

<b>LICENSING ACT 2003 SUB COMMITTEE</b>		AGENDA ITEM No. 3
<b>13 April 2015</b>		<b>PUBLIC REPORT</b>
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**APPLICATION: NEW PREMISES LICENCE**

**APPLICANT:** Anglia Ruskin University Higher Education Corporation

**REFERENCE NO:** 070954

**PREMISES:** Anglia Ruskin University, Guild House, Oundle Road, Peterborough, PE2 9PW

**GLOSSARY OF TERMS:** Attached at **Appendix A**

**1. PURPOSE OF REPORT**

1.1 To consider and determine this application for a new premises licence for Anglia Ruskin University, Guild House, Oundle Road, Peterborough taking into account the representations received from 17 local residents in opposition of the application.

**2. BACKGROUND INFORMATION**

2.1 There has been no previous premises licence application for this premises.

**3. AUTHORISATIONS AND TIMES APPLIED FOR ON APPLICATION**

- **Sale of alcohol for consumption on & off the premises**

Monday to Sunday 11.00 to 23.00

- **Hours premises are open to the public**

Monday to Sunday 24 hours

**AUTHORISATIONS AND TIMES APPLIED FOR AFTER MEDIATION**

- **Sale of alcohol for consumption for on the premises only**

Monday to Sunday 11.00 to 23.00

- **Hours premises are open to the public**

Monday to Sunday 24 hours

**4. APPLICATION**

- 4.1 Please refer to the application attached at **Appendix B**.
- 4.2 Representations against the application have been received from 17 local residents in their capacity as 'other persons'. These are attached at **Appendix C**.
- 4.3 Part P of the application sets out the applicant's proposed conditions under the licensing objectives, these being, 'The Prevention of Public Nuisance', 'Public Safety', 'Prevention of Crime and Disorder' and 'The Protection of Children from Harm'. These are also contained within the body of this report (in section 7) and in accordance with section 10.5 of Guidance have been interpreted into enforceable conditions. Only those appropriate and proportionate for the promotion of the licensing objectives have been included in the Operating Schedule. Additional conditions have also been agreed by the applicant as a result of a mediation meeting and are contained within this section.
- 4.4 No representations have been received from any of the Responsible Authorities i.e. Cambridgeshire Constabulary, Peterborough City Council Trading Standards, Public Health Authority, Cambridgeshire Fire and Rescue Service, Licensing Authority, Peterborough City Council Planning Department, Peterborough City Council Health & Safety Department, Peterborough City Council Environmental Pollution Team, or Children's Services.
- 4.5 A 'Notice' was displayed in the newspaper in accordance with Part 4 No. 25 of Statutory Instruments 2005 No. 42 – The licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005. A copy of this notice is attached at **Appendix D**.

## **5. REPRESENTATIONS**

- 5.1 Summary of issues raised by persons objecting against the application
- Residents believe that granting an alcohol licence in the residential area and near to schools would lead to street drinking in the area and associated anti-social behaviour.
  - If a licence is granted there would be an increase in alcohol related incidents which the overstretched Police resources would have to deal with.
  - Close proximity to 2 primary schools, a place of worship and in an area of an 'aged community'.
  - A risk that school children may be witness to or victims of public disorder due to street drinking.
  - An increase in noise related disorder from music being played whilst the licence is in operation which would lead to the demise of local resident's peace and quiet.
  - An increase in parking issues in the surrounding area.
- 5.2 There were no representations in support of the application.

