1 Purpose of Report

1.1 To obtain the sub-committee’s decision in respect of an application for a variation to the premises licence for The Castle, Castle Way Wellingborough.

2 Executive Summary

2.1 This report sets out the background to the issue and invites the sub-committee to determine the application.

3 Appendices

3.1 Appendix A – Application to vary a premises licence

3.2 Appendix B – Representation received from an interested party

4 Proposed Action:

4.1 The Sub-Committee is invited to RESOLVE to decide whether the variation to the licence should be granted.

5 Background

5.1 The applicant has submitted an application for a variation to their premises licence under the Licensing Act 2003, to extend the opening hours and the hours for regulated entertainment.

5.2 The application is attached within Appendix A.

5.3 One representation has been received from an interested party, objecting to the licence on the grounds that the licensing objective, as prescribed by Section 4(2) (C) of the Act, is not likely to be met. The relevant licensing objective is:

- The prevention of public nuisance

5.3 No representations have been received from any responsible authorities.

6 Discussion

6.1 The application is to extend the opening hours for the premises; the retail sale of alcohol; the playing of live and recorded music; provision for dancing and late night refreshment.
6.2 If granted the application will allow the premises to extend their opening hours from 1am until 2.30am and the hours for the above regulated activities from 12am until 2am.

6.3 One representation has been received against the application. The person making the representation is concerned that if the licence is granted noise nuisance will be caused. A copy of the representation is included within Appendix B. The complainant also noted that the required blue notices were incorrectly displayed. The consultation process was therefore restarted and the applicant was asked to display additional blue notices.

6.4 No representations were received from the Responsible Authorities – Police, Environmental Health, Fire & Rescue Service, Child and Adult Services, Planning, or Child Protection.

6.5 Chapter 9 of the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State provides guidance on the powers of the licensing authority on the determination of applications.

6.6 Chapter 10 of the Secretary of State’s Guidance provides advice and recommendations in respect of conditions which may be imposed on a premises license where they are appropriate for the promotion of one or more of the four licensing objectives. Conditions may not be imposed for any other reason.

6.7 Whilst having regard to the information provided by the applicant, the representation and also Borough Council of Wellingboroughs Statement of Licensing Policy, the Sub-Committee’s decision must be made with a view to promoting one or more of the four licensing objectives, namely:
(a) the prevention of crime and disorder;
(b) public safety;
(c) the prevention of public nuisance; and
(d) the protection of children from harm.

6.8 Relevant sections of the Statement of Licensing Policy, with respect to this application are listed below. The below list is not exhaustive and the policy should be considered fully prior to making decisions with respect to applications:-

11.3 In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.

11.4 Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place.
7 **Legal Powers**

7.1 Schedule 5, Part 1 of the Act prescribes that the decision of the Licensing Authority (the Council) in determining an application for a Premises Licence may be appealed by:-
- the applicant
- the holder of the Premises Licence
- any other person who made representations in relation to the application

8 **Financial and Value For Money Implications**

8.1 There are no financial implications to the authority in relation to this report.

9 **Risk Analysis**

9.1 Normally a risk table is completed for any report setting out a proposed course of action. This is not appropriate here so the table has not been completed.

10 **Implications for Resources**

10.1 Officer time in giving effect to the decision of the Sub-Committee.

11 **Implications for Stronger and Safer Communities**

11.1 There are no such implications arising from this report.

12 **Implications for Equalities**

12.1 There are no such implications arising from this report.

13 **Author and Contact Officer**

13.1 Amanda Wilcox, Principal Environmental Health Manager

14 **Consultees**

14.1 Matt O'Donnell, Team Leader Health Protection

15 **Background Papers**

15.1 None
Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference Not Currently In Use

Your reference Castle Premises License

Are you an agent acting on behalf of the applicant?

- Yes
- No

Applicant Details

* First name Amy

* Family name McGinlay

* E-mail amy@castletheatre.co.uk

Main telephone number (+44)01933 510154

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

Applicant Business

Is your business registered in the UK with Companies House?

- Yes
- No

Is your business registered outside the UK?

