

BOROUGH OF KETTERING

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Report Originator	Russ Howell	<i>Fwd Plan Ref No:</i>	
Wards Affected	Queen Eleanor and Buccleuch Ward	25 th March 2013	
Title	To determine an application for a new premises licence for Boughton House and Grounds, Stamford Road, Kettering where relevant representations have been received.		

Portfolio Holder: Councillor Mary Malin

1. PURPOSE OF REPORT

To determine an application for a new premises licence for Boughton House and Grounds, Stamford Road, Kettering where relevant representations have been received.

2. INFORMATION

2.1 An application for a new premises licence has been received from Buccleuch Recreational Enterprises Limited for Boughton House, Kettering. A copy of the application form is attached at Appendix A.

2.2 The application is for a premises licence for the licensable activities and hours detailed below:

	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Plays	12.00 – 23.00	12.00 – 23.00	12.00 – 23.00	12.00 – 23.00	12.00 – 23.00	12.00 – 23.00	12.00 – 23.00
Films	12.00 – 00.00	12.00 – 00.00	12.00 – 00.00	12.00 – 00.00	12.00 – 00.00	12.00 – 00.00	12.00 – 00.00
Indoor Sport	08.00 – 00.00	08.00 – 00.00	08.00 – 00.00	08.00 – 00.00	08.00 – 00.00	08.00 – 00.00	08.00 – 00.00
Live Music				12.00 – 04.00	12.00 – 04.00	12.00 – 04.00	12.00 – 04.00
Recorded Music				12.00 – 04.00	12.00 – 04.00	12.00 – 04.00	12.00 – 04.00
Performance of Dance				12.00 – 04.00	12.00 – 04.00	12.00 – 04.00	12.00 – 04.00
Anything similar to above				12.00 – 04.00	12.00 – 04.00	12.00 – 04.00	12.00 – 04.00
Late Night Refreshment				12.00 – 04.00	12.00 – 04.00	12.00 – 04.00	12.00 – 04.00
Alcohol On and Off				12.00 – 04.00	12.00 – 04.00	12.00 – 04.00	12.00 – 04.00

2.3 The opening hours for events is described as midnight to midnight each day of the week.

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

2.5 The applicant has discussed with Northamptonshire Police and Kettering Borough Council, as both the relevant authority for public nuisance and public safety as well as the Licensing Authority, the content of Part M and has agreed to the revised document shown at Appendix B.

2.6 A plan of the area to be licensed is attached at Appendix C.

3. CONSULTATION AND CUSTOMER IMPACT

3.1 The following were consulted:

Police	No Representation
Borough Councillors	No Representation
Public	Representations
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

3.2 A number of representations have been received from residents in West street and Grafton Road, Geddington attached at Appendix D.

3.3 The key concerns appear to relate to traffic in West Street and Grafton Road, Geddington with some minor references to possible noise and crime issues.

3.4 All of those making representations have had sight of the relevant parts of the modified Part M which were not in the original application for viewing as shown in the e-mail strings with the representations. The contents of the modified Part M and the implications of these proposed conditions have also been discussed with Ms Jones by a representative of the applicant and Russ Howell of this Authority

3.5 Geddington Parish Council have also submitted a comment in respect of this application via the applicant as attached at Appendix E.

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4. POLICY IMPLICATIONS

4.1 This section highlights the sections of the statement of licensing policy that are most 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 :-

2.1 The Licensing Act 2003 makes it a duty for the local authority to carry out its functions under the Act with a view to promoting the four licensing objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance, and
- The protection of children from harm

2.2 The purpose of this Policy is to detail how this Authority will comply with that duty.

2.4 Licensing decisions will be made in accordance with the current legislation, case law, relevant guidance and in accordance with this policy.

2.5 No decision will be made which undermines the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.

2.6 Authorised persons, interested parties and responsible authorities, as defined in the Act, will have the right to make representations to the Licensing Authority on any application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.

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.

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- 2.11 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. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 2.12 This Licensing Authority recognises that the provision of entertainment is a major contributor to the economy of the District attracting tourists and visitors, and is a source of employment.
- 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.
- 2.16 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 attractive to domestic and international tourists 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. The legislation does not provide for standard closing times.
- 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 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.

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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.

Background Papers:

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes:

Ref:

Date: