

Kettering Borough Council as the Licensing Authority wishes to make representation against this application.

The Licensing Authority is a responsible authority for the purposes of the Licensing Act 2003.

Section 4 of the Licensing Act 2003 provides the general duties of the Licensing Authority.

(1) A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives.

(2) 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.

(3) 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.

Section 9.13 of the Section 182 Guidance to the Licensing Act 2003 states:

Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.

The Licensing Authority believes that in this case it has a responsibility to make representation against this application in accordance with the paragraph above.

An application was previously submitted for these premises by Mr Lee Thorn which was considered by the Licensing Committee on 29 August 2019. On that occasion there were representations from Northamptonshire Police, Environmental Health and the Licensing Authority. Part of those representations referred to the fact that the applicant had failed to consider the licensing objectives in the licence application.

The committee’s decision was to refuse the application on that occasion.

The new application does now have steps to address the licensing objectives but the applicant has in the main literally copied the comments of those responsible authorities who previously made representations. There appears to have been no consideration of the content as, for example, there is reference to Challenge 21 and Challenge 25 which are two separate schemes which were given as examples to Mr Thorn in the letter from Trading Standards as schemes to manage age related sales. There is reference to noise monitoring but no indication of when, how and what levels or action are to be implemented.

Even though some steps to promote the Licensing Objectives have been completed on this application, this does not change the key grounds of the Licensing Authority's previous representation that there is evidence that the applicant has been operating the premises with no authorisations in place for the sale of alcohol and provision of music. This is despite both the proposed licensee and site manager (at the time) being directly advised that no authorisations were in place at the premises during the period prior to the previous hearing. Legal proceedings are currently being instigated for these matters.

There is no evidence to indicate that the premises have operated other than under the authority of a Temporary Event Notice since the last hearing.

In view of this the Licensing Authority is once again compelled to make a representation against this application as it does not believe that its key grounds for representation have in any way changed with this application. "Relevant representations" means representations which are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives,

The applicant has completed the Steps to Promote the Licensing Objectives on this occasion but the vast majority are directly lifted from the information provided by the responsible authorities at the time of the previous application and there are aspects where clearly the applicant has failed to recognise that examples have been given and there is a need for actual local policy in the matter. The Licensing Authority is concerned that lip service has been paid to this section of the application with no actual premises based risk assessment against the licensing objectives having been carried out by the applicant. There appears to be a lack of understanding of the importance of the licensing objectives. More significantly given the applicant's failure to comply with licensing legislation, the Licensing Authority is of the view that the applicant has no real respect or regard for the requirements of the licensing legislation and therefore the application should be refused.

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