



Licensing Sub-Committee

A meeting of the Licensing Sub-Committee will be held as a Virtual Meeting via Zoom on Thursday 2 December 2021 at 10.00 am

Agenda

1.	Appointment of Chairman for the meeting of the Sub-Committee
2.	<p>Declarations of Interest</p> <p>Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.</p> <p>Note: Any Member with a disclosable pecuniary interest will not be able to participate in the hearing, and should therefore notify Democratic Services in advance so that arrangements may be made for an alternate Member to attend.</p>
3.	<p>Premises Licence Application - Fresh (Pages 5 - 26)</p> <p>Report of the Senior Licensing Enforcement Officer</p> <p>Purpose of Report</p> <p>To consider an application for a new premises licence in accordance with section 16 of the Licensing Act 2003 ("the Act") made by Ms Frances Faint ("the Applicant") in respect of Fresh at Unit 2, Dragonfly Way, Upton Northampton NN4 9EH ("the Application").</p> <p>Recommendation</p> <p>1.1 To determine the application for a new premises licence in accordance with the Licensing Act 2003.</p>

Catherine Whitehead
Proper Officer
24 November 2021

Licensing Sub-Committee Members:

Councillor Andrew Kilbride
Councillor Sally Beardsworth
Councillor Mike Warren

Information about this Agenda

Apologies for Absence

Apologies for absence and the appointment of substitute Members should be notified to democraticservices@westnorthants.gov.uk prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

If a continuous fire alarm sounds you must evacuate the building via the nearest available fire exit. Members and visitors should proceed to the assembly area as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

If you have any queries about this agenda please contact Richard Woods / Maisie McInnes, Democratic Services via the following:

Tel: 01327 322043

Email: democraticservices@westnorthants.gov.uk

Or by writing to:

West Northamptonshire Council
One Angel Square
Angel Street
Northampton
NN1 1ED

**PREMISES LICENCE APPLICATION – Fresh, Unit 2 Dragonfly Way,
Northampton NN4 9EH**

Licensing Sub-Committee

Date 10.00am 2nd December 2021

Remote Hearing via ZOOM

1.0 Purpose of Report

- 1.1 To consider an application for a new premises licence in accordance with section 16 of the Licensing Act 2003 (“the Act”) made by Ms Frances Faint (“the Applicant”) in respect of Fresh at Unit 2, Dragonfly Way, Upton Northampton NN4 9EH (“the Application”).

2.0 Summary

- 2.1 The Application, which can be found at **Appendix A**, was received by West Northamptonshire Council on 11th October 2021.

3.0 Application Details

- 3.1 The premises is intended for use as a hair, beauty and coffee shop establishment over two floors. There are areas dedicated for specific hair and beauty treatments and will have a dedicated bar downstairs from where alcohol can be stored and sold.

The licensable activities applied for in the Application are:

- **The Sale of Alcohol by Retail (On the premises only)**

Monday - Friday 18.00 – 22.00hrs

Saturday – 17.00 – 22.00hrs

Sunday – 16.00 – 22.00hrs

- **Opening Hours**

Currently opening times run as follows but the hours for the sale of alcohol that are requested take into consideration future plans:

Monday – Wednesday 08.00 – 19.00hrs

Thursday 08.00 – 20.30hrs

Friday 08.00 – 19.00hrs

Saturday 08.00 – 20.00hrs

Sunday 10.00 – 18.00hrs

4.0 Consultations/Representations

- 4.1 When an application for a new premises licence or club premises certificate is received, the applicant must display a “Blue Site Notice” (“the Notice”) at or near the premises and serve a copy of the application on the responsible authorities defined under the Act. For electronic applications it is a requirement of the local authority to serve a copy of the Application on the responsible authorities.

This gives responsible authorities and any member of the public the opportunity to make written relevant representations in relation to the application to the local authority within 28 calendar days of receiving the notice or the date on which the notice was first displayed at or near the premises. The last date for making relevant representations in relation to this Application was 8th November 2021.

- 4.2. The Notice was displayed at the premises and notification of the Application was published in the Northants Chronicle and Echo, as verified by licensing officers.
- 4.3 West Northamptonshire Council received one relevant representation from Northamptonshire Police. This came with a number conditions all of which can be seen at **Appendix C** and which have been agreed by the applicant.

