

Licensing and Appeals Sub Committee

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

List of Appendices

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

1. Purpose of Report

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

2. Executive Summary

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

3. Recommendations

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

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

3.2 The actions that the authority may take are:

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

4. Report Background

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

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

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

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

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

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

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

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

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

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

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

5. Issues and Choices

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

6 Implications (including financial implications)

6.1 Resources and Financial

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

6.2 Legal

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

6.3 Risk

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

6.4 Consultation

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

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

- 6.4.3 No representations have been received.

6.5 Consideration by Scrutiny

- 6.5.1 Not considered

6.6 Climate Impact

- 6.6.1 No climate impact.

6.7 Community Impact

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

The licensing objectives are—

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

7 Background Papers

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