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**North
Northamptonshire
Council**

Meeting: Licensing and Appeals Committee


Date: Wednesday 23rd March, 2022

Time: 2.00 pm

Venue: Kettering Committee Room

To members of the Licensing and Appeals Committee

Councillors Councillor Jonathan Ekins (Chair), Councillor Jennie Bone (Vice-Chair), Sarah Tubbs

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<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p>Proper Officer Wednesday 9th March 2022</p>			

This agenda has been published by Democratic Services.

Committee Administrator: Eden Palmer

☎01536 534272

✉eden.palmer@northnorthants.gov.uk

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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.

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Licensing and Appeals Sub Committee

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

List of Appendices

- Appendix A - Licensing Act 2003 Application for Review**
Appendix B - Site Plan
Appendix C - Applicant for Review – Rowan Castle, Environmental Protection Team Leader, North Northamptonshire Council (Kettering) 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 Rowan Castle, Environmental Protection Team Leader (Kettering) North Northamptonshire Council. A copy of the application is included at Appendix A.
- 2.2 The application relates to excessive noise witnessed from the premises and a failure by the management to address the problem thereby failing 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 Kettering Town Council.

3. Recommendations

- 3.1 The Committee is asked to consider the application from Mr Castle, the additional information contained in the representation from Kettering Town Council and any submission made by the Licensee. The Committee also needs to consider that this premises licence was also the subject of a review

hearing in December 2021 following allegations of public nuisance and anti social behaviour.

- 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 a responsible authority to call a premises licence in for review. Mr Castle acts on behalf of the authority in the role of the responsible authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.
- 4.3 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.
- 4.4 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.

4.5 Mr Castle was working in Kettering town centre monitoring noise issues and visited Decades in Carrington Street, Kettering. He saw that the outer doors to the premises were fixed in the open position which is a breach of their licence. At the time there was significant noise breakout from the premises and in Mr Castle's opinion this was largely due to the outer doors being open. Mr Castle spoke to the door supervisors, the site manager and by telephone to Mr Cross who is currently in the process of becoming the licensee of the premises. No action was taken to remedy the situation.

4.6 The relevant conditions on the licence are:

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.

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.

4.7 Mr Cross claimed to Mr Castle that there is a public safety risk from the doors being closed and therefore it is not practicable to do so.

4.8 It is the licensing authority's opinion that meeting one licensing objective cannot be at the expense of another. If Mr Cross's claim is accepted then the committee would need to consider what further steps need to be taken to reduce the level of noise from the premises so that there is no conflict with the public nuisance objective.

4.9 In summary, the application refers to excessively loud music from the premises and a failure to manage the licensing objective of the prevention of public nuisance.

4.10 A plan showing the location of Decades within Kettering town centre is attached at Appendix B

4.11 Kettering Town Council has submitted a representation relating to noise nuisance, public behaviour around the site and a general failure by the premises management to deal with these issues.

4.12 The representations can be seen in Appendix C.

4.13 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 the 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.

2.10 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)

6.2 Resources and Financial

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

6.3 Legal

- 6.3.1 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.

6.4 Risk

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

6.5 Consultation

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

6.6 Consideration by Scrutiny

6.6.1 Not considered

6.7 Climate Impact

6.6.1 No climate impact.

6.8 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 ...Rowan Castle (on behalf of the Environmental Protection Team, Kettering Area, North Northamptonshire Council).....

(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
The Angel (Trading as 'Decades')
8 Carrington Street

Post town Kettering Post Code NN16 0BY

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

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

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) [X]

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

First Names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Mr Rowan Castle
Team Leader Environmental Protection
North Northamptonshire Council
Municipal Offices
Bowling Green Road
Kettering
Northamptonshire
NN15 7QX

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

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

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

This application for review is made on the grounds of the prevention of public nuisance due to the playing of loud music and the failure to adhere to one of the conditions of the licence imposed for this purpose.

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

North Northamptonshire Council has received complaints about alleged noise nuisance from the venue known as Decades. A local resident recently brought about a review of the licence on the grounds of the prevention of public nuisance. The Environmental Protection Team is currently investigating these complaints.

On the evening of Saturday 29th January 2022, I was in the centre of Kettering town, carrying out an 'Out of Office Hours' visit relating to the investigation of a different complaint about another town centre venue. Once this visit was concluded, I decided that it would be worthwhile to visit Carrington Street to assess the level of noise breakout from Decades, given the recent complaints and licence review.

As I approached Decades, two or three door staff emerged very suddenly from the premises, grappling with a customer who appeared to punch one of them in the face. They fell down on the street, where they restrained the individual. I noticed that the external doors of the premises were fixed in the open position, which is contrary to a condition of their licence. However, given what was happening, I decided that it would be reasonable to wait until this incident had been dealt with so I could see if the doors were then closed, and to introduce myself to the door staff.

