

## BOROUGH OF KETTERING

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<b>Report Originator</b>	Russ Howell	<i>Fwd Plan Ref No:</i>	
<b>Wards Affected</b>	Pipers Hill Ward	18 <sup>th</sup> March 2013	
<b>Title</b>	<b>To determine an application for a new premises licence for Delicious Pizza Limited (t/a Domino's), 58 Rockingham Road, Kettering where relevant representations have been received.</b>		

**Portfolio Holder: Councillor Mary Malin**

### **1. PURPOSE OF REPORT**

To determine an application for a new premises licence for Delicious Pizza (Kettering) Limited (t/a Domino's), 58 Rockingham Road, Kettering where a relevant representation has been received.

### **2. INFORMATION**

2.1 An application for a new premises licence for Delicious Pizza (Kettering) Limited, 58 Rockingham Road, Kettering has been received. A copy of the application form is attached at Appendix A.

2.2 The application, from Delicious Pizza (Kettering) Limited, 58 Rockingham Road, Kettering, is for a premises licence for the provision of late night refreshment from Monday to Sunday between the hours of 23:00 and 0:00 hours on each day.

2.3 A street plan showing the location of the premises is at Appendix B.

2.4 The steps that the licensee intends to take to promote the licensing objectives in relation to this application are outlined at Section 18 of the application form.

### **3. CONSULTATION AND CUSTOMER IMPACT**

3.1 The following were consulted:

Police	No Representation
Borough Councillors	No Representation
Public	Representation
Planning	No Representation
Environmental Health	No Representation
Child Protection	No Representation
Fire	No Representation
Trading Standards	No Representation
Customs and Excise	No Representation
Health	No Representation



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- 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. It must however be recognised 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.
- 2.9 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 in town centres.
- 2.13 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.
- 2.14 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 relevant to the operating plan 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 necessary, 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).
- 2.15 In considering licensing hours this Licensing Authority will place significant emphasis on the individual merits of an application. This authority recognises the Government's view that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided so as to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which may lead to disorder and disturbance. The views of the Police and other agencies will be important in this consideration.
- 5.2 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.
- 5.3 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.
- 5.4 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

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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.

19.13 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.

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#### Background Papers:

Title of Document:

Date:

Contact Officer:

#### Previous Reports/Minutes:

Ref:

Date: