

BOROUGH OF KETTERING

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Report Originator	Russ Howell	<i>Fwd Plan Ref No:</i>	
Wards Affected	William Knibb	16 th August 2017	
Title	To determine an application for a premises licence for Pop Central (previously Henrys), Horsemarket, Kettering where representations have been received.		

Portfolio Holder: Councillor Mark Dearing

1. PURPOSE OF REPORT

To determine an application for a premises licence for Pop Central (previously Henrys), Horsemarket, Kettering where representations have been received.

2. INFORMATION

- 2.1 An application has been received for Pop Central (previously Henrys), Horsemarket, Kettering.
- 2.2 A copy of the application is attached at **Appendix A** and includes the steps proposed by the applicant to ensure that the licensing objectives are met.
- 2.3 The following licensable activities and hours have been applied for:
- Recorded Music - Mon – Sun 10.00 – 04.30
 - Dance - as above
 - Alcohol (on & off) - as above
 - Opening Times - Mon – Sun 10.00 – 05.00
 - Late Night refreshment – 23.00 – 04.30
- 2.3 A site plan showing the location of the premises is attached at **Appendix B**.

3. CONSULTATION AND CUSTOMER IMPACT

- 3.1 The following were consulted:

Environmental Protection (EH)	Representation
Public	Representation
Police	No representation
Health Protection (EH)	No representation
Trading Standards	No representation

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Borough Councillors	No representation
Planning	No representation
Child Protection	No representation
Fire	No representation
Customs and Excise	No representation
Health	No representation

- 3.2 Representations have been received from Environmental Protection in Environmental Health and a resident in Crown Apartments, Dryland Street, Kettering whose property overlooks this premises. Copies are enclosed at **Appendix C(i) and (ii)**.
- 3.3 The Environmental Protection representation raises concerns about the selling of shots in the garden area until 04.30 and the potential alcohol related public nuisance that may occur as a result. Also the concern that speakers may be installed in the garden area and used until 04.30 with the potential for public nuisance. The resident's concerns relate to the close proximity of her premises to the garden of Pop Central and concerns about public nuisance which may arise.

4. POLICY IMPLICATIONS

- 4.1 This section highlights the sections of the Authority's 2015 - 2019 Statement of Licensing Policy that may be relevant with respect to this application, this is not exhaustive and the policy should be looked at fully prior to making decisions with respect to applications. The paragraph numbers are as shown in the Statement of Licensing Policy:-
- 1.4 The Licensing Authority in adopting this policy recognises both the needs of residents for a safe and healthy environment to live and work and the importance of safe and well run entertainment premises to the local economy and vibrancy of the area. However, the Council also recognises that balancing these interests will not always be straightforward and it will be guided by the four licensing objectives as set out in this policy.
- 1.5 This policy does not seek to undermine the right of any individual to apply under the Act for a variety of permissions and, as stated above, each application will be considered on its individual merits. Nor does the Policy seek to override the right of a person to make representations on an application or seek a review of a licence or certificate. However, this Council in adopting the policy is indicating that a wide range of considerations will be taken into account.
- 1.6 The Council will use its powers to promote best practice in relation to the operation of licensed premises and is committed to partnership working with responsible authorities, local businesses, licensed trade, residents and others to ensure that they have a clear understanding of the legislation.
- 2.11 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

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matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

- 2.12 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 behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 2.13 The Licensing Act 2003 is not the primary mechanism for the general control of nuisance and anti-social behaviour 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.
- 2.14 The objective of the licensing process is to allow for the carrying on of retail sales of alcohol 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.
- 2.18 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.
- 2.19 Licensing hours will not inhibit the development of a thriving and safe evening and night-time local economy which is important for investment and employment locally and beneficial to tourism without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration.
- 2.20 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.
- 6.4 It is important to note that crime and disorder are two separate elements of this objective. An authorisation can be considered by the Committee where crime alone has taken place and relevant representations are made.
- 4.2 Regard must also be had to the Section 182 guidance to the Licensing Act 2003, in particular :

9.36 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.37 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;

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- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

4.3 Section 17 of the Crime and Disorder Act 1998 requires that local authorities and others must consider crime and disorder reduction while exercising all their duties.

5. USE OF RESOURCES

5.1 There are no financial implications.

6. RECOMMENDATION

The committee's decision is requested.

Background Papers:

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes:

Ref:

Date: