

BOROUGH OF KETTERING

Committee	Licensing Sub-Committee	Item A1	Page 1 of 4
Report Originator	Russ Howell	<i>Fwd Plan Ref No:</i>	
Wards Affected	St Michaels and Wicksteed	16 th August 2017	
Title	To determine an application for variation of a premises licence for Wicksteed Park, Barton Road, Kettering where representations have been received.		

Portfolio Holder: Councillor Mark Dearing

1. PURPOSE OF REPORT

To determine an application for variation of a premises licence for Wicksteed Park, Barton Road, Kettering where representations have been received.

2. INFORMATION

- 2.1 An application to vary a premises licence has been received for Wicksteed Park, Barton Road, Kettering
- 2.2 A copy of the application is attached at **Appendix A** and include the steps proposed by the applicant to ensure that the licensing objectives are met.
- 2.3 The application is to make the following variations to the existing licence:
- To allow the sale of alcohol from a shop on the campsite which will be open between the hours of 07.00 and 11.00 and 16.00 and 20.00 every day. The shop will be provided to service the campsite only.
 - Change the names of two premises identified on the licence within the Park.
 - Extend the hours of sale of alcohol in the Pavilion only from Sunday to Thursday 11.00 to 23.00 and Friday and Saturday 11.00 – 23.30 to 10.30 to 02.00 every day
 - Extend the hours for live music in the Pavilion only from Sunday to Thursday 10.30 – 23.00 and Friday and Saturday 10.30 – 23.30 to Monday to Sunday 10.30 – 00.30.
 - Extend the hours for recorded music in the Pavilion and Celebration Suite only from Sunday to Thursday 09.30 – 23.00 and Friday and Saturday 09.30 – 23.30 to Monday to Sunday 09.00 – 02.00.
The original application allowed for live and recorded music outside but this was removed by the applicant as shown in the email dated 17 July 2017 (Appendix)
 - To extend late night refreshment hours from Monday – Sunday 23.00 – 23.30 to Monday to Sunday 23.00 – 00.30.

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- 2.4 A site plan showing the location of the premises where the variations take effect is attached at **Appendix B**.

3. CONSULTATION AND CUSTOMER IMPACT

- 3.1 The following were consulted:

Public	Representation
Police	No representation
Environmental Protection (EH)	No representation
Health Protection (EH)	No representation
Trading Standards	No representation
Borough Councillors	No representation
Planning	No representation
Child Protection	No representation
Fire	No representation
Immigration Enforcement	No representation
Health	No representation

- 3.2 Planning have identified that the campsite shop may require planning permission before it can operate.
- 3.3 Representations have been received from residents living adjacent to the park. Copies of the representations are attached at Appendix C(i) to C
- 3.4 Environmental Health have no records of any noise complaints relating to the Park in the last five years
- 3.5 The Police Licensing Team have no record of any incidents relating to licensable activities on the site.
- 3.6 Concerns raised relate to anti social behaviour resulting from excessive alcohol consumption, noise and public nuisance from events in the Park into the early hours of the morning and noise from visitors to the Park leaving the site in the early hours of the morning.
- 3.7 Some representations also make reference to incidents and behaviour which may not be linked to the premises licence. The Committee must consider the representations in relation to the licence application; not behaviours or matters which may result irrespective of the licence and the variations applied for.

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

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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.
- 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 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.
- 2.14 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. This Licensing Authority wishes to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 2.18 In considering licensing hours this Licensing Authority will place significant emphasis on the individual merits of an application. In addition, the views of the Police and other agencies will be important in this consideration.
- 2.19 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 beneficial to tourism 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.

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2.20 Shops and public houses will generally be permitted to sell alcohol during the hours they intend to open. Entertainment providers will be encouraged to provide a range of entertainment during their operating hours and to promote live music, dancing and theatre for the wider cultural benefit of the community. Individual applicants should address the licensing objectives in their operating schedule within the context of the nature of the location, type of premises, entertainment to be provided, operational procedures and the needs of the local community.

6.4 It is important to note that crime and disorder are two separate elements of this objective. An authorisation can be considered by the Committee where crime alone has taken place and relevant representations are made.

4.2 Regard must also be had to the Section 182 guidance to the Licensing Act 2003, in particular :

9.36 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation.

9.37 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

4.3 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:

Previous Reports/Minutes:

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