

NORTHAMPTON BOROUGH COUNCIL

ALCOHOL & GAMBLING LICENSING SUB-COMMITTEE

Your attendance is requested at a meeting to be held at The Council Chamber, The Guildhall, St. Giles Square, Northampton, NN1 1DE on Wednesday, 18 September 2019 at 10:00 am.

George Candler
Chief Executive

AGENDA

1. ELECTION OF CHAIR
2. DECLARATIONS OF INTEREST
3. BUSINESS
4. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005

To consider whether the Committee should exclude the public from all or part of the hearing during consideration of any item listed above if the Panel believe that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public, in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

5. NEW GRANT PREMISES LICENCE APPLICATION
(Copy herewith)

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NEW GRANT PREMISES LICENCE APPLICATION – Alcohol & Gambling Licensing Sub-Committee Wednesday 18th September 2019

1.0 Purpose of Report

- 1.1 To consider an application for the new grant of a premises licence in relation to Bar Café Milano, 152 Wellingborough Road, NN1 4DT.

2.0 Summary

- 2.1 An application for the new grant of a premises licence was submitted by FJF Licensing Solutions on behalf of the proposed licence holder and designated premises supervisor, Mr Arber Alliu. The online application was received by Northampton Borough Council on the 26th July 2019.

As part of the application's operation schedule, the applicant has also submitted a number of steps that the licence holder has agreed to implement in order to promote the licensing objectives. **Appendix A**

3.0 Application Details

- 3.1 The application was submitted with the intention to licence the premises in order to trade as a small café comprising of a sales counter, seating and dining areas, kitchen, toilet and office. There is also an outside area at the rear of the premises where customers can sit and consume their refreshments.
- 3.2 The licensable activities and times requested on the application are for the following:

Sales of Alcohol for consumption On the premises:

Monday – Sunday 11:00 – 23:00 Midnight

Opening Hours:

Monday – Sunday 07:30am – 23:30

- 3.3 The proposed Designated Premises Supervisor is:

Mr Arber Alliu

Personal Licence Number: PA3252

Issuing Authority: Northampton Borough Council

4.0 Consultations/Representations

- 4.1 When a request for the new grant of a premises licence or club premises certificate is received, the applicant must display a notice at or near the premises and serve a copy of the application onto the responsible authorities. For electronic applications it is a requirement of the local authority to serve a copy of the application onto the responsible authorities.

This gives responsible authorities and interested parties the opportunity to make representations in relation to the application for a period of 28 calendar days. The last date for making a representation was the 23rd August 2019.

- 4.2 The obligatory notice was displayed on the premises as verified by local authority officers on the 1 August 2019 and published in a local newspaper on the 1 August 2019. **Appendix B**
- 4.3 The Licensing Department has received five representations, three from members of the public, one from the planning department as a responsible authority and one from the local authority assets management department as the landlord and interested party. **Appendix C**
- 4.4 Environmental Protection have considered the application pertinent to the licencing objective of the prevention of public nuisance and have agreed conditions with the applicant as detailed in **Appendix D**.

5.0 Attendance

- 5.1 The local authority is required to send a notice of hearing to all interested parties and request confirmation of attendance. A notice of hearing was sent to the following persons on the 3rd September 2019.

Member/s of Public – confirmation of attendance pending

Agent - Frank Fender FJF Licensing Solutions – Confirmed Attendance

Applicant & DPS – Arber Alliu – confirmed Attendance

Interested Party – Asset Management James Hall – confirmation of attendance pending

Responsible Authority – Tammara Roberts Planning – confirmation of attendance pending

6.0 Plan of Premises Layout & Location

Plan and Location map attached **Appendix E**

7.0 Options

- 7.1 At the end of the consultation period the licensing authority must hold a hearing. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and,
- the protection of children from harm.

The steps the Sub-Committee can take are to:

- reject the application;
- grant the licence subject to modifying the conditions of the licence, excluding the mandatory conditions, (a condition is modified if it is altered or omitted or any new is condition added);
- refuse to specify an individual as a designated premises supervisor; or
- exclude from the scope of the licence any of the licensable activities to which the application relates.

8.0 Policy Considerations

8.1 Statement of Licensing Policy

8.2 s.182 Guidance Licensing Act 2003

Section 9 gives guidance for determination of this application.

Sections 8 & 10 highlight the elements of the Guidance that are most relevant with respect to this application. This is not exhaustive and guidance should be considered fully prior to making decisions with respect to applications. Officers will advise members of any specific provisions which are relevant to the issues raised at the hearing.

9.0 Committee

Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

Appendix No	Title
A. B. C. D. E.	Application & Conditions of Operating Schedule Public Notice Representations Agreed EH conditions Premises Plan and Location map
Report Author	Louise Faulkner Licensing Team Leader

Appendix A – (section 1 contains restricted personal data)

Section 2 of 21	
PREMISES DETAILS	
I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.	
Premises Address	
Are you able to provide a postal address, OS map reference or description of the premises?	
<input checked="" type="radio"/> Address <input type="radio"/> OS map reference <input type="radio"/> Description	
Postal Address Of Premises	
Building number or name	<input type="text" value="Bar Cafe Milano"/>
Street	<input type="text" value="152 Wellingborough Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Northampton"/>
County or administrative area	<input type="text" value="Northamptonshire"/>
Postcode	<input type="text" value="NN1 4DT"/>
Country	<input type="text" value="United Kingdom"/>
Further Details	
Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="9,400"/>

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes
- No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes
- No

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

Continued from previous page...

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Premises is a small cafe bar comprising of a sales counter, seating and dining areas, kitchen, toilet and office. There is also an outside area at the rear of the premises where customers can sit and consume their refreshments.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

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Continued from previous page...

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on
the premises select on, if the sale of alcohol
is for consumption away from the premises
select off. If the sale of alcohol is for
consumption on the premises and away
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

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TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY	Start	<input type="text" value="07:30"/>	End	<input type="text" value="23:30"/>
	Start	<input type="text"/>	End	<input type="text"/>
SATURDAY	Start	<input type="text" value="07:30"/>	End	<input type="text" value="23:30"/>
	Start	<input type="text"/>	End	<input type="text"/>
SUNDAY	Start	<input type="text" value="07:30"/>	End	<input type="text" value="23:30"/>
	Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

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Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale. This training must be completed prior to them being authorised to sell alcohol and refreshed every 12 months as a minimum. A record of this training must be kept and maintained with a copy of the syllabus attached. The recipient of the training must sign to state they have received and understood the training and this should be dated.

Training records must be kept on the premises at all times and made available for inspection to an officer from a responsible authority upon reasonable request.

b) The prevention of crime and disorder

A fully working and maintained CCTV system capable of recording and storing images must be installed on the premises. The system must record at all times the premises are open to the public and images must be stored for a minimum of 28 days with date and time stamping. As a minimum, this must cover all entry and exit points, both sides of all areas where the sale/supply of alcohol takes place.

A person conversant with the retrieval and downloading of CCTV footage must be present on the premises at all times it is open to the public.

All recordings must be made available to an officer from a Responsible Authority upon reasonable request and in line with the provisions of the current data protection legislation.

Door supervisors will be employed at the premises based upon a threat and risk assessment performed by the premises management and a decision as to whether to employ door supervisors or not will be documented to the venues' written risk assessment including any rationale as to why the decision was reached. A copy of this risk assessment document should remain at the premises and be made available to an officer from a local authority upon reasonable request.

On any occasion where door supervisors are employed, they must sign in on a register at the commencement of every duty. This register will contain the name, date of birth and full 16 digit SIA badge number of each door supervisor who is on duty. The register must be fully maintained and kept on the premises at all times and must be made available to an officer from a Responsible Authority upon reasonable request. Records must be retained for at least 6 months.

On any occasion where door supervisors are employed at the venue, they will wear hi-visibility outer garments at all times when working both inside and outside the venue.

The premises will have a documented drugs policy which has been agreed between the management and Northamptonshire Police. This document will be retained on the premises and made available to an officer from a Responsible Authority for inspection upon reasonable request.

All persons working on the premises, whether on a casual / trial / permanent basis will have their right to work checked prior to undertaking any duties including training on the premises. Records of these checks will be maintained and kept on the premises at all times including photocopies of the right to work documentation provided by that person. These records will be retained for no less than six months after the person ceases to work on the premises and will be produced to an officer from a responsible authority immediately when requested.