## **6. MEDIATION**

- 6.1 Mediation took place at an early stage of the consultation process. A mediation meeting was attended by the applicant, Cambridgeshire Constabulary, Peterborough City Council Environmental Noise Pollution Team and the Licensing Authority. As a result of this meeting the application was amended in the following terms :
- The application for the authority to sell alcohol and provide regulated entertainment for 'on & off' the premises was amended to show that the application for sales of alcohol and the provision of regulated entertainment was for 'on' the premises only.
  - The application was amended to allow licensable activities to take place only in 2 specified areas within Guild House, one on the first floor and one on the second floor.
  - Additional conditions were agreed to be placed upon the licence to meet all four licensing objectives. These conditions can be found within the body of this report (in section 7)

## 7. APPLICANT'S PROPOSED CONDITIONS UNDER THE LICENSING OBJECTIVES :

### 7.1 Crime and disorder

- CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions in particular facial recognition. Cameras shall cover all areas where the sale / supply of alcohol occur..
- CCTV equipment must be maintained in good working order, be correctly time and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 28 days.
- The Premises License Holder must ensure at all times an appointed member of staff is capable and competent at downloading CCTV footage. This must be produced to a Police Officer or Local Authority Officer, upon reasonable request, and subject to an appropriate CCTV release form, in accordance with the Data Protection Act.
- The recording equipment and discs / USB pen drives shall be kept in a secure environment under the control of the DPS or other responsible named individual.
- An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant. In the event of any failings of the system actions taken are to be recorded.
- In the event of a technical failure of the CCTV equipment the Premises License Holder / Designated Premises Supervisor must report the failure to the Police or local authority immediately.
- Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk should be undertaken on a regular basis. This training, together with on-going training to prevent underage sales (Challenge 25) should be recorded in a written format and be available to an authorised officer upon request..

### 7.2 Prevention of Public Nuisance

- The holder of the premises licence shall ensure that noise caused by persons using, arriving at or departing from the premises shall not cause nuisance or unreasonable disturbance to the occupiers of residential properties.
- The holder of the premises licence shall ensure that no music or amplified speech originating from the premises shall be audible inside any residential property at any time.

Note: For the purposes of this condition noise may be considered inaudible when it is at a low enough level that it is not recognisable as emanating from the source in question and/or it does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question.

- The premises licence holder, or a responsible person nominated by them in writing, shall receive and respond to complaints throughout the duration of all licensable activities. These complaints shall be recorded and the records made available to the local authority upon request. Such records shall be retained for a minimum of 2 years.
- All external doors and windows must be kept closed, other than for access and egress, when events involving amplified music or speech are taking place.
- If, in the opinion of the local authority, there is unacceptable noise disturbance attributable to functions held within the licensable areas identified, a microphone activated, volume regulatory device (noise limiter) shall be installed within 21 days.

The device shall be connected to all permanent music equipment and all available AC mains power sockets within the area and shall be hardwired into the premises electrical system to prevent it from being bypassed by the operator.

Note: The noise limiter shall be set in accordance with the requirements of the local authority. Subsequent to the installation of the noise limiter, the local authority may review and adjust the settings at any time.

- An event management plan covering all licensable events involving regulated entertainment taking place at the premises must be compiled and then agreed in writing with the licensing authority. Following agreement, all events occurring at the premises will be undertaken in accordance with the plan and the licensing authority will be notified 28 days (**or less at the discretion of the licensing authority**) ahead of any event covered by the plan. The premises licence holder will ensure at the point of that notification that the EMP is updated as necessary and relevant to the event in question.

### 7.3 **Protection of children from harm**

- Any person selling or supplying alcoholic drink under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to believe that the individual may be less than 25 years of age. No ID, no sale.
- A refusal log will be accurately maintained on every refusal made in relation to the attempted purchase of alcohol by a juvenile or intoxicated person.
- The refusal register shall be inspected at least once a week by the designated premises supervisor and the designated premises supervisor will sign the register to record the fact that it has been checked.
- At least 12 months of refusal register details shall be retained and made available upon request by an Licensing Authority authorised officer or Police Officer (including a PCSO)
- The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises and signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 25' initiative. Signage will also be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years.
- Acceptable identification accepted by the premises licence holder, designated premises supervisor or other authorised staff member will be a passport, photo driving licence or a PASS accredited identity card only.
- Staff training to prevent underage sales shall be recorded and updated every 6 months. The training will cover as a minimum the requirements for ID as part of age verification, how to detect proxy sales, the consequence of underage sales (fines & punishment) and other relevant matters relating to the licensing objectives and the responsibility of staff.

