

BOROUGH OF KETTERING

Committee	LICENSING SUB-COMMITTEE	Item A1	Page 1 of 5
Report Originator	Russ Howell	<i>Fwd Plan Ref No:</i>	
Wards Affected	All Saints	2 nd November 2017	
Title	To determine a new application for a premises licence for Rockingham Euromarket, 26-28 Rockingham Road, Kettering		

Portfolio Holder: Councillor Mark Dearing

1. PURPOSE OF REPORT

To determine a new application for a premises licence for Rockingham Euromarket, 26-28 Rockingham Road, Kettering.

2. INFORMATION

- 2.1 An application for a premises licence for Rockingham Euromarket, Rockingham Road, Kettering has been received. A copy of the review application is attached at **Appendix A**.
- 2.2 A street plan is attached showing the location of the premises. (**Appendix B**)
- 2.3 The premises licence application is for the sale of alcohol for consumption off the premises Monday to Sunday 08.00 – 23.00.
- 2.4 The application contains at Section 18 the steps the applicant intends to take to meet the licensing objectives which will be conditions on the licence.

3. CONSULTATION AND CUSTOMER IMPACT

- 3.1 In accordance with the requirements of current licensing legislation, a consultation on the application was carried out for 28 days.
- 3.2 The following representations were received:

Police	Representation
Health	Agreed conditions
Public	No representation
Child Protection	No representation
Trading Standards	No representation
Environmental Health	No representation

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Borough Councillors	No representation
Planning	No representation
Fire	No representation
Customs and Excise	No representation

- 3.3 The Police representation (**Appendix C**) relates to concerns that there is an association between the applicant and individuals involved in the sale of illegal tobacco at Maja Sklep, the licence of which has recently been considered by the Licensing Committee. The applicant has received a warning from Trading Standards for the sale of illegal tobacco while working at the aforementioned premises. During the police licensing officer's investigations relating to Maja Sklep, the applicant was filmed on body worn video in that premises. The mobile phone number given on the application form relates to one of the previous licensees at Maja Sklep.
- 3.4 The police believe that this application is to allow the continuation of the sale of illicit tobacco following the revocation of the Maja Sklep licence.
- 3.5 Northamptonshire County Council Public Health Team have agreed two conditions with the applicant which will be included should the licence be granted:
- a) The licensee will display at all times and in close proximity to all alcohol displays within the premises, the current alcohol guidelines produced by the UK Chief Medical Officer. The display content will be provided by the Public Health Team for display in A4 format.
- b) There will be no window display posters or similar advertising containing any reference to alcohol on the premises shop frontage or the highway abutting the premises.
- 3.4 Guidance issued under Section 182 of the Licensing Act 2003 states in relation to representations from the Police:

9.12 - In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area⁵. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

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3.5 In the guidance relating to reviews, the following statement is included:

11.27-There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- for the sale and distribution of illegal firearms;*
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;*
- for prostitution or the sale of unlawful pornography;*
- by organised groups of paedophiles to groom children;*
- as the base for the organisation of criminal activity, particularly by gangs;*
- for the organisation of racist activity or the promotion of racist attacks;*
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;*
- for unlawful gambling; and*
- for the sale or storage of smuggled tobacco and alcohol. (highlighted for the purposes of this report)*

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.

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- 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 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 *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 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.*
- 18.9 *This Licensing Authority also recognises that the promotion of the licensing objectives relies heavily on a partnership approach. The Council would encourage authorised persons and responsible authorities to give licence holders warning of their concerns about problems identified at premises and of the need for improvement. This Licensing Authority will advise licence holders that a failure to respond to such a warning may lead to a responsible authority requesting a Review.*
- 18.10 *This Licensing Authority will hold a hearing following a request for a Review from a responsible authority, from any other person or after closure procedures described earlier. This Licensing Authority will make the licence holder fully aware of the representations received together with supporting evidence in order for the licence holder or his legal representatives to be able to prepare a response.*

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18.11 *In determining a Review, this authority has a range of powers it may exercise where it considers them necessary for the promotion of the licensing objectives:*

- a) no action necessary as no steps required to promote the licensing objectives;*
- b) issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. This Licensing Authority regards such warnings as important mechanisms for ensuring that the licensing objectives are effectively promoted and any warning issued will be in writing to the licence holder.*
- c) to modify the conditions of the premises licence (including adding new conditions, altering/omitting an existing condition);*
- d) excluding a licensable activity from the licence;*
- e) remove the designated premises supervisor,*
- f) suspend the licence for a period of three months;*
- g) to revoke the licence.*

18.12 *This Licensing Authority in determining what action to take will seek to establish the causes of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be necessary and proportionate.*

4.2 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: