Application for personal licence with unspent convictions	-	All cases	-
Application for premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application for provisional statement	-	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	-	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor (DPS)	-	If a police objection	All other cases
Request to be removed as DPS	-	-	All cases
Application for transfer of premises licence	-	If a police objection	All other cases
Applications for interim Authorities	-	If a police objection	All other cases
Application to review premises licence/club premises certificate	-	All cases	-
Decision on whether a complaint is irrelevant frivolous vexatious etc	-	-	All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	-	All cases	-
Determination of a objection to a temporary event notice	-	All cases	-
Determination of application to vary premises licence at Community premises to include alternative licence condition		If police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor Variation application.			All cases

Annex 2 – Northamptonshire Licensing Authority Contacts

<p>Ruth Austen Environmental Health and Licensing Manager Northampton Borough Council The Guildhall St Giles Square Northampton NN1 1DE</p> <p>Tel: (01604) 837794 Out of Hours: 0300 330 7000 E-mail : rausten@northampton.gov.uk</p>	<p>Samantha Edmunds Health Protection Manager East Northamptonshire District Council Cedar Drive, Thrapston Northants NN14 4LZ</p> <p>Tel: (01832) 742030 Out of Hours: (01832) 733530 Email: sedmunds@east-northamptonshire.gov.uk</p>
<p>Amanda Wilcox Principal Environmental Health Manager Borough Council of Wellingborough Swanspool House Tithe Barn Road Wellingborough Northants NN8 1BP</p> <p>Tel: (01933) 229777 Out of Hours: (01933) 222931 Email: awilcox@wellingborough.gov.uk</p>	<p>Nicholas Sutcliffe Licensing Manager South Northamptonshire Council Environment & Regulatory Services The Forum Towcester Northamptonshire NN12 6AD</p> <p>Tel: (01327) 322278 Out of Hours: (01327) 322322 Email: Nicholas.sutcliffe@southnorthants.gov.uk</p>
<p>Russ Howell Health Services Manager Kettering Borough Council Municipal Offices Bowling Green Road Kettering Northants NN15 7QX</p> <p>Tel: (01536) 534323 Out of Hours: (01536) 410333 FAX: (01536) 410795 Email: russhowell@kettering.gov.uk</p>	<p>Damian Wilkins Health Protection Manager Corby Borough Council Deene House New Post Office Square Corby Northants NN17 1GD</p> <p>Tel: (01536) 464299 Out of Hours: (01536) 400088 Fax: (01536) 464644 Email: damian.wilkins@corby.gov.uk</p>
<p>Ed Cooke Environmental Health Manager (Health Improvement) Daventry District Council Lodge Road Daventry Northants NN11 5AF</p> <p>Tel: (01327) 871100 FAX: (01327) 302540 Email: ECooke@daventrydc.gov.uk</p>	

Annex 3 Other policies, legislation, and guidance sources

There are a number of other local and national policies, strategies, responsibilities, and guidance documents which should be taken into account in order to complement this authority's licensing policy. In particular the policy should provide a clear indication of how the licensing authority will secure the proper integration of the licensing policy and other local policies such as the local crime prevention, planning, transport, tourism, cultural strategies and the local alcohol policy.

(i) Legislation

- Policing and Crime Act 2009
- Crime and Disorder Act 1998
- Crime and Security Act 2010
- Human Rights Act 1998
- Criminal Justice and Police Act 2001
- Private Security Industry Act 2001
- Equality Act 2010
- Deregulation Act 2015
- The Anti-social Behaviour, Crime and Policing Act 2014
- Violent Crime Reduction Act 2006
- The Health Act 2006
- Live Music Act 2012
- Policing Act 2014
- Immigration Act 2016
- Gambling Act 2005
- Environmental Protection Act 1990
- Noise Act 1996
- Clean Neighbourhoods and Environmental Act 2005
- Regulators' Code under the Legislative and Regulatory Reform Act 2006

Note: These and other relevant pieces of legislation can be found at www.opsi.gov.uk

(ii) Strategies and Policies

- Alcohol Strategy
- Alcohol Harm Reduction Strategy for Northamptonshire
- Best Bar None
- British Beer and Pub Association Partnerships Initiative
- Community Alcohol Strategy
- Community Safety Strategy
- Compliance Code
- Crime & Disorder Reduction Strategy
- Council's Enforcement Policy
- Cultural and Tourism Strategies including promotion of live music and community events
- Home Office: Selling Alcohol Responsibly: Good Practice Examples from the Alcohol Retail and Hospitality Industries
- Local Development Framework
- Local Transport Plan
- National and local PubWatch schemes
- [Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.](#)
- Purple Flag (ATCM)
- Safer Socialising
- Northamptonshire Health and Wellbeing Strategy
- Director of Public Health Northamptonshire Annual Report

(iii) Guidance Documents

- [Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems](#)
- [Home Office 'Practical Guide for Preventing and Dealing with Alcohol Related Problems](#)
- [Home Office Safer Clubbing Guide link doesn't work – document not found](#)
- [Home Office Designated Public Place Order \(DPPO\) Guidance](#)
- [Home Office s182 Guidance](#)
- [LACORS/TSI Code of Practice on Test Purchasing link doesn't work – document not found](#)
- [The Event Safety Guide](#)
- [Licensing large scale events \(music festivals etc.\) this link doesn't seem to work](#)
- [Managing Crowds Safely](#)
- [5 Steps to Risk Assessment](#)
- [The Guide to Safety at Sports Grounds](#)
- [Safety Guidance for Street Arts, Carnivals, Processions and Large-scale Performances](#)
- [UK BIDS: Business Improvement Districts](#) (national BIDS advisory service)
- [BIS Code of Practice on Consultation](#)
- [The Plain English Campaign](#)
- [Regulators Code](#)