- Yes
- No

Business name Borough Council of Wellingborough

VAT number GB 121508804

Legal status Public Body

Note: completing the Applicant Business section is optional in this form.
**Your position in the business**: Events and Finance Officer

**Home country**: United Kingdom

**Business Address**
- **Building number or name**: Swanspool House
- **Street**: Doddington Road
- **District**: 
- **City or town**: Wellingborough
- **County or administrative area**: Northamptonshire
- **Postal code**: NN8 1BP
- **Country**: United Kingdom

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

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**Section 2 of 17**

**APPLICATION DETAILS**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

*Premises Licence Number*: 17/01522/LAPDUP

**Postal Address of Premises**
- **Building number or name**: Castle Theatre
- **Street**: 10 Castle Way
- **District**: 
- **City or town**: Wellingborough
- **County or administrative area**: Northamptonshire
- **Postal code**: NN8 1XA
- **Country**: United Kingdom

**Premises Contact Details**
- **Telephone number**: 01933 510150
**Section 3 of 17**

**VARIATION**

Do you want the proposed variation to have effect as soon as possible?  
- [ ] Yes  
- [ ] No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?  
- [ ] Yes  
- [ ] No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe Briefly The Nature Of The Proposed Variation

Describe the premises. 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.

It is a theatre - we need to extend the opening hours and alcohol serving hours for public and private events.

**Section 4 of 17**

**PROVISION OF PLAYS**

Will the schedule to provide plays be subject to change if this application to vary is successful?  
- [ ] Yes  
- [ ] No

**Section 5 of 17**

**PROVISION OF FILMS**

Will the schedule to provide films be subject to change if this application to vary is successful?  
- [ ] Yes  
- [ ] No

**Section 6 of 17**

**PROVISION OF INDOOR SPORTING EVENTS**

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?
Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- [ ] Yes  
- [ ] No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

- [ ] Yes  
- [ ] No

### Standard Days And Timings

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Provide 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.
Continued from previous page...

Will the performance of live music take place indoors or outdoors or both?

- Indoors
- Outdoors
- Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Music will be amplified - live shows, bands, recorded music. As original application.

State any seasonal variations for the performance of live music

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

N/A.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

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

N/A.

### Section 9 of 17

**PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes
- No

**Standard Days And Timings**

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Provide 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.
Continued from previous page...

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FRIDAY

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Start  End

SATURDAY

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Start  End

SUNDAY

Start 10:00  End 02:00
Start  End

Will the playing of recorded music take place indoors or outdoors or both?
- Indoors
- Outdoors
- Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As original application.

State any seasonal variations for playing recorded music.

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

N/A.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed above, list below.

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

N/A.
Continued from previous page...

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- [ ] Yes
- [x] No

Section 11 of 17

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

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- [ ] Yes
- [ ] No

**Standard Days And Timings**

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Provide 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.

Provide a description of the type of entertainment that will be provided.
Events that incorporate live music, recorded music and dancing.

Will this entertainment take place indoors or outdoors or both?
- [ ] Indoors
- [ ] Outdoors
- [x] Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

As original application.

State any seasonal variations for entertainment.
For example (but not exclusively) where the activity will occur on additional days during the summer months.

N/A

Non-standard timings. Where the premises will be used for entertainment at different times from those listed above, list below.

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

N/A

### Section 12 of 17

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?
- [ ] Yes
- [ ] No

**Standard Days And Timings**

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Provide 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.
Will the provision of late night refreshment take place indoors or outdoors or both?

- [ ] Indoors
- [ ] Outdoors
- [x] Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

To provide a late bar for certain events.

State any seasonal variations.

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

N/A.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

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

N/A.
Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes
- No

**Standard Days And Timings**

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Provide 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.
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.

N/A.

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

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

N/A.

Section 14 of 17

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.

Provide 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.

- Shows that contain possible nudity/semi-nudity.
- Shows with swearing.
- Age guidelines and restrictions in place for these types of shows, monitored by staff and show stewards.

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

**MONDAY**

Start 10:00

End 02:30

**TUESDAY**

Start 10:00

End 02:30

Provide 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.
State any seasonal variations.
For example (but not exclusively) where the activity will occur on additional days during the summer months.

N/A.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.
For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Closing times will be extended, as will alcohol serving times.

I have enclosed the premises licence
Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 17

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)

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

To ensure all events are adequately stewarded and security in place, if applicable. Policies and procedures in place regarding b, c, d and e which protect the public and prevent disorder.

b) The prevention of crime and disorder

A security firm is employed to patrol the premises on an ad-hoc basis, including out of hours.
SIA registered security staff are hired in for events which are considered to require an extra level of protection on the basis of a pre-event risk assessment. The risk assessment will identify the numbers and deployment of security staff, and other relevant factors.
Anti social behaviour is monitored.
Any incidents that impact on the licensing objective of the Prevention of Crime and Disorder will be recorded and reported to the Police, accordingly.
Zero tolerance policy on breaches of law e.g. no smoking inside the building.
Any person who appears under the age of 25 will require identification to purchase and consume alcohol.

c) Public safety

Emergency and evacuation procedures in place, made clear to public users.
Well-trained staff and volunteers, including specific fire and evacuation training.
Professional security staff are employed where applicable.
All front of house staff are first aid trained and various first aid kits are located around the building.

d) The prevention of public nuisance

Where present on the basis of a pre-event risk assessment, the SIA registered security staff will assist with the dispersal of attendees after events, particularly for larger audiences and specific event types e.g. comedy and live music, in order to combat any disturbances.
A noise management policy will be documented, implemented and reviewed regularly.
Management will keep any noise to a minimum where practicable, especially during unsociable hours, e.g. no outside/loud music after 11pm and staff in place to ensure customers behave appropriately with regard to noise and behaviour within the venue and on the property. Performances after 11pm are rare and avoided where possible.
For all events with live or recorded music, the DPS or another member of staff shall make regular checks of volume of noise being played at the premises, with the aim of complying with the licensing objective the Prevention of Public Nuisance. Checks shall be carried out at least once per hour, during live or recorded music or other similar entertainment, of the volume of noise emanating from the premises in the street, outside nearby properties, and control measures will be immediately implemented if an issue is identified, or if complaints are received.
All windows and doors will be kept closed, including all entry and egress points where practicable.
Signage is up in car park, instructing visitors to be respectful of the neighbours and keep any noise to the minimum.
Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby
residents and to leave the premises and the area quietly.
Deliveries of goods necessary for the operation of the business will be carried out at such a time and in such a manner as to
prevent nuisance and disturbance to nearby residents.
e) The protection of children from harm

Documented safeguarding procedures and policies are in place.
We enforce chaperone policies for all children in shows.
Stewarding is in place for all performances/events.
A Challenge 25 proof of age scheme shall be operated at the premises where only acceptable forms of identification are
recognised photographic cards such as a driving licence, passports, holographic marked PASS scheme identification cards,
or Her Majesties (HM) Forces identification cards.

Section 17 of 17
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.
Variation 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 £8700  | £315.00  |
| Band D - £87001 to £12500 | £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 your are required to pay a higher fee

| Band D - £87001 to £12500 | £900.00  |
| Band E - £125001 and over | £1,905.00 |

If you own a large premise 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 (£) 315.00

DECLARATION

* I/we understand 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.

☒ 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  
Amy McGinlay

* Capacity  
2000 approx.

* Date  
19 / 06 / 2018

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/wellingborough/change-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 ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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**

**OFFICE USE ONLY**

Applicant reference number  
Castle Premises License

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed  

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RE: Notice of application for a Premises Licence Variation under section 17 of the Licensing Act 2003
Name of applicant: Borough Council of Wellingborough
Address of premises: Castle Theatre
10 Castle Way
Wellingborough
NN8 1XA

I write regarding the above notice.

Firstly, I would like to say that I do not believe the blue copy of the notice of application has been displayed adequately. The is one small A4 notice placed in the back window, to the side of the rear entrance of The Castle which is essentially 'inside' the premises (i.e you would have to walk on to the property to read the notice). This is not adequately visible to the public. The Castle is in a residential area and any change to the licensing of the premises will potentially affect many residential properties in the immediate vicinity. The notice has not been placed where it can be seen and read by local residents. Copies of the notice should have been displayed on the highway (e.g on lampposts on the adjacent streets) but it has not and therefore I do not think that the public has has been adequately informed of the council's application or had adequate time to comment.

Secondly, as a local resident of London Road, approximately 200yds from The Castle, I would like to object to the issuing of a 2am license for sales of alcohol and a 2.30am license for music. The Castle Theatre occupies a position within a residential area of Wellingborough. It is backed on to by houses and flats on Castle Road, Castle Street, Midland Road and London Road. Residents of these dwellings should not be subjected to the noise from late night music events and the subsequent noise and disturbance from customers leaving the premises at 2.30am. I do not understand why a theatre would need a license for any later than 12am.

Yours sincerely,