At approximately 23:50 hrs, the Police had arrested the aggressive customer and the door staff were no longer involved. The outer doors remained fixed in the open position. I then spoke to the door staff, introduced myself and explained the purpose of my visit. I advised them that the outer doors of the premises were fixed open and that this was a breach of their licence. At this time there was significant noise breakout from the premises, in my opinion largely due to the outer doors being open. The door staff advised that they would ask the Manager, who they introduced as Sinead to come outside to speak to me.

I then introduced myself to her and explained the problem with the doors being left open. Sinead then told me that she would seek advice from Mr James Cross (one of the owners of the business) and went across the street to call him on her mobile phone.

A few minutes later she came back over, and told me that Mr Cross had advised her that they would not be closing the doors, because the licence condition says the doors shall be kept closed 'where practical' and they did not believe it was practical from a health and safety point of view.

It should be noted that I have previously advised Mr Cross by e-mail of the licence condition requiring the outer doors to be kept closed and we also have discussed his concerns regarding health & safety. I advised him to speak to my colleague Keith Lawson (Team Leader, Health Protection Team) regarding his concerns. I'm not aware at the time of writing whether he acted on this advice. At the time of my visit, there was no long queue to enter the premises and I could see no practical reason why the outer doors could not be kept closed.

I advised Sinead that I was not going to argue with her in the street regarding the conditions of the licence, but I did point out to her that there had been recent complaints and indeed a recent review of the licence. She still would not close the doors. I then asked her to let me know her surname, which she stated is DeCaro.

The premises licence condition in question reads as follows:

'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.'

I would interpret 'so far as is practicable' to mean that the doors will be closed except when staff or customers are entering or exiting the premises (this would be the usual expectation). However, I would accept that the wording of this condition is somewhat unusual.

The reasons and objectives of / for this review can be summarised as follows:

1. On 29th January 2022, the Manager of Decades who identified herself as Sinead DeCaro was advised that the above licensing condition was being breached and refused to take action to rectify the situation. I believe that this is not an acceptable course of action, and I would ask the Licensing Committee to sanction the business as they see fit.

2. On 29th January 2022, Sinead DeCaro telephoned Mr. James Cross (one of the owners of the business) and advised him that I was on site and had advised her that the business was breaching the above condition. He refused to take any action or direct her to take action to bring the business back into compliance. I believe that this is not an acceptable course of action, and I would ask the Licensing Committee to sanction the business as they see fit.

3. I would request that the review of the premises licence should look at and consider changing the wording of the condition referred to above, so that there is no ambiguity. It would be my recommendation that the wording should be changed so that it reads '.....The doors shall be kept closed, except for access and egress, at any time when regulated entertainment is taking place.....' The remainder of the wording of the condition should be unchanged.

Thank you for your consideration of this application to review the premises licence for The Angel (trading as 'Decades').

Please tick ✓ yes

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

If yes, please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

I made a representation by e-mail to the previous licence review. My consultation comment was sent on 4th November 2021 and my e-mail read as follows:

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

- 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: Rowan Castle

Date: 31st January 2021

Capacity: Team Leader, Environmental Protection Team (Kettering Area).