5.0 Attendance

- 5.1 The Council is also required to send a notice of hearing to all persons and responsible authorities that have submitted a relevant representation and request confirmation of their intention to attend that hearing. A notice of hearing was sent to the following persons, as well as the Applicant on 9th November 2021:

- Ms Frances Faint (applicant)
- PC Sandy Tracey (on behalf of the Chief Officer of Northamptonshire Police)

6.0 Plan of Premises Layout & Location

Please see a copy of a premises plan submitted with the Application at **Appendix B**.

7.0 Options

7.1 If relevant representations are received, then at the end of the consultation period the licensing authority must hold a hearing to consider them. 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.

7.2. The options available to the Sub-Committee are to;

- Grant the Application,
- Grant it and add appropriate conditions to the new Premises License or
- refuse it.

8.0 Financial & Resource Implications

8.1. There are no financial implications arising directly from this report.

Comments checked by Antony Russell, Finance Business Partner

9.0. Legal Implications

9.1. The decision made with regard to an application for a new premises license under section 16 of the Licensing Act 2003 ("the Act") must comply with the requirements of section 17 the Act. It must take into account the revised statutory guidance issued under section 182 of the Act (April 2018 version) and, as of the date of the Sub-Committee hearing, the Northampton Borough Council Licensing Act 2003 Statement of Licensing Policy (2020).

9.2. In accordance with section 17 of the Act, where relevant representations are made by a responsible authority or other person, and which are about the likely effect of the grant of the application on the promotion of the four licensing objectives, a hearing must be held to consider them, unless the Members of the Sub-Committee, the Applicant and each person or responsible authority that has submitted a relevant representation agree that a hearing is unnecessary or all representation are withdrawn.

9.3. Having regard to the relevant representations, the Sub-Committee must take such reasonable and proportionate steps as it considers appropriate, if any,

for the promotion of the four licensing objectives. These steps are restricted to either;

- (a) Granting the licence subject to—
 - i. Such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the authority considers [appropriate] for the promotion of the licensing objectives, and
 - ii. Any condition which must under section 19, 20 or 21 be included in the licence;
- (b) Excluding from the scope of the licence any of the licensable activities to which the application relates;
- (c) Refusing to specify a person in the licence as the premises supervisor;
- (d) Rejecting the application.

9.4. A decision must be made by the Sub-Committee within the period of five working days beginning the day on which the hearing was held. Once the decision has been made, a written notice containing the full reasons for that decision must be supplied forthwith to the Applicant and any person or responsible authority that submitted a relevant representation

9.5. In accordance with section 181 and Schedule 5 of the Act, only the Applicant and any person or responsible authority that submitted a relevant representation may appeal to a Magistrates' Court if they are aggrieved at the decision of the Sub-Committee. Any such appeal must be submitted by way of complaint to the Court within 21 days commencing with the day on which the person in question **received** a copy of the written notice of the Sub-Committee's decision.

Comments checked by James Chadwick, Senior Licensing and Litigation Solicitor.

10.0. 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.

Additional Documents	Title
A.	Application for new premises licence (redacted of personal information)
B.	Premises Plans
C.	Police Relevant Representation and Proposed Conditions
Report Author	Martin O'Connell Senior Licensing Enforcement Officer

APPENDIX A – APPLICATION

Application for a premises licence to be granted under the Licensing Act 2003

Reference	PL370417549
Date	2021-10-11 14:53:19
Introduction	
<p>Before completing this form please read the guidance notes.</p> <p>Please also ensure the proposed DPS completes and submits the Designated Premises Supervisor Consent form, your application will not be complete, and consultation will not start until we have this. There are two ways to do this:</p> <ol style="list-style-type: none">1. You can download the word document form and attach it to this form.2. You can complete our online form <p>You will also need to upload a site plan of the area to be licensed, for information on what this should contain please visit the gov.uk legislation site.</p> <p>If you are applying as an individual or individuals, you will need to upload proof of your right to work in the UK within this form.</p>	
Data protection	
<p>In this form, we will ask for some personal information (such as name, address, postcode) in order to fulfil your request for information or services.</p> <p>This information will be held securely and will be used to provide you with the service you have requested.</p> <p>Any processing will be performed in line with the requirements of the Data Protection Act 2018 and the General Data Protection Regulation.</p> <p>West Northamptonshire is registered as a Data Controller with the Information Commissioner's Office under the reference number ZA896620.</p> <p>Further details about how we process personal data can be found in our privacy notice.</p>	
Do you agree with the above?	I agree
Which area does the premises to be licensed fall in?	Northampton
Premises details	
Premises trading name	The Fresh Club

