

David Pope

From: Russ Howell
Sent: 31 July 2019 16:17
To: Licensing Unit (licensingunit@east-northamptonshire.gov.uk); Health Protection;
David Bryan
Subject: The Gin Palace and Old Bakehouse Licence application (19/01917/LAPNEW)

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.

The application contains no proposals as to what steps the licensee proposes to take to promote the licensing objectives. Section 8.42 of the Section 182 Guidance to the Licensing Act 2003 states:

Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard

conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

The proposed venue is located within a small town centre with a number of other licensed premises in the area and close to residential premises. It is therefore inconceivable that there are no steps required to ensure promotion of the licensing objectives for this application.

The Licensing Authority has evidence that this premises has been operating in breach of the Licensing Act 2003 prior to and during the application process with no authorisations in place most of the time for the sale of alcohol and provision of music. This is despite both the proposed licensee and site manager being directly advised that no authorisations were in place at the premises during this period. These matters are currently under investigation with a view to taking legal proceedings.

In view of this the Licensing Authority is compelled to make a representation against 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,

Given the applicant's failure to propose any steps intended to promote the licensing objectives and an already flagrant disregard for licensing legislation, the Licensing Authority is of the view that the applicant has no intention to promote the licensing objectives if given a premises licence and therefore the application should be refused.

I attach extracts from the website for the Gin Place in support of this representation.



spirits.pdf



cocktails.pdf



wine.pdf



music.pdf

Russ Howell
Health Services Manager – Public Services

☎ Telephone Direct: 01536 534323 Switchboard: 01536 410333 Fax: 01536 410795

:Email: <mailto:russhowell@kettering.gov.uk> Website: www.kettering.gov.uk

📍 Address: Kettering Borough Council, Environmental Health, Bowling Green Road, Kettering, NN15 7QX

www.twitter.com/KetteringBC



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