No items are to be kept within the service area for the purposes of the intimidation of or use on any other person.

At no time whilst the premises are open must a sharp implement be taken into the customer area by a member of staff or other person going about their business in the premises. All sharp implements are to be kept within the confines of the area used for preparing food only. For clarity cutlery for the purposes of consuming food is not included in this definition.

c) Public safety

Staff shall be trained in respect of the fire risk assessment for the premises.

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A first aid box shall be retained at the premises.

d) The prevention of public nuisance

Notices will be prominently displayed at the exits requesting customers to leave the premises quietly, respecting local residents.

A notice shall be prominently displayed in the outside areas requesting customers to use those areas quietly, respecting local residents.

The outside area shall not be used after 2100hrs on any given day, with the exception of those persons who wish to use the area to smoke.

No refreshments of any description shall be taken to, or consumed in the outside area after 2100hrs on any given day

e) The protection of children from harm

The premises will operate and adhere to an age verification scheme with the minimum standard of Challenge 25. Signs advertising this policy must be displayed in all areas where alcohol is for sale.

A refusals register will be kept on the premises and shall record any incidents involving the refusal of a sale of alcohol due to age or drunkenness. The register shall be made available to an officer from the local authority for inspection upon reasonable request.

No child under the age of 16yrs old shall be permitted to be on the premises after 21:00hrs except where they are part of a pre-booked event and supervised by a person aged no less than 21yrs old.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

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If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £87000 £315.00

Band D - £87001 to £125000 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

Continued from previous page...

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK. The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Frank Fender

* Capacity

Authorised Licensing Consultant

* Date

26 / 07 / 2019
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

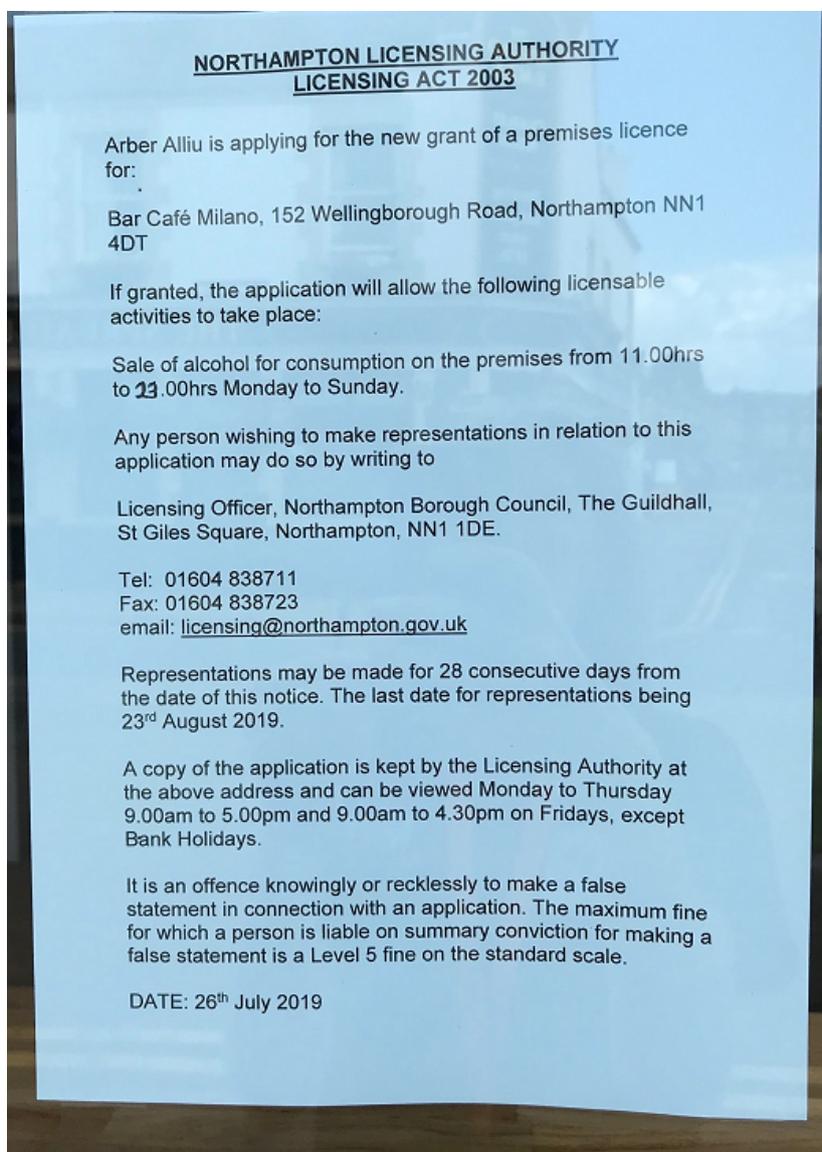
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/northampton/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Appendix B