(iv) Relevant case law regarding policy statements

- Limits of licensing policy:
[BBPA & Others v Canterbury City Council \[2005\] EWHC 1318 \(Admin\)](#) this isn't a link
- "Strict" licensing policies and exceptions to policy:
[R \(Westminster City Council\) v Middlesex Crown Court and Chorion plc \[2002\] LLR 538](#)
- Cumulative impact policies and hours
[R \(JD Wetherspoon plc\) v Guildford Borough Council \[2006\] EWHC 815 \(Admin\)](#)
- Duplication and conditions:
[R \(on the application of Bristol Council\) v Bristol Magistrates' Court \[2009\] EWHC 625 \(Admin\)](#)
- Extra-statutory notification by the licensing authority:
[R \(on the application of Albert Court Residents Association and others\) v Westminster City Council \[2010\] EWHC 393 \(Admin\)](#)
- The prevention of crime and disorder: ambit of the objective
[Blackpool Council, R \(on the application of\) v Howitt \[2008\]](#)
- Crime and disorder: sanctions on review: deterrence
[Bassetlaw District Council, R \(on the application of\) v Workshop Magistrates Court \[2008\]](#)

Note: This list is not exhaustive

Annex 4 Useful References (organisations)

Local Government Association:

<http://www.local.gov.uk/regulatory-services-and-licensing> link doesn't work

<http://www.locale.gov.uk>

Association of Convenience Stores (ACS)

<http://www.acs.org.uk/>

Association of Licensed Multiple Retailers (ALMR)

Now incorporating Bar, Entertainment and Dance Association (BEDA)

<http://www.almr.org.uk/> page doesn't exist

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

Better Regulation Delivery Office (BRDO)

<http://www.bis.gov.uk/brdo>

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Board of Film Classification (BBFC)

<http://www.bbfc.co.uk/>

British Institute of Inn Keeping (BII)

<http://www.bii.org/home> link doesn't work

<http://www.bii.org>

British Retail Consortium (BRC)

http://www.brc.org.uk/brc_home.asp

Cinema Exhibitors' Association (CEA)

<http://www.cinemauk.org.uk/>

Department for Culture, Media and Sport

www.culture.gov.uk

Home Office

www.homeoffice.gov.uk

Institute of Licensing (IOL)

<http://www.instituteoflicensing.org/>

Licensed Victuallers Associations (LVAs)

<http://www.flva.co.uk/>

National Association of Licensing and Enforcement Officers (NALEO)