Does the premises have a postcode?	Yes
Address	UNIT 2, DRAGONFLY WAY,NORTHAMPTON,WEST NORTHAMPTONSHIRE,NN4 9EH
As the premises doesn't have a postal address please included details description and where possible Ordnance Survey Grid Reference	
Premises telephone number	
Non-domestic rateable value of premises	24250
Property band	Band B (£4301.00 to £33,000.00)
Is your primary function the sale of alcohol?	No
Please state who you are applying for a premises licence as	An individual or individuals
Please specify	
Please specify why you are completing this form	I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
Applicant details	
Title	Ms
First name	Frances
Last name	Faint
Nationality	British
Is your current residential address different to premises address?	Yes
Enter the 9-digit 'share code' provided to the applicant by the Home Office online right to work checking service	
Please upload proof of right to work documentation	Document successfully uploaded.

Do you wish to add a second individual applicant?	No
---	----

Operating schedule

Do you want the premises licence to start as soon as possible?	Yes
--	-----

Do you want the licence to be valid only for a limited period?	No
--	----

Give a general description of the premises	Hair, Beauty, Barber and coffee shop establishment ran over two floors with dedicated areas for specific hair and beauty treatments. The premises is located in close proximity to shops and fast food shops. The premises is close to a nursery and school however our proposed licensing hours are outside of their operating hours. The premises has a dedicated bar area downstairs where alcohol can be stored and sold.
--	---

Please specify how many people are expected to attend	Under 50
---	----------

Please select range of the number people expected to attend the premises at any one time?	Less than 5000
---	----------------

What licensable activities do you intend to carry on from the premises	Supply of Alcohol
--	-------------------

Are there any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children?	No
--	----

Supply of alcohol

Will the supply of alcohol be of consumption on premises, off the premises or both?	On the premises
---	-----------------

Please give any additional information	
--	--

What days will your activity take place?	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday
--	--

Monday - Start and end times	18.00 - 22.00
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Tuesday - Start and end times	18.00 - 22.00
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Wednesday - Start and end times	18.00 - 22.00
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Thursday - Start and end times	18.00 - 22.00
Friday - Start and end times	18.00 - 22.00
Saturday - Start and end times	17.00 - 22.00
Sunday - Start and end times	16.00 - 20.00
State any seasonal variations for supply of alcohol	None
Please state any non-standard timing where you intend to use the premises for supply of alcohol at different times to those listed	None

Designated premises supervisor

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor. Please see the declaration about the entitlement to work in the checklist at the end of the form.

First name	Frances
Last name	Faint

Personal licence number	PA0180
Issuing licensing authority	Northampton
Do you want to upload your completed Designated premises supervisor form or complete our online form?	Complete online DPS form

Opening times	
What days will your premises be open to the public?	Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday
Monday - Start and end times	8.00 - 19.00
Tuesday - Start and end times	8.00 - 19.00
Wednesday - Start and end times	8.00 - 19.00
Thursday - Start and end times	8.00 - 20.30
Friday - Start and end times	8.00 - 19.00
Saturday - Start and end times	8.00 - 20.00

Sunday - Start and end times	10.00 - 18.00
Operating schedule conditions	
General – all four licensing objectives	Compliance with local legislations and nothing beyond existing health and safety/fire safety requirements.
The prevention of crime and disorder	An alarm as a security measure installed at the premises to protect it when closed or empty. Includes audible panic button Staff/private areas kept locked when premises is open to the public. Staff conflict management training. Staff aware of responsibilities under the Licensing Act 2003.
Public safety	Full an in-depth risk assessment that is regularly reviewed and adapted. Daily checks carried out at beginning and end of day. First aid boxes available. Appointed first aider.
The prevention of public nuisance	Windows and doors kept closed whilst the premises license is in use. Methods in place for monitoring noise e.g. perimeter walks and listening checks. Remove external furniture after 9pm.
The protection of children from harm	Restrict access to children after 6pm Operate a strict 'No ID – No Sale' policy. 'Challenge 21' scheme. Advertise schemes on premises so customers are aware.
Please upload the site plan	Document uploaded successfully.
Declaration	

Upon submitting this form I:

- will make payment on the next section of this form.
- have enclosed the plan of the premises.
- understand that this application and supporting documents will be sent to the responsible authorities and a redacted version will be published on the council's website.
- have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- understand that I must now advertise my application.
- understand that if I do not comply with the above requirements my application will be rejected.
- have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15) (Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships)

It is an offence, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount.