Appendix D - Environmental Health Agreed Conditions

From: Louise Marshall
Sent: 23 August 2019 12:25
To: 'Frank Fender' <frank@fjflicensingsolutions.co.uk>
Subject: RE: Bar Cafe Milano

Dear Frank

Further to your email I confirm that 2000hrs will be acceptable.

I will confirm with our Licensing Team that the conditions you suggested on the original application under the heading Public Nuisance should be included on the licence but I will amend the times from 21:00hrs to 20:00hrs.

As I think you are aware, the situation regarding permission to use the external area is being investigated by colleagues here so this may ultimately affect the use of this area as part of the licence.

Please let me know if you need any more information.

Kind regards,
Louise

Louise Marshall | Senior Environmental Health Officer

01604 837661

Customers and Communities | Northampton Borough Council | The Guildhall | St Giles Square | Northampton | NN1 1DE | 0300 330 7000

From: Frank Fender [<mailto:frank@fjflicensingsolutions.co.uk>]
Sent: 16 August 2019 10:21
To: Louise Marshall <lmarsshall@northampton.gov.uk>
Subject: Re: Bar Cafe Milano

Good morning Louise

I have discussed the proposed use of the outside area of the premises with my client.

You are correct when you say that I was probably not aware that the land at the rear of the premises is owned by the Council. I discussed this with my client, and he told me that the landlord of the property had been communicating with the council and apparently gave permission for its use. My client has not been in any discussion with the council, it was all down to the landlord.

In any event, I am sure the council will make the necessary contact in respect of its use, and hopefully a satisfactory arrangement will follow.

In relation to your proposal about the outside area not being used after 1800 hrs instead of the applied for 2100 hrs, to prevent a nuisance, my client advises that the residents of the properties at the rear of his cafe create much noise themselves, and that he does not believe that the customers of his cafe would add to any nuisance that already exists.

He would therefore ask that instead of 2100 hrs, would you be agreeable to 2000 hrs? Obviously the use of this area would be seasonal - no-one is going to sit outside in the winter months, and he believes 2000 hrs would be more appropriate if you are against the 2100 hrs.

