BOROUGH OF KETTERING

Committee	LICENSING	Item A2	Page 1 of 4
Report Originator	Russ Howell	Fwd Plan Ref No:	
Wards Affected	William Knibb	18th March 2013	
Title	To seek approval to vary a committee decision concerning premises licence conditions – Cocoon, 64 – 70 Gold Street, Kettering		

1. PURPOSE OF REPORT

To seek approval to vary a committee decision concerning premises licence conditions – Cocoon, 64 – 70 Gold Street, Kettering

2. INFORMATION

2.1 On 20 September 2012, the Licensing Committee considered an application for review of the premises licence for Cocoon, 64-70 Gold Street, Kettering. The decision of the committee is attached at Appendix D.

2.2 The decision included a one month suspension of the licence and a number of new conditions.

2.3 The licence holder lodged an appeal against that decision which has still to be heard by the Courts.

2.4 The premises has recently suffered significant internal damage as a result of a break in and vandalism, requiring the premises to be closed in the short term. The licence holder is willing to implement the suspension while the premises are closed for repairs.

2.5 Negotiations have also been ongoing between the licence holder and this Authority to review the wording of a number of the conditions.

2.6 The following revised conditions have been proposed. It is felt that the new wording maintains the requirements of the original committee decision but provides clarity of interpretation for all parties concerned:

1.3.2 - With the exception of persons aged between 16 and 18 who are employed on the premises, no person under the age of 18 shall be present when alcohol is being sold.

1.3.3 - During all trading hours there shall be a member of staff holding a personal licence at every bar where alcohol is being sold.

1.3.5 - At least one member of the exterior door staff shall be equipped with a fully functioning video recording body camera whilst the premises are trading and open to the public. Recordings shall be retained in the same manner as CCTV recordings and made available to the Police and Licensing Authority on demand. This condition shall not apply if the DPS or licensee has notified the

police by email that the body camera has malfunctioned. In the event of malfunction, the body camera shall be repaired or replaced as soon as reasonably practicable as agreed with the police.

2.6   If the Committee is amenable to these changes to their decision then the appeal can be withdrawn and the amended conditions can be implemented.

2.7   District Law has advised that there is no legal impediment to bringing this matter back before the committee in order to amend certain conditions in the interests of practicality and with the consent of all parties. District Law has advised that should the appeal proceed, the appellant would probably be successful in having the conditions amended as above. District Law has also advised that the 28 day suspension may be lifted should the appeal proceed, provided the appellant can show to the satisfaction of the Court that it has taken steps to implement all of the conditions imposed upon the premises licence on 20th September 2012. This may have cost implications for the Authority.

3.   CONSULTATION AND CUSTOMER IMPACT

3.1   Northamptonshire Police has been contacted concerning this approach and is supportive of these changes.

4.   POLICY IMPLICATIONS

4.1   None

5.   FINANCIAL/RESOURCE IMPLICATIONS

5.1   If these amendments can be agreed then the licence holder will withdraw their appeal from the Courts with the subsequent savings to this Authority on legal costs.

6.   RECOMMENDATION

The Committee's decision is requested

Background Papers: Previous Reports/Minutes:

Title of Document:

Licensing Act 2003
Section 182 Guidance to the Licensing Act 2003
Kettering BC Statement of Licensing Policy   Ref: None

Date: Date:
Contact Officer: Russ Howell