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.

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

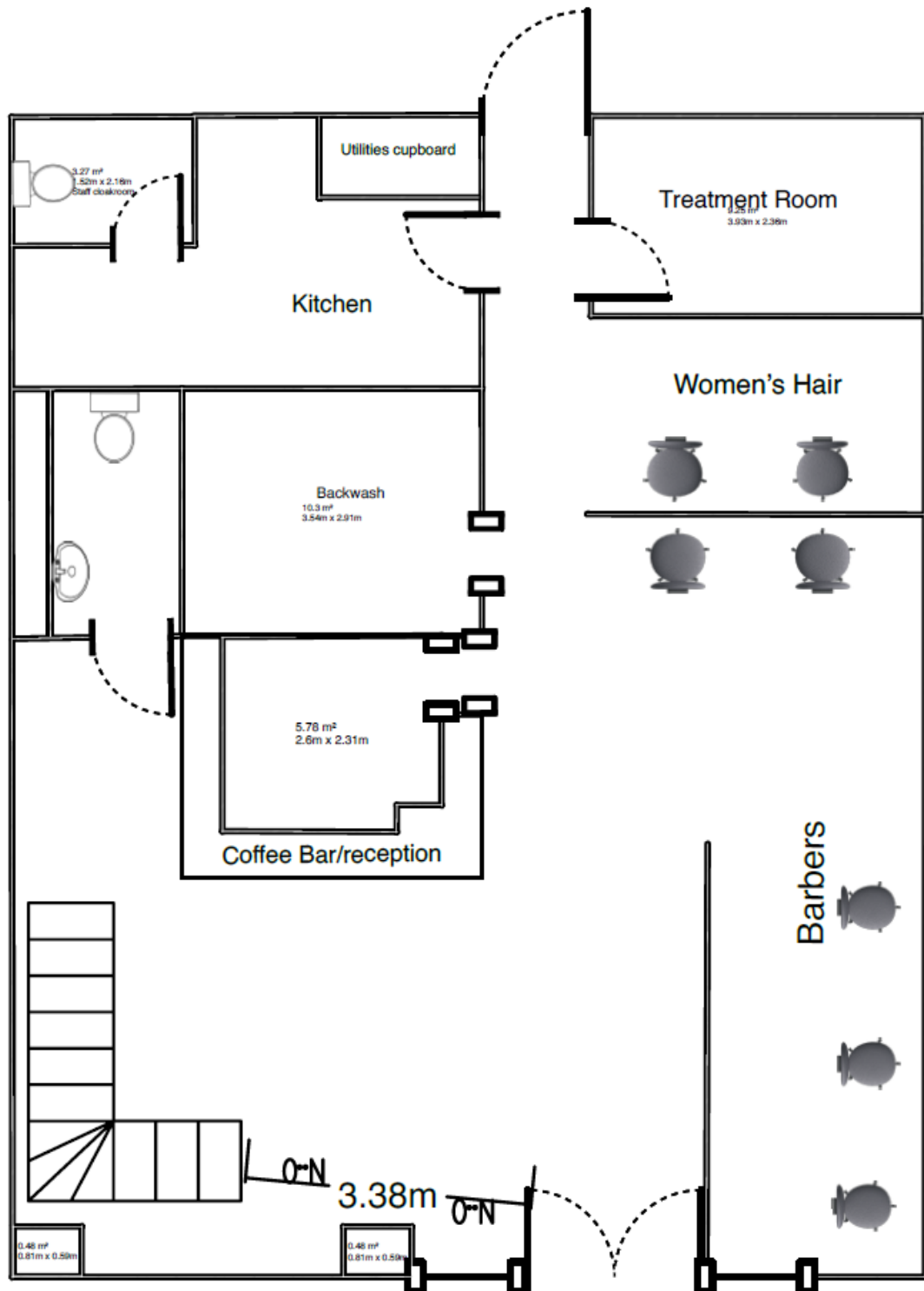
Declaration

- [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 (please read guidance note 15).
- I/We apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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
- 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)

