

Meeting of the Licensing Act 2003 Sub-Committee
 held in the Council Chamber, at the Town Hall, Peterborough on 13 September 2023

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	None.
3. Application	New Premises Licence - Ortongate Sportsbar and Fanzone, Unit 47-50 Orton Shopping Centre, Peterborough, PE2 5TD
3.1 Application Reference	123033
3.2 Sub-Committee Members	Councillor Wiggin – Chairman Councillor Hiller Councillor Ray
3.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Lloyd McPherson, LSM Enterprises LTD
3.5 Nature of Application	<p><u>Application Type</u></p> <p>New Premises</p> <p style="padding-left: 40px;">Films and Indoor Sporting Events Monday to Sunday 8:00 to 23:30 Live Music, Recorded Music and Dancing Monday to Sunday 23:00 to 23:30 Sale of alcohol on the premises Monday to Sunday 09:00 to 23:00</p> <p><u>Summary of Premises Licence Review Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Ortongate Sportsbar and Fanzone, Unit 47-50 Orton Shopping Centre, Peterborough, PE2 5TD, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> • The granting of the licence would increase late night noise in the vicinity of the premises to the detriment of residents.

	<ul style="list-style-type: none"> The granting of the licence would increase anti-social behaviour in the vicinity of the Orton Centre.
3.6 Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> The Prevention of Crime and Disorder The Prevention of Public Nuisance The Protection of Children from Harm Public Safety
3.7 Parties/Representatives and witnesses present	<p><u>The Licensing Authority</u></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant</u></p> <p>Mr Lloyd McPherson – LMS Enterprises LTD</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	<p>There were no pre-hearing considerations.</p>
3.9 Oral representations	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in his address included:</p> <p>There were four representations received originally, however, three had been withdrawn following consultation with the Applicant.</p> <p>Cambridgeshire Constabulary had engaged over the hours alcohol sales and as a result, the Applicant adjusted his timings.</p> <p><u>Applicant</u></p> <p>Mr Lloyd McPherson addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> The Applicant operated two businesses PMH solutions. And LMS enterprises. The Applicant had lived in Orton for 18 years and felt that the area was missing something and decided to open a bar. The Applicant attended meetings with PC Hawkins and areas such as building control and layout were discussed for the premises to operate as a premises licence. The Applicant had committed to a 10-year rent agreement and it was anticipated that he would not make any money for four years. It had been a surprise to the Applicant to receive objections and clarification was provided

	<p>that there would not be any alcohol sales from 9 – 11.30pm.</p> <ul style="list-style-type: none"> • The premises would operate as a sports bar/Café bar which would be open from 8am, with the bar open from 11am. • Consultation had been undertaken with neighbours and local ward councillors and issues raised by them had been resolved. • There would be mitigation measures in place in relation to sound and noise, and the landlord had agreed to fit double glazing with toughened glass and sound proofing in line with legal requirements. • The application included a request for outdoor seating attached to the café area, with no alcohol served outside. • There would be business watch and security doormen employed at the premises on Friday and Saturday nights who would remain on site as the last person to leave. • Arrangements had been secured with a taxi company to ensure that patrons had easy access to return home. • No children would be permitted in the bar area. • There had been positive comments received from local residents about the plans for a Sports bar and Fanzone. • The bar would organise snooker and darts tournaments. • Afternoon tea would be available at the premises. • The Applicant intended to operate a community bar and organise charity events. • Anyone found inciting anti-social behaviour or drug dealing would be barred from the bar. • The Applicant understood his responsibility and wanted to look after the safety of all patrons. In addition, staff would be trained appropriately. • The Applicant would work with the Licensing Authority and Police over any issues should they arise. • Although a TENS licence could be applied for to accommodate sports events outside of the licence operating hours, the Applicant would not pursue one to sell alcohol.
3.10 Written representations and supplementary material taken into consideration	<p><u>Applicant</u></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p>
3.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p>

	<p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the premises licence application would further support the 'Public Safety' Licensing Objective.</p>
4. Decision	<p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:</p> <p>The Sub-Committee considered the representations made and in writing from one local resident.</p> <ul style="list-style-type: none"> • The police and the applicant had negotiated reduced hours for the sale of alcohol. • The Sub-Committee had read the committee papers and heard from the applicant in person. <p>The objections to the licence being granted were:</p> <ul style="list-style-type: none"> • An increase in late night noise in the vicinity of the premises to the detriment of residents. • An increase in anti-social behaviour in the vicinity of Orton shopping centre. <p>The applicant applied for:</p> <ul style="list-style-type: none"> • Films and Indoor Sporting Events – 0800hrs to 2330hrs - Monday to Sunday. • Live Music, Recorded Music and Dancing – 2300hrs to 2330hrs – Monday to Sunday. • Sale of alcohol on the premises – 1100hrs to 2300hrs – Monday to Sunday. <p>The applicant stated:</p> <ul style="list-style-type: none"> • He had installed double glazed toughened glass. • Fitted a rear exit door. • Soundproofing to be fitted. • There would be monitoring of noise emitted at the premises. • Security staff to be employed on Friday and

	<p>Saturday nights.</p> <ul style="list-style-type: none">• Had a contract with a local taxi firm. <p>The Sub-Committee disregarded matters that had not relate to the licensing objectives and those that fell outside of the Committee's remit.</p> <p>In its deliberations, the Sub-Committee were referred to:</p> <ul style="list-style-type: none">• Peterborough City Council's Statement of Licensing policy• The Government guidance issued under section 182 of the Licensing Act 2003• The negotiated timings for the sale of alcohol. <p>Where relevant representations had been made, the Sub-Committee could take one or more of the following steps to promote the licensing objectives:</p> <ul style="list-style-type: none">• Grant the licence as submitted subject to the operating schedule, mandatory conditions, and any negotiated conditions.• Add, amend, alter or delete a condition in the operating schedule.• Refuse to grant the licence, or an activity. <p>It was the Sub-Committee's decision therefore to GRANT the Premises Licence, for the premises, known as Ortongate Sportsbar and Fanzone, Unit 47-50 Orton Shopping Centre, Peterborough, PE2 5TD.</p>
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Chairman
Start 1:30 pm – 2:12 End