<http://www.naleo.org.uk/>

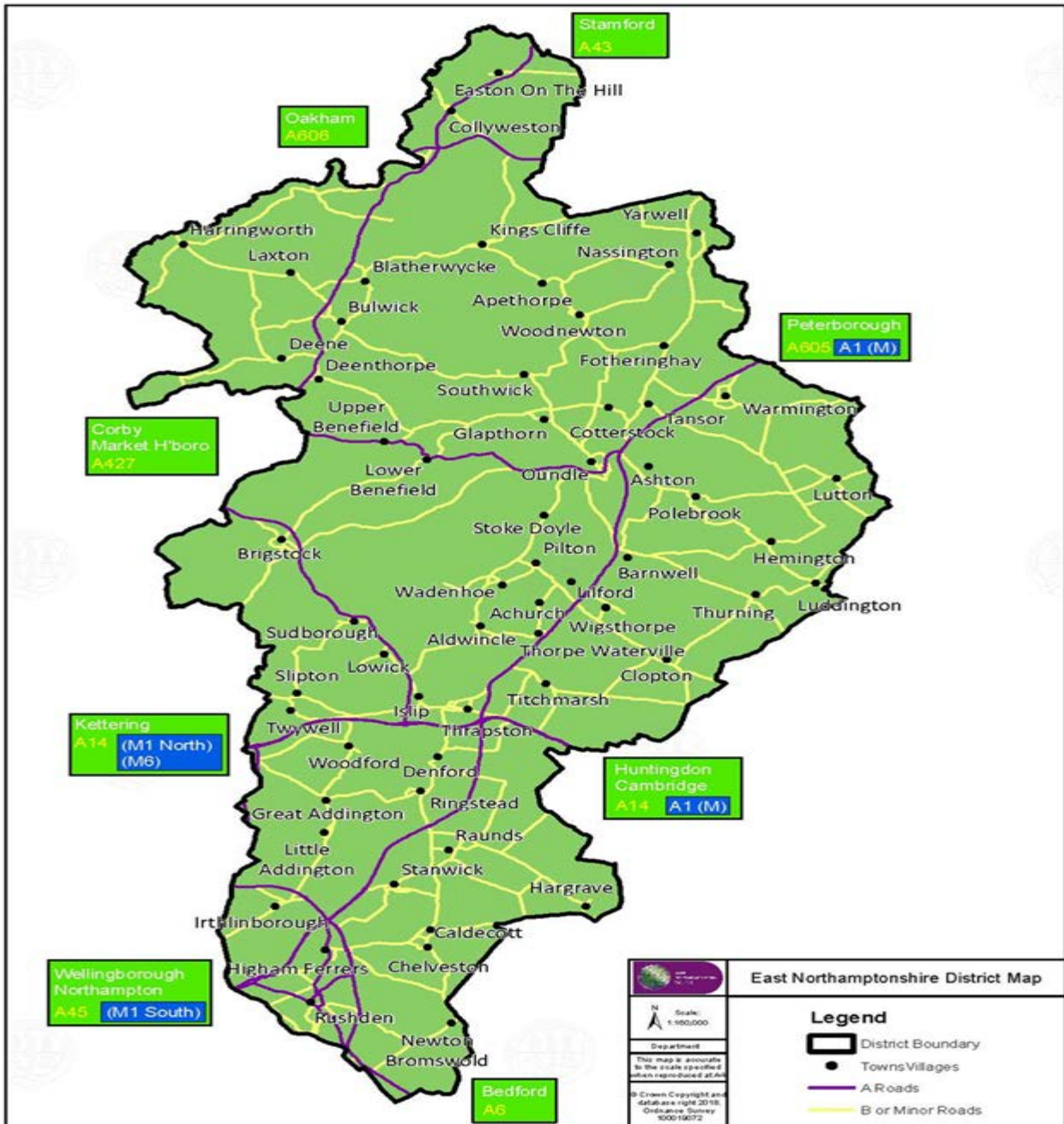
The Portman Group

<http://www.portmangroup.org.uk/>

Annex 5 – Local Area Profile: East Northamptonshire Council

East Northamptonshire is one of seven districts in the county of Northamptonshire. It is made up of 6 market towns and 51 parishes covering an area of 50,979 hectares, spanning 27 miles north to south and 15 miles across at its widest point.

At the time of the 2011 census, there were 86,765 people living in the district. The latest mid-year population estimates (2017), calculated by the Office for National Statistics, set the population at 93,135 (a 7.3% increase in 6 years).



East Northamptonshire Councils Corporate objectives are detailed below:-

	A good quality of life where the district will be:	Priority outcomes
Improvements for the community	Prosperous	Regeneration and economic development
	Sustainable	Sustainable development Strong communities High quality built environment
	Clean	Effective management of waste Clean streets
	Healthy	High levels of participation in active recreation Improved housing Good public health
	Safe	Low levels of crime Low levels of anti-social behaviour
	Council services which provide good value for money	Financial stability Good value for money
	Effective processes	High quality service delivery
Effective partnership working		Strong strategic partnerships
Strong community leadership		A proactive and listening Council
Effective management		Committed staff Good use of resources Legal compliance Effective business continuity
How we learn and grow	Knowledge of our customers and communities	Customer and community insight
	Councillors and staff with the right knowledge, skills and behaviours	Continuous development Appropriate behaviours

Licensing Sub-Committee 14 December 2021

Report Title	Review of the Premises Licence at The Angel Hotel trading as Decades, Carrington Street, Kettering, NN16 0BY
Report Author	Russ Howell, Health Services Manager (Kettering) Russell.Howell@Northnorthants.gov.uk

List of Appendices

- Appendix A - Licensing Act 2003 Application for Review**
Appendix B - Site Plan
Appendix C - Representation – Rowan Castle, Environmental Protection Team Leader, Kettering
Representation – Fire Officer
Representation – Kettering Town Council
Appendix D - Current Premises Licence

1. Purpose of Report

- 1.1 To consider an application for review of the premises licence under the Licensing Act 2003 in relation to the premises known as The Angel Hotel trading as Decades, Carrington Street, Kettering.

2. Executive Summary

- 2.1 An application to review the premises licence for the premises known as The Angel Hotel trading as Decades, Carrington Street, Kettering has been received from Mr Malcolm Maples of Carrington Street, Kettering.
- 2.2 The application relates to excessive noise from the premises, anti-social behaviour relating to the premises and a failure by management to properly manage the licensing objectives detailed in the Licensing Act 2003.
- 2.3 The application has been out for consultation in accordance with the requirements of the Licensing Act 2003 and further comments have been received from Environmental Protection, North Northamptonshire Council, Northamptonshire Fire Service and Kettering Town Council.

3. Recommendations

- 3.1 The Committee is asked to consider the application from Mr Maples, the additional information contained in the representations and any submission made by the Licensee.
- 3.2 After considering the information before it, the Committee may take such of the steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are—

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

(and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.)

Where the authority takes a step mentioned above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

4. Report Background

- 4.1 The Sub-committee must carry out its functions to promote the licensing objectives having regard to:
- (a) The Licensing Act 2003
 - (b) The Council's Statement of Licensing Policy
 - (c) S182 Guidance made under the Licensing Act 2003.
- 4.2 Section 51 of The Licensing Act 2003 allows any person to call a premises licence in for review. The review application must be relevant to one or more of the licensing objectives, and in the case of an application made by a person other than a responsible authority, must not be frivolous or vexatious, or repetitious.
- 4.3 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.
- 4.4 The applicant, Mr Maples, lives in Carrington Street, Kettering in close proximity to Decades. A copy of his application is at Appendix A.
- 4.5 In summary, his application refers to excessively loud music from the premises and anti-social behaviour outside of the premises.

- 4.6 A plan showing the location of Decades within Kettering town centre is attached at Appendix B
- 4.7 A representation has been received from Rowan Castle, Environmental Protection Team Leader at Kettering. Noise complaints relating to Decades have been received from other residents in the area, other than Mr Maples. As a result, Mr Castle has been working with the licensee on the installation of a noise limiting device. It would appear that this has not resolved the problem and so further action may be required.
- 4.8 The Fire Officer has submitted a representation as he has failed to gain access to the premises to carry out an inspection.
- 4.9 Kettering Town Council has submitted a representation relating to noise nuisance and the changing landscape of the area within which Decades is situated.
- 4.10 The representations can be seen in Appendix C.
- 4.11 A copy of the current premises licence is attached at Appendix D.