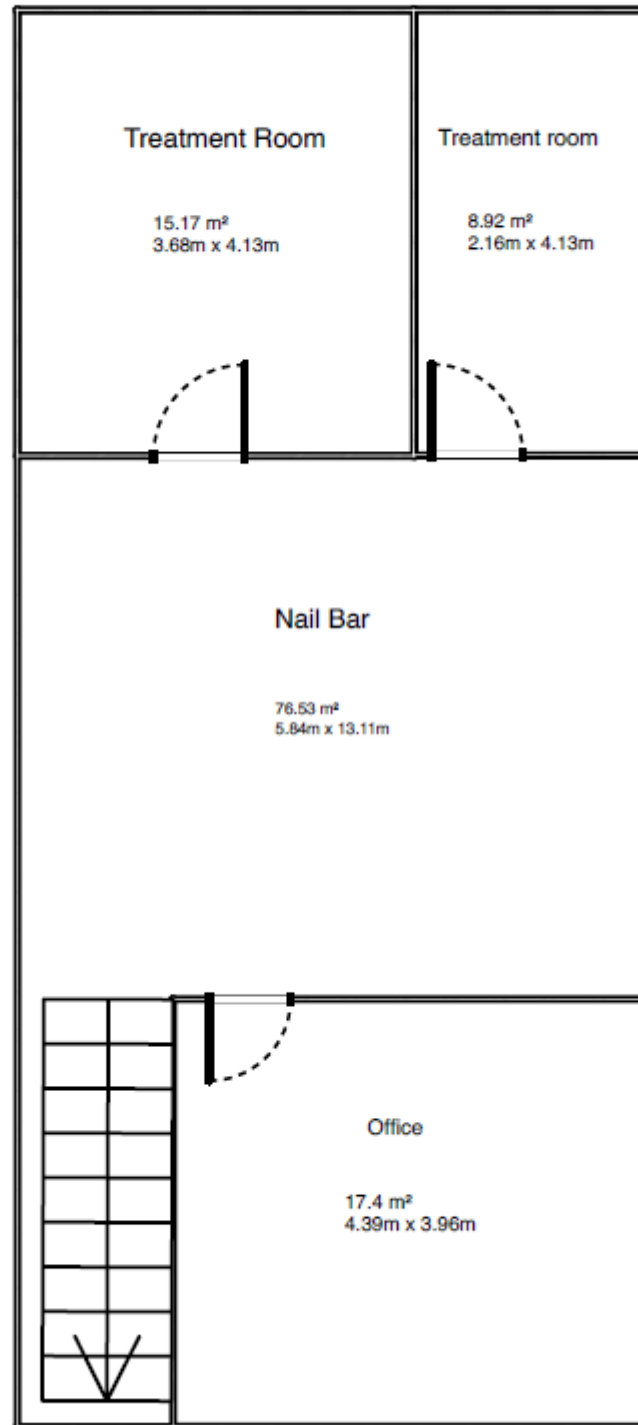
Name	Frances Faint
Date	11/10/2021
Capacity	Director
Contact details	
First name	Frances
Last name	Faint
Payment	
Total amount to pay today	190.00
Prepayment Timestamp	11/10/2021 14:48:05
Transaction status	successful
Transaction reference	0000381453
Postpayment Timestamp	11/10/2021 14:53:11

