

Licensing and Appeals Sub Committee

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

List of Appendices

- Appendix A - Licensing Act 2003 Application for Review**
Appendix B - Police Certificate
Appendix C - Current Premises Licence

1. Purpose of Report

- 1.1 To consider if any interim steps are required following application by Northamptonshire Police for summary review of the Premises Licence for Brooklyn Bar, Ebenezer Place, Kettering.

2. Executive Summary

- 2.1 An application for summary review of the premises licence at Brooklyn Bar, Ebenezer Place, Kettering was received from Northamptonshire Police at 11.17 a.m on Tuesday 21 February 2023.
- 2.2 The summary review process is an expedited process within the Licensing Act 2003 where there must be evidence of serious crime or serious violence or both.
- 2.3 The process has two stages, an initial interim steps consideration which must be carried out within 48 hours of the application being received followed by a formal review hearing within 28 days of the application being received.
- 2.4 This hearing is to consider the interim steps.

3. Recommendations

- 3.1 The Committee is asked to consider the application from Northamptonshire Police and, if it considers that the application meets the requirements for summary review, to consider what action, if any, to take immediately with regards to the premises licence.
- 3.2 The actions that the Authority may take as interim steps are to modify the licence conditions, exclude the sale of alcohol, remove the DPS or suspend

the licence. Consideration should be given to any recommendation from Northamptonshire Police in this matter.

4. Report Background

- 4.1 An Application for Summary Review of the Premises Licence for Brooklyn Bar, Ebenezer Place, Kettering has been received from Northamptonshire Police. A copy of the certificate and the application required under the legislation are attached.
- 4.2 The application is submitted under the amendments to the Licensing Act 2003 by the Violent Crime Reduction Act 2006. This power provides an expedited review process in certain circumstances.
- 4.3 The Committee must be satisfied that there is evidence of serious crime or serious violence or both. The crime must be sufficiently serious to carry a sentence of imprisonment for 3 years or more for an individual over 18 with no previous convictions. The certificate and application describe this evidence.
- 4.4 The amended legislation gives powers to the Licensing Authority to take interim steps following application prior to a full review hearing being held.
- 4.5 The Authority may consider for these interim steps modifying conditions, excluding the sale of alcohol, removing the DPS or suspending the licence.
- 4.6 The Licensing Authority in its licensing decision must decide when the interim steps will take effect from. Any decision is effective from the hearing.
- 4.7 The Licence holder cannot appeal through the courts against the implementation of interim steps but may make representation to the Licensing Authority against the decision.
- 4.8 A full review hearing must be held within 28 days from the day the review application is received.

5. Issues and Choices

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

6 Implications (including financial implications)

6.1 Resources and Financial

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

6.2 Legal

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

6.2.2 There is no right to appeal the decision of the Committee in relation to the interim measures. The Licensee may make representation to the Licensing Authority against any decision at this stage and will have the right to present his case at the review hearing to follow.

6.2.3 A hearing date within 28 days from the date of the application must be set.

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 There is no legal consultation process relating to this particular process.

6.5 Consideration by Scrutiny

6.5.1 Not considered

6.6 Climate Impact

6.6.1 No climate impact.

6.7 Community Impact

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

The licensing objectives are—

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

7 Background Papers

Section 182 guidance issued under the Licensing Act 2003