5. Issues and Choices

- 5.1 After considering the information before it, the Committee may take such of the steps mentioned below (if any) as it considers appropriate for the promotion of the licensing objectives.

The steps are—

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose, the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5.2 Where the authority takes a step mentioned above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- 5.3 This section highlights the elements of the licensing policy that are considered to be most relevant with respect to this application (numbering as policy). This list is not exhaustive, and the policy should be considered fully prior to making decisions with respect to applications: -

2.7 Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions will be focused on matters which are within the control of individual licensees and others granted relevant permissions.

- Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.
- 2.8 This authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. However this Council recognises that licensing legislation is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 2.9 The Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti- social behaviour by individuals once they are away from licensed premises and, therefore, beyond the control of the licence holder. Nonetheless, it is a key aspect of such control and licensing laws will always be part of the holistic approach to the management of the evening and night-time economy.
- 2.10 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol, supply of alcohol by or on behalf of a club to its members, regulated entertainment, and late night refreshment, and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. This Licensing Authority wishes to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

6.2 The prevention of public nuisance

The public nuisance objective is designed to deal with any disproportionate and unreasonable impacts of licensable activities at specific premises, on persons living and working (including doing business) in the vicinity. The main issues for concern will be noise nuisance, light pollution, noxious smells and litter.

The provision of welfare facilities such as toilets within licensed premises is relevant to the prevention of public nuisance. Adequate welfare provisions may prevent nuisance activities taking place within the street, such as urination. Licensees should therefore ensure that adequate facilities are provided within the premises and include these details within their operating schedule.

Public nuisance is not defined within the Act but is given a broad common law definition. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally, as well as major disturbances affecting the whole community. This may also include in appropriate circumstances the reduction of the living and working amenity and environment of interested parties (as defined) in the vicinity of the licensed premises.

This Licensing Authority will have regard to the powers available within the Anti-Social Behaviour Act 2003. This provides that if noise from licensed premises is causing a public nuisance the local authority has powers to issue a closure order for up to 24 hours. This compliments the police powers under Part 8 of the 2003 Act.

- 5.4 The Authority must also have regard to the Guidance produced under Section 182 of the Licensing Act 2003. Sections 2.15 to 2.21 provide guidance in

relation to Public Nuisance.

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 An appeal may be made against the decision by—

- (a) the applicant for the review,
- (b) the holder of the premises licence, or
- (c) any other person who made relevant representations in relation to the application.

6.2.2 An appeal must be made to magistrates' court and must be commenced by notice of appeal given by the appellant to the magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

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 consultation process has been carried out in accordance with the requirements of the Licensing Act 2003 and associated guidance.

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.

6.7.2 In carrying out its licensing functions, a licensing authority must also have regard to—

- (a) its licensing statement published under section 5, and
- (b) any guidance issued by the Secretary of State under section 182.

7 Background Papers

Kettering Borough Council Statement of Licensing Policy
Section 182 guidance issued under the Licensing Act 2003



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 ... Mr Malcolm Maples (Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 club premises, or, if none, ordnance survey map reference or description: Decades, 8 Carrington St. Post town: Kettering Post code: NN160BY

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

Number of premises licence or club premises certificate (if known): Not known

Part 2 – Applicant details

- I am 1) an individual, body or business which is not a responsible authority (please read guidance note 1 and complete (A) or (B) below) 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 ✓ yes

Mr Mrs Miss Other title (eg Rev)

Surname

Maples

First Names

Malcolm Trevor

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

████████████████████ Carrington St.

Post town

Kettering

Post Code

NN160BY

Daytime contact telephone number

████████████████████

E-mail address (optional)

████████████████████@gmail.com

(B) DETAILS OF OTHER APPLICANT

Name and address

None

Telephone number (if any)

N/A

E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

N/A

Telephone number (if any)

E-mail (optional)

This application to review relates to the following licensing objective(s)

Please tick ✓ one or more boxes

1) the prevention of crime and disorder

 Y

2) public safety

 Y

3) the prevention of public nuisance

 Y

4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 2)

Please see the attached (separate document)

Please provide as much information as possible to support the application (please read guidance note 3)

Please see the attached (separate document)

Please tick ✓ yes

Have you made an application for review relating to this premises before

 N

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

No

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 21-10-21

Capacity Director

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) N/A	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address please provide your email address	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

This information is in conjunction with noise monitor from M maples at [REDACTED] carrington st nn160by

i wish to the licence of Decades /seven to be reviewed for the following

1 this is the busiest night club in kettering between the hours of 23.00 to 4.00 am there is no cctv

2 when the licensing laws were relaxed Carrington st was classified as a commercial area however planning was granted for developmen at puzzle court,leatherland court and mobs miller making it very much a residential area with well over 100 residential properties so should be reclassified as residential and afforded the same protection of amenities as is the alexandra arms and licensing hours in line

3 there is currently no sound controls at the premises known as decades

4 there is no evidence of customer control either visiting or leaving its often the case to see people drunk when entering and leaving so no social responsibility evident i often witness mostly young girls unable to stand and often sit on the floor

5 street drinking is not policed and i regularly have to collect bottles ,cans and glasses to avoid punctures to my car photo attached

6 there is very much anti social behaviour with little or no policing

7 i believe other residence have complained also the st pastors have shown their concern

8 there has been a murder in the st outside fixit auto body repair whilst this is no indication the the nightclub was in any way to blame but it does highlight the level of antisocial behaviour this can be substantiated by police reports

