

Kettering Borough Council

**Application for the review of a premises licence or club premises certificate under the
Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.
You may wish to keep a copy of the completed form for your records.

I Christopher Stopford, Environmental Services Manager, Kettering Borough Council

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the
premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description The Challenge Arms, 23 Eskdail Street	
Post town Kettering	Post code (if known) NN16 8RA

Name of premises licence holder or club holding club premises certificate (if known) Katherine Harper,
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Number of premises licence or club premises certificate (if known) K/13/24234

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Kettering Borough Council Environmental Health Service Municipal Offices Bowling Green Road Kettering Northamptonshire NN15 7QX
Telephone number (if any) 01536 410333
E-mail address (optional) chrisstopford@kettering.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

Failure of the premises to meet the primary licensing objective of the prevention of public nuisance

Please provide as much information as possible to support the application (please read guidance note 3)

On 12th February 2012, Kettering Borough Council received a complaint regarding loud amplified music from the Challenge Arms, 23 Eskdail Street, Kettering. Further complaints were received regarding incidents of loud music on the 14th February 2013, 16th February 2013, 22nd March 2013, and 28th March 2013.

On 28th March 2013, a neighbouring residential premise was visited in response to a complaint by Paul Baker, Night-time Enforcement Officer for Kettering Borough Council. He arrived at 20:26 hrs, and after listening to loud music within the neighbouring property was satisfied at 20:43 hrs that the noise constituted a statutory nuisance under the Environmental Protection Act 1990, and a public nuisance under the Licensing Act 2003.

Further complaints regarding loud music were received on 29th March 2013, 31st March 2013, and 1st April 2013.

On 28th March 2013, the premises licence was transferred to Katherine Harper, 8 Bellway Close, Kettering, Northamptonshire NN16 9EH, and transfer of the designated premises supervisor to Katherine Harper, licence number 08KH-34UE-301 issued by Kettering Borough Council.

On 2nd April 2013, Paul Baker, in response to the incidents on the 28th March 2013, served noise abatement notices under the Environmental Protection Act 1990 on Mr Huseyin Ozzengin, the premises licence holder; and Mr Ibrahim Sal, the designated premises supervisor. At this time Paul Baker, was unaware of the premises licence transfer and variation of designated premises supervisor issued on the 28th March 2013.

On 5th April 2013, Alex Gratrix, Team Leader (Environmental Protection) and PC Kev Murphy of Northamptonshire Police met with Katherine Harper of the Challenge Arms and discussed the noise abatement notices served on 2nd April 2013 on Mr Huseyin Ozzengin and Mr Ibrahim Sal. Mrs Gratrix was advised that Katherine Harper was employed from the 27th March 2013 to run the Challenge Arms on behalf of the new owner Martin Newman. The noise complaints regarding the premises were discussed, and Katherine Harper was advised that a noise abatement notice and a review of the premises licence were likely if the situation did not improve.

Further complaints regarding loud music were obtained on the evening of the 5th April 2013.

On the 8th April 2013, as a result of the meeting on the 5th April, Katherine Harper as the premises licence holder and designated premises supervisor for the Challenge Arms was served an abatement notice under the provisions of the Environmental Protection Act 1990 for allowing a statutory nuisance to occur as a result of loud music from the Challenge Arms, as witnessed by Paul Baker on the 28th March 2013 a day after which Katherine Harper had become the premises licence holder, and designated premises supervisor.

Further complaints regarding loud music were received on 14th April 2013, 19th April 2013, 22nd April 2013, 23rd April 2013, 27th April 2013, 12th May 2013, 17th May 2013, 23rd May 2013, and 6th June 2013.

On 6th June 2013, Paul Baker visited the neighbouring residential premises and witnessed a loud music within the neighbouring property which was considered to be a statutory nuisance, in breach of the noise abatement notice served on the 8th April 2013, and a public nuisance in breach of the prevention of public nuisance licensing objective.

Further complaints regarding loud music were received on 8th June 2013, 13th June 2013, 14th June 2013, 15th June 2013, 20th June 2013, 21st June 2013, 22nd June 2013, and 27th June 2013.

On 27th June 2013, Paul Baker visited neighbouring residential premises and witnessed loud music

within the neighbouring property which was considered to be a statutory nuisance, this being a further breach of the noise abatement notice served on the 8th April 2013, and a further incident of public nuisance in breach of the prevention of public nuisance licensing objective;

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 1st July 2013

Capacity Environmental Services Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Mr Chris Stopford – Environmental Services Manager Kettering Borough Council Bowling Green Road	
Post town Kettering	Post Code NN15 7QX
Telephone number (if any) 01536 410333	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) chrisstopford@kettering.gov.uk	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.