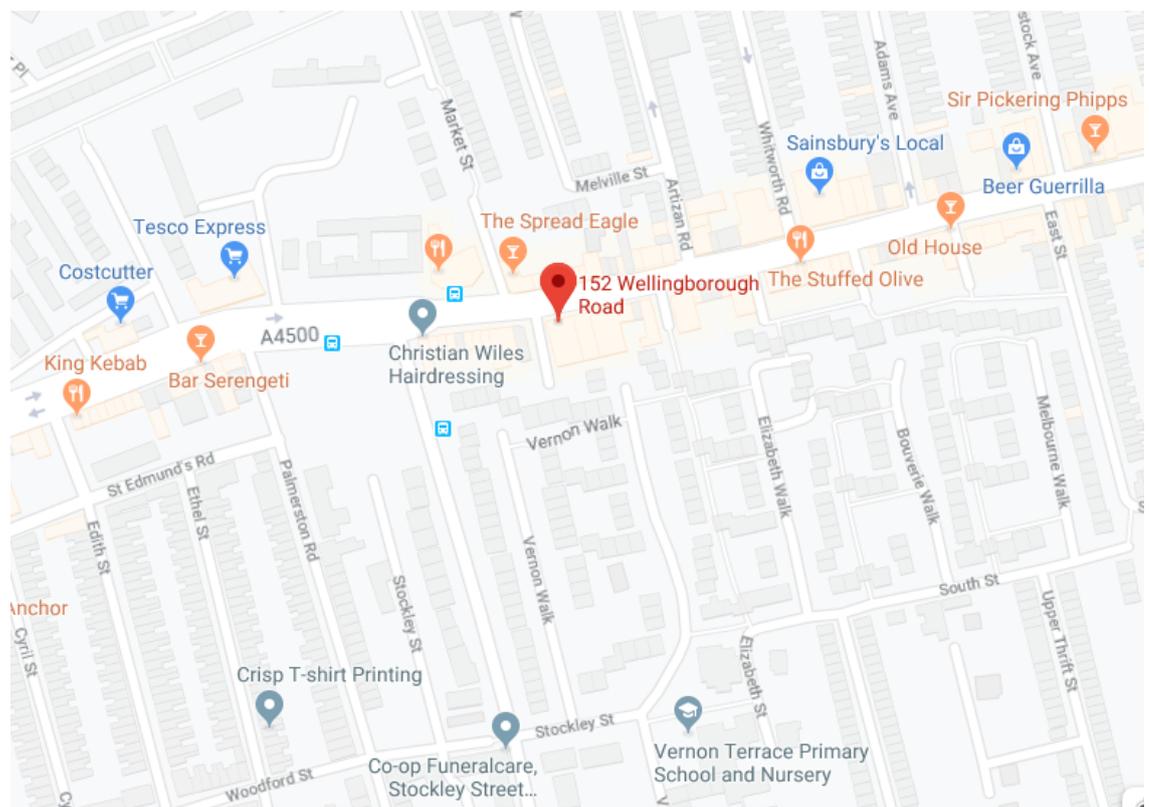
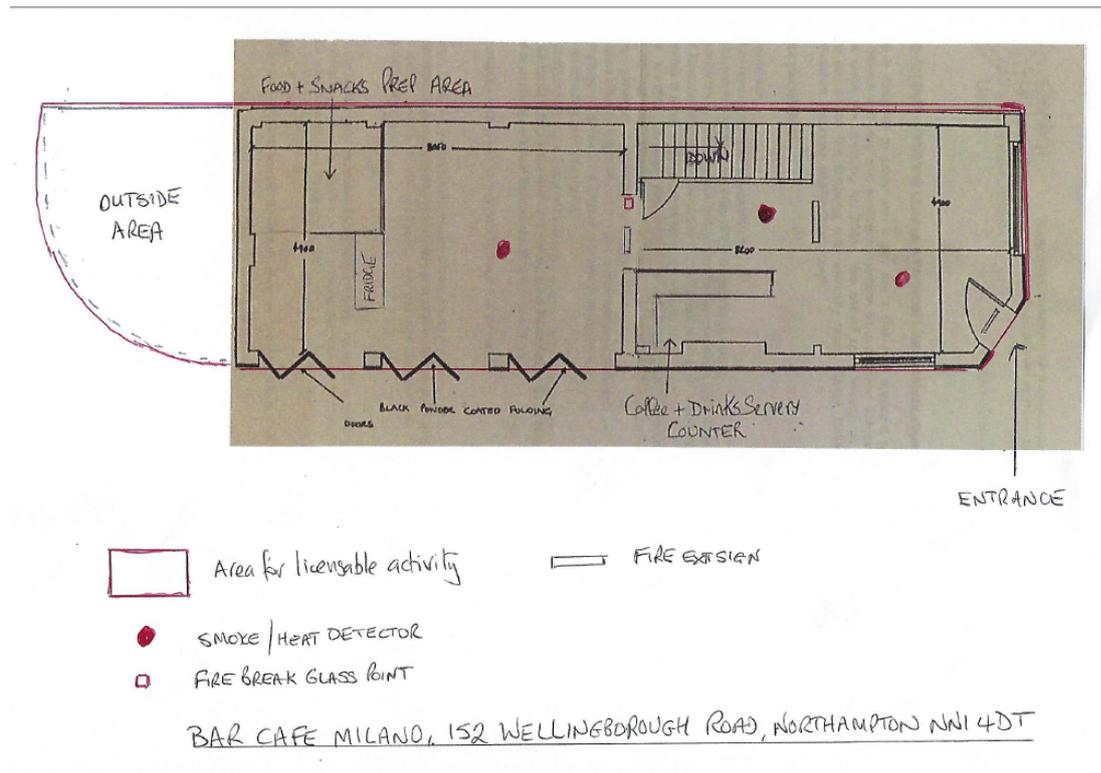
Please let me know if this can be agreed.