9 this is having serious effects on my health due to sleepless nights on friday and saturday and bank holidays i am not able to use my front bedroom or front lounge due to excessive music from night club and anti social behaviour and it can be fearful with the volume of people gathering in the st with no one taking responsibility i cannot remember seeing a police officer patrolling and i cannot ventilate my rooms as is advised by government/nhs guidelines to disperse covid

my last comment is that on a saturday night it is so chaotic with pedestrians J walking in the middle of the road [which i believe is an offence] its so busy that cars are forced to slow down and sometimes forced to stop many people on phones with no care for themselves or others of course you cannot view this unless you attend on saturday between 12 am and 2am as there again is no monitoring by cctv and no police presence some one is going to be injured before any action is take

one more observation despite being visited by environmental health and agreeing to install noise limiters as of the weekend 16/ 10/ 21 there is absolutely no reduction in noise the management in my view have not taken into account the residents

amenities which i find is not the action of a responsible manager and allowing people to get drunk whilst on their premises which in my view is their responsibility to ensure their customers stay safe and are capable to leave in a sober condition

[REDACTED]

21-10-21



Reference: 129880 2245678
 Your Name: Mr M Maples
 Your Address: [REDACTED] Carrington Street
 Kettering Northamptonshire NN16 0BY

(Office use only)
Type of Nuisance
 Noise
 Smoke
 Dust
 Odour
 Light
 Other

Address / Location where nuisance is coming from:

DECADES / 3/21/21 8-10 CARRINGTON ST

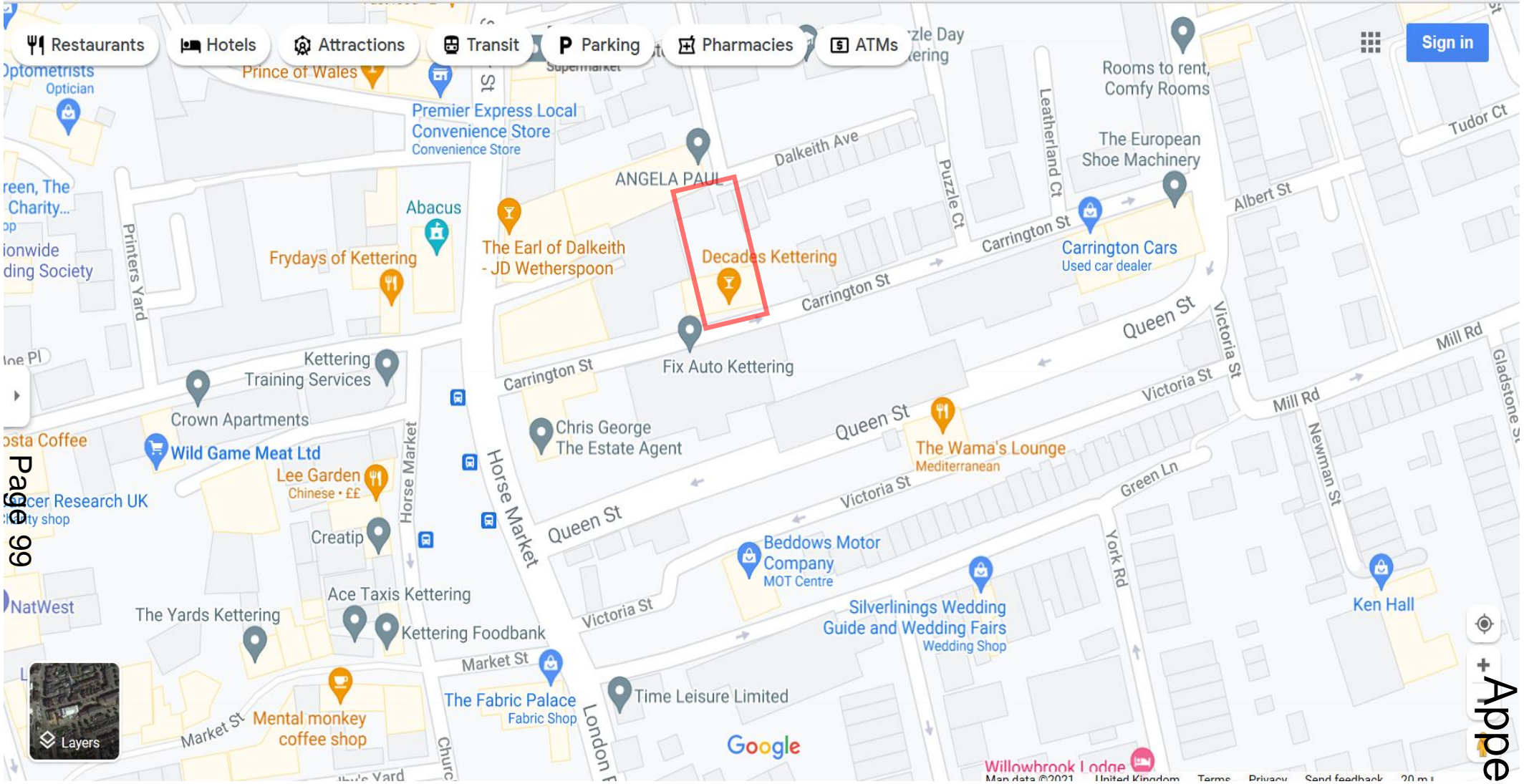
Describe how you know where the nuisance is coming from:

