



Licensing and Appeals Sub Committee

Report Title	Licensing Act 2003 – Summary Review of Premises Licence – Representation against Interim Measures	
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List of Appendices

- Appendix A - Licensing Act 2003 Application for Review**
Appendix B – Police Certificate
Appendix C - Interim Steps decision notice
Appendix D - Representation

1. Purpose of Report

- 1.1 To consider a representation against interim measures implemented by the licensing panel on 29 November 2023 following application by Northamptonshire Police for summary review of the Premises Licence for Quality Food 4 You trading as Braces News, 99 -101 Montagu Street, Kettering.

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 11.22 a.m on Tuesday 28 November 2023. A copy of the application and certificate is attached at Appendix A and Appendix B.
- 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 On 29 November 2023 an interim steps hearing was held to consider the application and the decision was taken to suspend the premises licence. The decision notice is attached at Appendix C.
- 2.4 This Licensing Act 2003 permits the Licensee to submit representation against those interim steps at any point between that decision and the full review hearing. Where such representations are received, a further hearing must be

held within 48 hours of receipt to consider the representation. A representation has been received as at Appendix D

2.5 This hearing is to consider that representation.

3. Recommendations

3.1 The Committee is asked to consider the representation from the Licensee.

3.2 At the hearing the licensing authority must:

- consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

3.3 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder. 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.

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 was 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 that an individual 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 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. The certificate and application described this evidence.

4.4 Any decision is effective from the hearing.

4.5 An interim steps hearing was held on 29 November 2023 and the Licensing Panel decided to suspend the premises licence based on the information before them.

4.6 A full hearing review is to be held on 21 December 2023.

4.7 On Wednesday 13 December 2023, Northamptonshire Police advised both the Authority and the Licensee that the information provided in the certificate was

factually incorrect as the number of cigaretted actually seized was significantly less than that claimed in the certificate.

- 4.8 A representation against the interim steps decision has now been received from the licensee.

5. Issues and Choices

- 5.1 Having considered the representation from the licence holder the Panel must consider the options available to it as detailed above and take such action as it considers appropriate.

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 against the decision of the Panel against any decisions made at these interim hearings.

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

Licensing Act 2003

Home Office Section 53A-C Licensing Act 2003 - Summary Review Guidance

Section 182 guidance issued under the Licensing Act 2003