APPENDIX B – Premises Plans

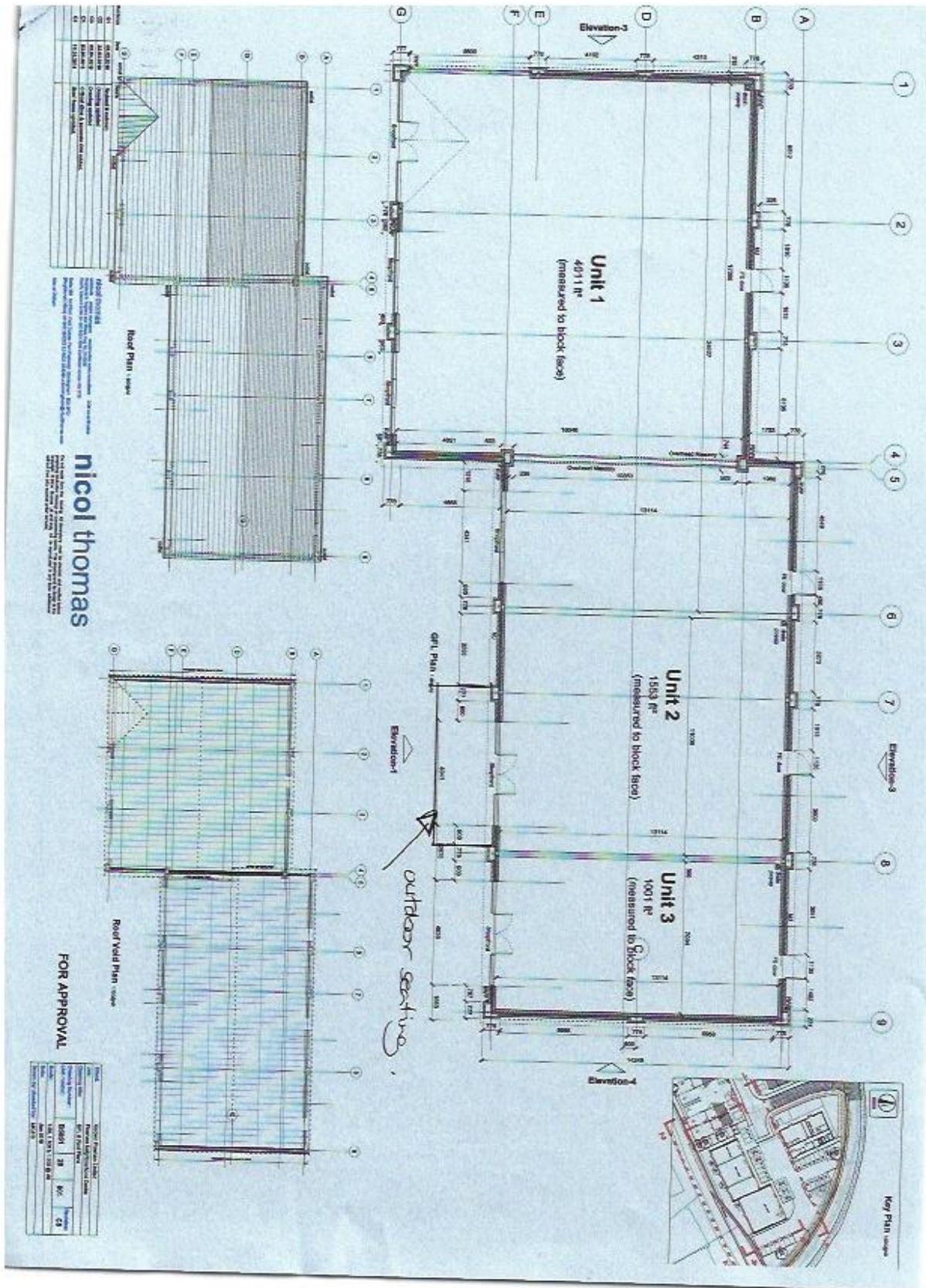
Ground Floor



First Floor



Overview of Unit Configuration and Outside Seating Area Position



APPENDIX C – Agreed Police Conditions

Page 1 of 5

INCOMING EMAIL

From: NBC Licensing
To: Martin O'Connell
Date: 12/10/2021 13:00:12
Subject: FW: FW: Application for a new premises licence. Reference: PL370417549

From: Tracey Sandy <Sandy.Tracey@northants.pnn.police.uk>
Sent: 12 October 2021 12:25
To: Fran Faint
Cc: Liquor Licensing <LiquorLicensing@northants.pnn.police.uk>; NBC Licensing <Licensing.NBC@westnorthants.gov.uk>
Subject: RE: FW: Application for a new premises licence. Reference: PL370417549

Hi Fran,

Thanks for getting in touch so quickly and for agreeing to our conditions. NBC, please can you ensure that they are added accordingly. Thanks.

Re the outside area, we have no issues with glass served to people who are outside sitting at tables but if you wish for customers to stand outside and drink we would want them to drink from plastic or polycarbonate drinking vessels.

Many thanks

Sandy

Police Constable 0010 Sandy TRACEY
Northamptonshire Police Licensing Constable (WEST)
Wellingborough Police Station
Midland Road, Wellingborough. NN8 1HF.
Telephone 101 Ext. 346307
Mobile
Email Sandy.Tracey@northants.pnn.police.uk

From: Fran Faint
Sent: 12 October 2021 12:11
To: Tracey Sandy <Sandy.Tracey@northants.pnn.police.uk>
Cc: Liquor Licensing <LiquorLicensing@northants.pnn.police.uk>; NBC Licensing <Licensing.NBC@westnorthants.gov.uk>
Subject: Re: FW: Application for a new premises licence. Reference: PL370417549

Hi Sandy

Thanks for email.