LOUD MUSIC & PEOPLE CROWDING OUTSIDE

Date	Time started	Time ended	Duration	Description of nuisance	Your location when affected	How were you affected?
Example 01/01/2017	23:00 hrs	23:30 hrs	30 mins	Neighbours dog barking, coming from garden	Bedroom	Kept me awake
10/9/2021	11 PM 23.00	3 AM 03.00	4 HRS	LOUD MUSIC	BEDROOM & LOUNGE	KEPT AWAKE
11/9/2021	23.00	04.00	5 HRS	" "	"	"
17/9/2021	23.00	02.00	3 HRS	QUIET FOR A FRITA-1 BUT NOISE STILL AUDIBLE	"	"

Date	Time started	Time ended	Duration	Description of nuisance	Your location when affected	How affected were you?
18/9/2021	12 AM	04.00	4 HOURS	LOUD MUSIC + ANT-SOCIAL BEHAVIOUR	FRONT BEDROOM & LOUNGE	NO SLEEP CAN'T ENJOY TV
24/9/21	1:15 AM	03:15	3:15 MIN	u	u	u
25/9/2021	12 AM	02:30	2:30 MIN	u	u	u
					26/9/2021	

This page is intentionally left blank



This page is intentionally left blank

From: KBC EP Licensing <eplicensing.kbc@northnorthants.gov.uk>
Sent: 04 November 2021 15:32
To: Julie Scott <Julie.Scott@northnorthants.gov.uk>
Subject: RE: 21/01364/LAPREV The Angel, 8 Carrington St, Kettering

Dear Julie,

Thank you for your consultation regarding the application for a review of the premises licence for 'Decades' in Kettering.

I can confirm that our team have received complaints about excessive noise from the nightclub. Excessive noise from the club was witnessed by one of our Officers in August, and as a result we sent a Community Protection Notice Warning letter to the Designated Premises Supervisor on 19th August 2021. We were then contacted by the DPS, who expressed a willingness to seek the advice of our Team to reduce the noise from the club. When I returned from annual leave I spoke to the DPS and we discussed a range of measures that could be used to reduce disturbance to neighbouring properties. We agreed that as a first step, he would ensure that the internal and external lobby doors are kept closed except for access and egress, and that he would arrange for the installation and fitting of a sound limiting device. We agreed a suitable period of time for him to source a device, and arrange for an electrician to install it, and a DJ to run the sound system, at which time he would contact me so that I could attend with a sound level meter to set a suitable noise limit.

On 1st November I tried to phone the DPS to get an update as to progress with the sound limiter, as in my opinion he had had enough time to make the installation arrangements. I left a voicemail asking him to call me back, but I have not received a response at the time of writing. I will be making a further call to the DPS today.

We will of course continue to respond to complaints of noise from the premises.

At present then, I would advise that I do not think we currently have sufficient evidence of a public nuisance or indeed a statutory nuisance, but we are trying to engage with the DPS to resolve any noise issues that may exist. If further co-operation from the DPS is not forthcoming then we will continue to gather evidence of any breach of the licence or legislation regarding statutory nuisance.

I hope that this information is of use.

Kind regards,

Rowan Castle

Rowan Castle FRGS MCIEH CEnvH | **Team Leader – Environmental Protection**
North Northamptonshire Council
Bowling Green Road, Kettering, Northants NN15 7QX
T: 0300 126 3000 | DD: 01536 851248 | www.northnorthants.gov.uk





Your new council
Here for you!

From: Garfield Short <GShort@northantsfire.gov.uk>
Sent: 16 November 2021 09:16
To: Julie Scott <Julie.Scott@northnorthants.gov.uk>
Subject: RE: 21/01364/LAPREV The Angel, 8 Carrington St, Kettering

Julie,

Just an early heads up.

I have so far been unable to contact the premises to organise my fire safety inspection as part of the licence review.

I have explained that if they continue to refuse I will report back to you that they did not co-operate but have so far heard nothing back.

I will send my final findings on the 19th as required.

Many thanks,

Gary Short
Fire Protection Officer



Community Fire Protection

Tel: 01604 797114

Email: gshort@northantsfire.gov.uk

Address: Darby House, Darby Close,
Wellingborough,
Northants,
NN8 6GS

Website: www.northamptonshire.gov.uk

Find us on Twitter: @NFRSBizsafety

This page is intentionally left blank

Appendix

Appendix C (iii)

From: Garfield Short <GShort@northantsfire.gov.uk>
Sent: 19 November 2021 11:27
To: Julie Scott <Julie.Scott@northnorthants.gov.uk>
Subject: RE: 21/01364/LAPREV The Angel, 8 Carrington St, Kettering

Julie,

As I pre-empted earlier in the week. I have had no response from this premises with regard to the fire safety section of the licence review.

In light of this I am unable to give any feedback other than they were unwilling to work with us.

Many thanks,

Gary Short
Fire Protection Officer



Community Fire Protection

Tel: 01604 797114

Email: gshort@northantsfire.gov.uk

Address: Darby House, Darby Close,
Wellingborough,
Northants,
NN8 6GS

Website: www.northamptonshire.gov.uk

Find us on Twitter: @NFRSBizsafety

This page is intentionally left blank

Appendix

Appendix C (iv)

From: Clerk <clerk@ketteringtowncouncil.gov.uk>
Sent: 27 October 2021 09:43
To: Julie Scott <Julie.Scott@northnorthants.gov.uk>
Subject: RE: 21/01364/LAPREV The Angel, 8 Carrington St, Kettering

Julie

I am responding to your consultation on the above premises. It is certainly true that there have been noise complaints and noise nuisance emanating from the premises over a prolonged period, although clearly it has also been closed for most of the last 18 months, which has probably made the impact of its re-opening more stark for neighbours. The problems identified within the request for a review do need to be addressed in our opinion.