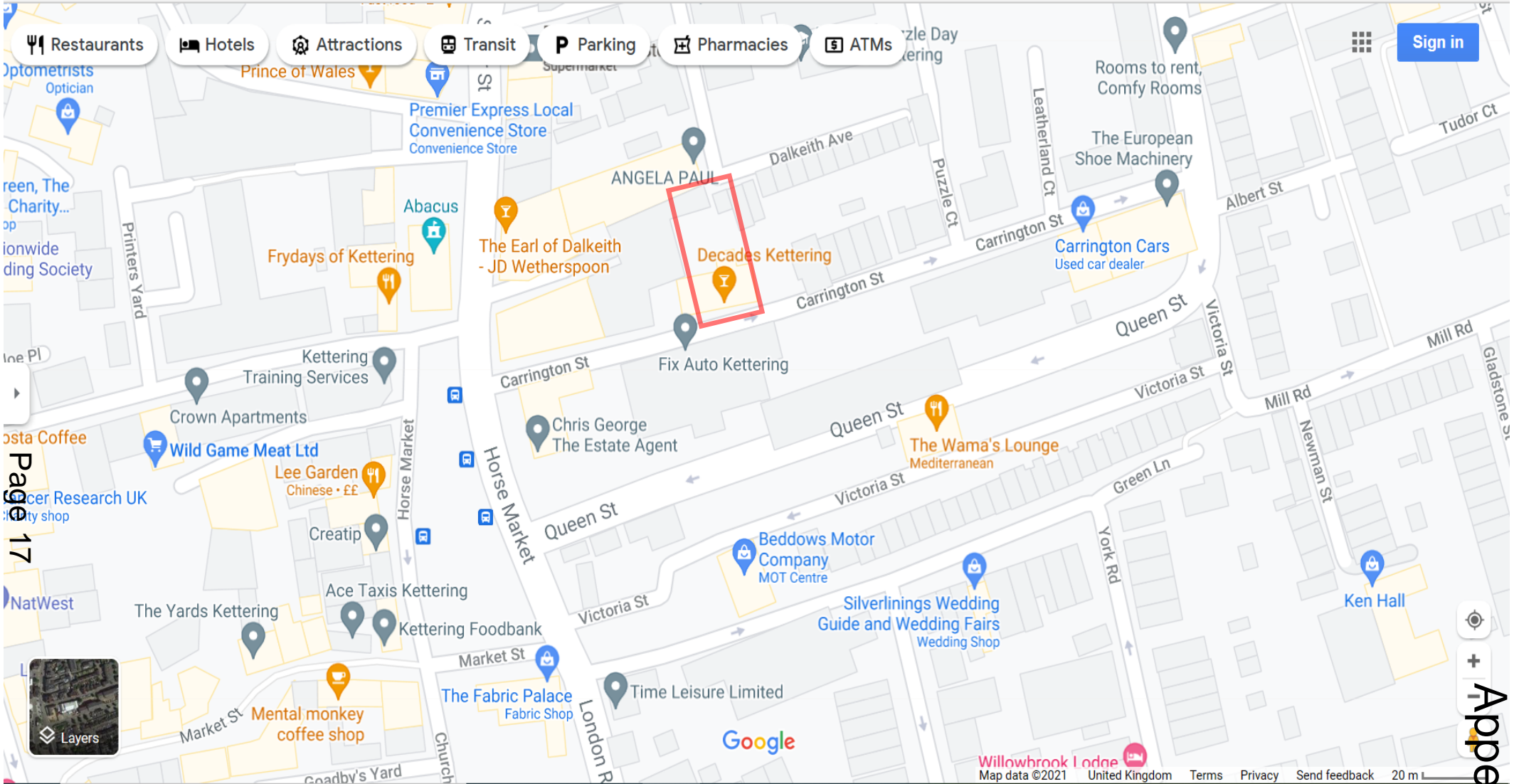
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
See above	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address please provide your email address: rowan.castle@northnorthants.gov.uk	

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.

Please **post** this form and any supporting documentation to:

North Northamptonshire Council
Central Licensing Administration Unit
Cedar Drive
Thrapston
NN14 4LZ



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Dear Mr Cross,

I have copied this e-mail to our Licensing Unit so they are aware of the dates you are unavailable.

I have no intention of arguing over the conditions of your licence outside of any review hearing, but I do feel I need to respond to the points raised in your e-mail:

1. I would expect any premises playing loud recorded or live music in the vicinity of residential properties to have the doors and windows closed at the time. This is standard practice.
2. I have already advised you to contact my colleague Keith Lawson if you have any safety concerns regarding the use of your lobby. If you remove said lobby you will have even less control of the noise breakout from your premises, which may lead to further enforcement action. If you feel that the condition in your licence is unreasonable, you should have applied for a variation to your licence.
3. I have said that the wording of the condition is unusual, but I have already previously discussed with you (and indeed you agreed) that the internal and external doors would be kept closed. You then went back on this commitment and I had to point out to you in writing that keeping the doors closed is a condition of your licence. On 29th January, when I attended your premises, there was no practical reason why the doors could not have been closed. When I made a polite and reasonable request to your door staff, to Ms DeCaro and (via her phone call) to yourself to close the doors, this request was refused. Let me be clear – that is not acceptable.

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



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From: James Cross <james@northantsbarco.com>

Sent: 31 January 2022 18:23

To: Rowan Castle <Rowan.Castle@northnorthants.gov.uk>

Subject: RE: Application for the review of a Premises Licence or Club Premises Certificate Apr21 - Decades

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Dear Rowan,

You have stated yourself in this email that the term “practicable” is open to interpretation.

I interpret it different from you, therefore I refute the claim that I have breached a condition of my licence. There is not a venue in the town centre whose external doors are not propped open, and I will be providing proof of this imminently. We have the internal doors constantly closed, save for ingress and egress. We have adhered to the new licence conditions, we have installed new doors into Bar Seven. We have closed one of our entrances to the building, all to accommodate these complaints. The “lobby” area is far too small and dangerous for these doors to be permanently closed. If, however, this is the only way to satisfy your agenda, we can make these changes immediately, but it will mean we have no choice but to remove the internal lobby doors, thus removing that extra barrier for noise pollution, and want this recorded and recognised as I feel it will actually be counter productive to the management of said noise pollution and do not want a further review a few weeks down the line when it becomes glaringly obvious it was a bad decision.