Kind regards

Frank

Frank Fender
FJF Licensing Consultants

Appendix E





Member of Public 1

Sent: 21 August 2019 16:23

To: Licensing <licensing@northampton.gov.uk>

Subject: Bar cafe milano

Dear sir or madam.

I am writing to you to oppose the licence application to sell alcohol at bar cafe Milano. I oppose the licence as I am a local resident and am concerned about the anti social behaviour from the customers.

There is already lots of noise and whenever i have to walk past there are a large number of males blocking the footpath and they can be quite intimidating when I am alone.

I look forward to hearing from you regarding the outcome of the matter.

Member of Public 2

To: Licensing <licensing@northampton.gov.uk>

Sent: 21/08/2019 13:31:21

Subject:Bar Cafe Milano 152 Wellingborough Road

Dear Sir/Madam,

I would like to oppose the application from the owner of Bar Cafe Milano of 152 Wellingborough Road, Northampton for the sake of alcohol consumption from 11am until 11pm Monday to Sunday.

I oppose this application as I live in the cafe which is already causing a nuisance to local residents. They have an outside seating area which does not have planning permission and is on land owned by Northampton Borough Council. Most evenings if residents walk up to that area, it is full of cars parked by customers of the cafe on the double yellow lines, there are large groups of males sitting and standing outside smoking and can be quite intimidating for residents when walking past. I know lots of female residents who now avoid walking past the cafe and will often take a longer route when walking to the Wellingborough Road.

The area is noisy and I was very disappointed to see only one small A4 sized sheet of paper in the front window informing people of their application. There are no notices on the side of the property in Vernon Street and no residents nearby have been informed. I only found out about the application after a telephone call from a gentleman at the council today after I questioned if the cafe had planning permission for their outside area.

I strongly oppose the application and I question if local residents have been informed enough and if they can be given more time to oppose the licence?

Member of Public 3

To: Licensing <licensing@northampton.gov.uk>
Sent: 21/08/2019 16:55:21
Subject:Cafe Milano

Dear Sir or Madam,

I would like to STONGLEY Oppose, to the late licence.
We live on the Estate near the CafÃ© , We have too many cars parking and the noise will be horrendous late at night with car doors banging and people shouting.
Also loud music.

From: Tamara Roberts <troberts@northampton.gov.uk>
To: Louise Faulkner <lfaulkner@northampton.gov.uk>
CC: James Willoughby <jwilloughby@northampton.gov.uk>, James Hall <JHall@northampton.gov.uk>
Sent: 23/08/2019 12:44:23
Subject:152 Wellingborough Road

Attachments:

(1) image001.png (15 B)

Dear Louise

I refer to the License application for the above site.

I would like to advise you that planning permission has not been granted for the change of use of the land to the rear of the site from open amenity space to paved area for tables and chairs. The planning department formally objects to this proposal as we have not been given the opportunity to formally determine the suitability of the scheme and consult with local residents.

If you require any further information please do not hesitate to let me know.

Regards

Tamara Roberts
Planning Enforcement Officer
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

Direct Dial 01604 837842
Mobile 07769 952690 (9am to 4pm)

From: James Hall <JHall@northampton.gov.uk>
To: Licensing <licensing@northampton.gov.uk>
Sent: 23/08/2019 12:23:23

Subject:Application Number 064088: Bar Cafe Milano, 152 Wellingborough Road NN1 4DT

Dear Sirs,

I write further to the application pending for a premises licence with alcohol.

By way of background, Northampton Borough Council (NBC) is the owner of:

- Part of the land included within the above application, and
- Other land, and residential properties, located nearby and known as Bouverie Housing Estate

Please accept this email as confirmation that NBC, as a land owner, wishes to lodge an objection:

In order to prevent public nuisance but only insofar as the application includes an external area to the rear of 152 Wellingborough Road.

Incidentally, NBC has not consented to the use of any part of its land by the operator of Caf  Bar Milano.

Yours faithfully

James Hall
Estates Officer

For and on behalf of:
Asset Management
Northampton Borough Council

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