I note that the notice attached to your email invites comments up to the 19th November, whilst your email below asked for comments by today. If the Town council wishes to make a fuller comment, can I assume it can still do so by the 19th November?

Martin Hammond
Town Clerk

Kettering Town Council
Municipal Offices
Bowling Green Road
Kettering
Northants NN15 7QX
Tel 01536 697490
Mobile [REDACTED]
www.ketteringtowncouncil.gov.uk

This email and its attachments are confidential and are intended for the above named recipient only. If this has come to you in error, please notify the sender immediately and delete this email from your system. You must take no action based on this, nor must you copy or disclose it or any part of its contents to any person or organisation.

Statements and opinions contained in this email may not necessarily represent those of Kettering Town Council. As a public body, the Council may be required to disclose this email [or any response to it] under the Freedom of Information Act 2000, unless the information in it is covered by one of the exemptions in the Act.

This page is intentionally left blank

Appendix

Appendix C (v)

From: Martin Hammond, Kettering Town Council <clerk@ketteringtowncouncil.gov.uk>
Sent: 08 November 2021 09:01
To: Julie Scott <Julie.Scott@northnorthants.gov.uk>
Subject: RE: 21/01364/LAPREV The Angel, 8 Carrington St, Kettering

Dear Julie

Thank you for this consultation.

The Council is aware that this premises has generated a history of noise complaints and that these have not been adequately addressed. The premises now sits alongside far more residential properties than was the case when it was first licensed and current trends show yet more residential development is likely within “earshot” of the nightclub. Whilst this is not the fault of the licensee, they nevertheless need to recognise that this requires a change in approach.

Much of the nuisance is caused by early morning egress, and with the noise comes an element of anti-social behaviour from people who have too much to drink and who are oblivious of the effects of their behaviour.

We would ask that the Council considers how it might condition the premises licence and support the police and licensee to manage the situation. The venue could do more to ensure its customers are encouraged to leave quietly. We ask that CCTV camera coverage be improved so that the entrance to the premises and the obvious routes to and from the entrance are monitored and that CCTV operators are asked to concentrate on this area at the appropriate times. Police and, if possible, street pastor presence in the area at the time the venue closes would be useful.

I hope this is helpful to the Council in its consideration of the matter.

Martin Hammond
Town Clerk

Kettering Town Council
Municipal Offices
Bowling Green Road
Kettering
Northants NN15 7QX
Tel 01536 697490
Mobile [REDACTED]
www.ketteringtowncouncil.gov.uk

This email and its attachments are confidential and are intended for the above named recipient only. If this has come to you in error, please notify the sender immediately and delete this email from your system. You must take no action based on this, nor must you copy or disclose it or any part of its contents to any person or organisation.

Statements and opinions contained in this email may not necessarily represent those of Kettering Town Council. As a public body, the Council may be required to disclose this email [or any response to it] under the Freedom of Information Act 2000, unless the information in it is covered by one of the exemptions in the Act.

This page is intentionally left blank



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	14/00815/LAPNEW
--------------------------------	-----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description: The Angel 8 Carrington Street Kettering Northamptonshire NN16 0BY
Telephone Number: 01536 460062

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

Sale of Alcohol

Alcohol consumed on premises Indoors

Monday to Sunday 10:30 - 04:00

Performances of Dance

Indoors

Friday and Saturday 10:30 - 02:30

Sunday to Thursday 19:00 - 23:30

Non Standard Timings

Sundays prior to Bank/Public Holidays 10:30 - 03:00

Christmas Eve & New Year's Eve 10:30 - 02:30

Late Night Refreshment

Indoors

Friday and Saturday 23:00 - 02:30

Sunday to Thursday 23:00 - 23:30

Non Standard Timings

Sundays prior to Bank/Public Holidays 23:00 - 03:00

Christmas Eve & New Year's Eve 23:00 - 02:30

Live Music

Indoors

Monday to Sunday 10:30 - 04:00

Recorded Music

Indoors

Monday to Sunday 10:30 - 04:00

Anything Similar to Music or Dance

Indoors

Friday and Saturday 10:30 - 02:30

Sunday to Thursday 19:00 - 23:30

Non Standard Timings

Sundays prior to Bank/Public Holidays 10:30 - 03:00

Christmas Eve & New Year's Eve 10:30 - 02:30

The opening hours of the premises

Monday to Sunday 10:30 - 04:15

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

Alcohol is supplied for consumption on the premises

Part 2

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

Prospect Brigstock Ltd
The Old Watermill
Mill Lane
Brigstock
Northamptonshire
NN14 3HG

Work Phone: 01536 373720

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

6594177

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

Mr Scott Richard Holland
Gladstone Street
Ringstead
Kettering
Northamptonshire
NN14 4DE

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: PA3084
Licensing Authority: Northampton 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 responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
5. 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.
6. 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.

7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
8. 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 authorises the exhibition of films, the admission of children to the exhibition of any film must be restricted in accordance with this condition

9. Where the film classification body is specified in the licence, unless section b) below applies, admission of children must be restricted in accordance with any recommendation made by that body.

Where—

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

If this premises licence requires the use of door supervisors.

10. 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.

Note: This does not apply to premises with premises licences authorising plays or films, premises exclusively used by a club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence .

Explanatory Notes and Definitions for Mandatory Condition 4.

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 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).