We already have a CCTV system that fulfills the requirements you mention.

We will also comply with the other requirements listed.

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10/11/2021

With regards to glass outside the licensable premises, do this apply to the tables and chairs we have in front of our shop? We can see them from outside and they are covered by our neighbours cctv.

With regards to the hours, we will eventually be extending our hours as trade picks up hence the application showing licensing hours extending beyond current trading hours. I have spoken with NBC and they were comfortable with that.

Kind regards
Fran

On Tue, 12 Oct 2021 at 11:55, Tracey Sandy <Sandy.Tracey@northants.pnn.police.uk> wrote:

Dear Ms Faint and NBC

I have looked through this application and found there to be a discrepancy between the times applied for alcohol sales and times the premises are open to the public.

May I suggest this application is emended so that these hours are the same? Ms Faint, if you wish to discuss please get in touch. Will the premises have CCTV?

We would like you to consider having the following conditions added onto your operating schedule:

1. A fully working and maintained CCTV system capable of recording and storing images will be installed on the premises. The system must record at all times whilst the premises are open to the public and images must be stored for a minimum of 31 days with date & time stamping. As a minimum this must cover all entry and exit points.
2. A person conversant with the retrieval and down loading of CCTV footage must be present on the premises at all times whilst they are open.
3. All CCTV recordings will 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.

Other:

4. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.
5. 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, maintained and made available to an officer from a responsible authority upon reasonable request.
6. A Challenge 21 or 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. No glass will be removed from the premises by customers and taken outside of the Licensable Area.

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10/11/2021

8. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) All crimes reported to the venue
- (b) All ejections of patrons
- (c) Any complaints received concerning crime and disorder
- (d) Any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) Any refusal of the sale of alcohol
- (h) Any visit by a relevant authority or emergency service

11. Signs will be displayed at the exit points of the venue requesting that customers respect local residents by leaving and dispersing from the premises and immediate area quietly.

Please let me know whether they are agreeable or if you have any questions or queries. I'll look forward to hearing from you.

Many thanks

Sandy
Police Constable 0010 Sandy TRACEY
Northamptonshire Police Licensing Constable (WEST)
Wellingborough Police Station
Midland Road, Wellingborough, NN8 1HF.
Telephone 101 Ext. 346307
Mobile
Email Sandy.Tracey@northants.pnn.police.uk

From: Liquor Licensing <LiquorLicensing@northants.pnn.police.uk>
Sent: 11 October 2021 14:55
To: Bryan David (PC) <david.bryan@northants.pnn.police.uk>; Tracey Sandy <Sandy.Tracey@northants.pnn.police.uk>
Subject: FW: Application for a new premises licence. Reference: PL370417549

From: West Northamptonshire Council<SMTP:NOREPLY@NORTHAMPTONSHIRE.GOV.UK>
Sent: 11 October 2021 14:45:11
To: Involvement.nene@nhs.net; phlicensing@northamptonshire.gov.uk;
Liquor Licensing; alcohol@homeoffice.gsi.gov.uk;
TradingStandards@westnorthants.gov.uk;
fireprotection@northantsfire.gov.uk;
Environmentalprotection.nbc@westnorthants.gov.uk;
Environmentalhealthfoodsafety.nbc@westnorthants.gov.uk;
Planning.NBC@westnorthants.gov.uk; licensing-nrcs@northamptonshire.gov.uk;
Environmentalprotection.NBC@westnorthants.gov.uk
Cc: Licensing.nbc@westnorthants.gov.uk
Subject: Application for a new premises licence. Reference: PL370417549

about:blank

10/11/2021

Auto forwarded by a Rule

Dear Responsible Authority,

West Northamptonshire Council have received an application for a new premises licence to be granted in respect of The Fresh Club UNIT 2, DRAGONFLY WAY, NORTHAMPTON, WEST NORTHAMPTONSHIRE, NN4 9EH.

Please send any representations to Licensing.nbc@westnorthants.gov.uk. When responding please quote the form reference number PL370417549.

This application has been received electronically and is deemed complete. However, should there be any issues and consultation needs to be paused we will contact you.

Kind regards

Yours sincerely
Licensing Team
West Northamptonshire Council
Licensing.nbc@westnorthants.gov.uk

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10/11/2021

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