



**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)

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