The proprietors run an established business and are mindful of the Licensing Authority's licensing policy document and the need to regularly address the licensing objectives.

The premises will continue to maintain a hard drive CCTV system, images from which shall be available to the Police, Licensing or other statutory authority. The premises shall maintain membership of the Kettering Pub Watch scheme.

The premises comply with Health and Safety and Fire Precautions Regulations. Preventative and control measures are in place to ensure the safety of customers, staff and contractors.

The premises operate a strict control policy to ensure that proof of identity is sought from persons suspected of not being 18 years of age. We actively employ the Challenge 21 scheme.

When the premises was refurbished in 2002 a soundproofing scheme was installed. In 2008 an electronic compressor sound limiter was installed and double glazed fire doors at the rear were fitted.

All external doors, other than those used for emergency exits only, shall be fitted with automatic closing devices. The doors shall be kept closed, so far as is practicable, at any time when regulated entertainment is taking place, or facilities are being provided for regulated entertainment.

All external windows shall be kept closed at any time when regulated entertainment is taking place, or facilities are being provided for regulated entertainment. Ventilation shall only be provided by suitable and sufficient mechanical means (the amount of ventilation provided is also a requirement under Health and Safety legislation). The mechanical system shall be operated as required and maintained thereafter.

Should there be noise breakout of regulated entertainment, the fire exit doors shall be fitted with acoustic seals or other necessary acoustic measures, and the main doors shall have lobbies added to them.

The handling of beer kegs, bottles and other similar items external to the fabric of the building, in particular the emptying of glass bottles into refuse containers, recycling bins or return crates and the stacking of such crates shall only be permitted between the hours of 08:00 and 21:30 hours daily.

Regulated entertainment and the provision of entertainment facilities, and the provision of late night refreshment as outlined in Section B2 of the Licensing Act

2003 application form shall only be permitted within the standard days and timings specified in tables A to M inclusive in Section B2 of the application form.

The external garden areas shall not be used for the purposes of regulated entertainment, the provision of entertainment facilities, or the provision of late night refreshment.

The playing of background recorded music outside the premises shall not be permitted after 21:00 hours.

On the following nights from 20:00 to closing time Friday & Saturday the premises will have available sufficient security staff to maintain the crime & disorder objective. The required number of security staff will be two to maintain security at the entrances on Carrington Street. Irrespective of the above, if the premises uses any other entrances then two door supervisors will be provided at each of those entrances to the premises on every Friday and Saturday night from 20:00 to closing time.

Door supervisors will wear Hi-Viz vests/jackets at all times while on the door.

The Licensee will also carry out a written risk assessment for other nights of the week and special events to ensure that security staff provision is suitable and sufficient to ensure that the crime and disorder objective is met.

(all staff provided to meet this condition will be SIA licensed)

All of the existing additional conditions to include conservatory building in the rear yard as submitted as part of the variation.

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

Amplified music shall only be played through a sound limiting device or devices that is/are installed at the premises. The sound limiting device/s shall be set at any level that is agreed in writing with the Licensing Authority

In the event of a malfunction of the sound limiting device/s, an entry shall be made in the premises log book/incident book. This book shall contain details of the fault and the corrective action taken. The records shall be retained for a period of no less than 12 months from the date of the malfunction.

Review 22 May 2017

No action taken

Annex 4 – Plans

To accept alterations to the interior of the premises as shown on drawing dated 04/06/08, issue number A. Drawing received 6th June 2008.

To include the existing first floor function room on the licence as per drawing supplied to the Local Authority 11/06/09.

To accept alterations to the premises as shown on drawing received at Local Authority 05/04/2013.

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	14/00815/LAPNEW
--------------------------------	-----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description: The Angel 8 Carrington Street Kettering Northamptonshire NN16 0BY
Telephone Number: 01536 460062

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

Sale of Alcohol

Alcohol consumed on premises Indoors

Monday to Sunday 10:30 - 04:00

Performances of Dance

Indoors

Friday and Saturday 10:30 - 02:30

Sunday to Thursday 19:00 - 23:30

Non Standard Timings

Sundays prior to Bank/Public Holidays 10:30 - 03:00

Christmas Eve & New Year's Eve 10:30 - 02:30

Late Night Refreshment

Indoors

Friday and Saturday 23:00 - 02:30

Sunday to Thursday 23:00 - 23:30

Non Standard Timings

Sundays prior to Bank/Public Holidays 23:00 - 03:00

Christmas Eve & New Year's Eve 23:00 - 02:30

Live Music

Indoors

Monday to Sunday 10:30 - 04:00

Recorded Music

Indoors

Monday to Sunday 10:30 - 04:00

Anything Similar to Music or Dance

Indoors

Friday and Saturday 10:30 - 02:30

Sunday to Thursday 19:00 - 23:30

Non Standard Timings

Sundays prior to Bank/Public Holidays 10:30 - 03:00

Christmas Eve & New Year's Eve 10:30 - 02:30

The opening hours of the premises

Monday to Sunday 10:30 - 04:15

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

Alcohol is supplied for consumption on the premises

Part 2

Name, (registered) address of holder of premises licence

Prospect Brigstock Ltd
The Old Watermill
Mill Lane
Brigstock
Northamptonshire
NN14 3HG

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

6594177

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

Mr Scott Richard Holland

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

No

Signed:

A black rectangular redaction box covering the signature of the Health Services Manager.

Date: 21 February 2020

Name: Russ Howell
Position: Health Services Manager
For and on behalf of the Licensing Authority

This premises licence **14/00815/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: 20/00379/LAVDPS

This page is intentionally left blank