Claiming I am breaching a condition, which you have admitted is open to interpretation and recommending sanctions, rather than just requesting a change of the condition for clarity purposes, seems very extreme and somewhat spiteful because we disagree on what that interpretation is.

Can I kindly request that you notify the committee that I am out of the country as of Wednesday 2nd February and do not return until the evening of Thursday 10th February, and that the hearing is not scheduled in that time? If you are unable to do this, please kindly let me know the contact information of the committee so I can do this myself.

Kind regards,

James Cross
Managing Director
The Northamptonshire Bar Company

Mobile: 07850 428 269
Tel: 01604 892 144

Registered Office
The Courtyard, George Row, Northampton, NN1 1DF

From: Rowan Castle <Rowan.Castle@northnorthants.gov.uk>

Sent: 31 January 2022 16:16

To: James Cross <james@northantsbarco.com>

Cc: liquorlicensing@northants.pnn.police.uk; KBC Planning <planning.kbc@northnorthants.gov.uk>;
fireprotection@northantsfire.gov.uk; Alcohol@homeoffice.gsi.gov.uk;
phlicensing@northamptonshire.gov.uk; Business Advice <BusinessAdvice@northnorthants.gov.uk>;
SQAS@nctrust.co.uk; clerk@ketteringtowncouncil.gov.uk

Subject: Application for the review of a Premises Licence or Club Premises Certificate Apr21 - Decades

Dear Mr Cross,

I refer to the events of Saturday night (29th January 2022) when I attended your business (trading as Decades). As a result of the events on Saturday I am e-mailing to advise you that I am applying for a review of the Premises Licence for Decades, that is held by Prospect Brigstock Ltd. Please find attached a copy of my application. I will be sending Prospect Brigstock Ltd. a copy by e-mail shortly.

I have copied this e-mail to the relevant licensing consultees for their information.

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



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Julie

The Town Council supports the licence call in for Decades. For some time, elected members have received regular complaints from residents about loud noise and people congregating round the site. There is a definite lack of interest displayed by the owners and staff in addressing this problem. For these reasons we support the action being taken.

Yours sincerely,

Martin Hammond
Town Clerk

Kettering Town Council
Municipal Offices
Bowling Green Road
Kettering
Northants NN15 7QX
Tel 01536 697490
Mobile 07375 976290
www.ketteringtowncouncil.gov.uk

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From: Julie Scott <Julie.Scott@northnorthants.gov.uk>

Sent: 03 February 2022 10:05

Subject: FW: 22/00131/LAPREV The Angel (Decades), 8 Carrington St, Kettering - REVIEW

Good morning,

Please see enclosed revised consultation dates for this review application.

If you have any comments to make, I would be grateful if you could respond by **28th February 2022**.

Regards,

Julie Scott | Licensing Administrator

North Northamptonshire Council
Cedar Drive, Thrapston, Northamptonshire NN14 4LZ
T: 0300 126 3000 | DD: 01832 742102

Twitter: @NNorthantsC

Facebook: @NorthNorthants

Web: www.northnorthants.gov.uk



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Northamptonshire
Council

Your new council
Here for you!

From: Julie Scott

Sent: 02 February 2022 16:47

Subject: 22/00131/LAPREV The Angel (Decades), 8 Carrington St, Kettering - REVIEW

Good afternoon,

Please find attached your copy of the above application and consultation document. If you have any comments to make, I would be grateful if you could respond by 2nd March 2022.

Regards,

Julie Scott | Licensing Administrator

North Northamptonshire Council
Cedar Drive, Thrapston, Northamptonshire NN14 4LZ
T: 0300 126 3000 | DD: 01832 742102

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Part A

Premises Licence

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
24 Gladstone Street
Ringstead
Kettering
Northamptonshire
NN14 4DE

Phone: 01536 460062

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

Review 23 December 2021

The Premises Licence is to be modified by three further conditions being attached to the licence.

1. A direct telephone number for the duty manager at the Premises shall be publicly available at all times the Premises is open. This telephone number is to be made available to residents and businesses in the vicinity. A record of all calls received is to be logged, retained and available for inspection for a period of 12 months after the call is received.
2. Queuing outside the Premises shall be restricted in the direction towards Queen Street.
3. The licence holder shall ensure that any queue to enter the Premises which forms outside the Premises is orderly and supervised by SIA door staff, so as to ensure that there is no public nuisance or obstruction to the public highway.

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.

See attached



Part B

Premises Licence Summary

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

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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

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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:



Date: 23 December 2021

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 North Northamptonshire Council, Kettering Area Licensing,
Municipal Offices, Bowling Green Road, Kettering, NN15 7QX
T: 0300 126 3000 | DD: 01536 410333 | Web: www.northnorthants.gov.uk

Our Issue Reference No: 21/01364/LAPREV
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