

## Licensing and Appeals Sub Committee 23<sup>rd</sup> February 2022

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

### List of Appendices

- Appendix A - Licensing Act 2003 Variation Application**
- Appendix B - Current Premises Licence**
- Appendix C - Street plan**
- Appendix D - Representation – Northamptonshire Police**

### **1. Purpose of Report**

---

- 1.1 To consider a variation application under the Licensing Act 2003 for the premises licence at Local News, Food And Wine, 3 Dalkeith Place, Kettering.

### **2. Executive Summary**

---

- 2.1 An application has been received from Mr Rajbir Singh Somal to vary the premises licence for Local News, Food And Wine, 3 Dalkeith Place, Kettering. A copy of the application is at Appendix A.
- 2.2 The application relates to the sale of alcohol 24 hours per day and 7 days per week for consumption off the premises. Currently the licence authorises sale of alcohol 07.00 to 03.30 7 days per week.
- 2.3 A copy of the existing premises licence is attached at Appendix B.
- 2.4 A street plan showing the location of the premises is attached at Appendix C. This premises is located within the Kettering town centre night time economy directly adjacent to fast food premises and in close proximity to the later opening licensed premises in the town centre.
- 2.5 The application has been out for consultation in accordance with the requirements of the Licensing Act 2003 and a representation has been received from Northamptonshire Police. (appendix D)

### **3. Recommendations**

---

- 3.1 The Committee is asked to consider the information provided by the applicant and the representation from Northamptonshire Police in line with the requirements of the Licensing Act 2003 and associated guidance.

#### **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 Where relevant representations are made, the authority must—
- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
  - (b) having regard to the representations, take such of the steps described below as it considers appropriate for the promotion of the licensing objectives.

- 4.3 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.

- 4.4 The steps are—
- (a) to modify the conditions of the licence;
  - (b) to reject the whole or part of the application;

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.

- 4.5 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.

- 4.6 The police representation states that the application in itself is very vague the operating schedule in Northamptonshire Police's opinion is not robust enough for the location and the hours being requested, Dalkeith Place is the heart of Kettering's NTE and has numerous late night venues in its vicinity.

#### **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.

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: -

2.6 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 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. It is recognised that the night time economy is important for investment and employment locally and beneficial to tourism. 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.

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.

- 5.4 The Authority must also have regard to the Guidance produced under Section 182 of the Licensing Act 2003.

## **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 holder of the premises licence, or  
(b) 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