### 7.4 **Public Safety**

- No person will be allowed to enter or leave the licensed premises (as defined by the plan) with an open vessel of alcohol and the licensee will actively discourage and prevent anyone congregating or drinking outside the premises.
- The premises licence holder and/or the designated premises supervisor will ensure that appropriate measures are put in place to ensure that management controls regarding capacity limits are enforced.
- The premises licence holder and/or the designated premises supervisor shall ensure that there is a zero tolerance to drunken or anti-social behavior on the premises.

## 8. **POLICY & GUIDANCE IMPLICATIONS**

8.1 The following sections/paragraphs are applicable to this application:

### 8.2 **Council's Statement of Licensing Policy**

- Objectives, Section 4 on Page 5 and 6

- Fundamental Principles, Section 6 on Page 6
- Licence Conditions, Section 14 page 14 and 15
- Delegation / Decision Making / Administration, Section 17 on Page 16 and 17

### 8.3 **Guidance Issued under Section 182 of the Licensing Act 2003 October 2014**

- The Licensing Objectives – Section 2 pages 7 to 16
- Applications for Premises Licences – Section 8 pages 49 to 58
- Determining applications – Section 9 pages 71 to 81
- Conditions Attached to Premises Licences – Section 10 page 82 to 96

## **9. LICENSING OFFICER’S COMMENT (FOR INFORMATION)**

- 9.1 Regulation 19(a) requires authorities to disregard any information given by a party or person that is “not relevant” to the application.
- 9.2 Members should note that the letters and emails attached are in their entirety and that not all matters raised within the representations are relevant matters for consideration under the Licensing Act 2003. It is up to the Committee to decide upon what ‘weight’ they attach to these areas.

## **10. LEGAL OFFICER’S COMMENTS**

- 10.1 The Licensing Authority (hereafter referred to as “the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a new licence made under Section 17 of the Licensing Act.
- 10.2 In this case, the application was received at these offices on 17 February 2015.
- 10.3 The application before this committee will be treated on its own merits, and the Licensing committee will make its decision based upon
- The merits of the application
  - The promotion of the four licensing objectives
  - The statement of policy of the Licensing Authority
  - The Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003 – October 2014
- 10.4 The licensing authority may determine the application, depending upon what is appropriate for the promotion of the licensing objectives, in any of the following ways:
- Decide to grant the licence in the same terms as it was applied for
  - Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives)
  - Exclude from the scope of the licence a licensable activity
  - Decide to refuse to grant the licence
- 10.5 Conditions are modified if they are altered, omitted or any new condition added (Section 35(4) Licensing Act 2003).

## LICENSING ACT 2003 GLOSSARY OF TERMS

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

### **‘Child’**

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

**DCMS:** Department for Culture Media and Sport

**‘Designated Premises Supervisor’** means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

### **‘Other Persons’:**

- persons who live, or are involved in a business, in the relevant licensing Authorities area and who are likely to be affected by the application and are not a Responsible Authority.

**‘Late Night Refreshment’** means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

**‘Licensable Activities’** means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

**‘Licensing Authority’:** - is the licensing function of Peterborough City Council

**‘Licensed Premises’** includes club premises and events unless the context otherwise requires.

### **‘Licensing Objectives’**

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

**‘Operating Schedule’** means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives

**‘Challenge 25’** means that a retailer will ask for proof of identification if they have reason to believe that the person making a purchase of alcohol is under the age of 25.

**‘Rateable Value’**: as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

**‘Regulated Entertainment’** (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Except where there is an exemption under the Live Music Act 2012 or Statutory Instrument 2013 No. 1578 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

**‘Relevant Licensing Authority’**: is the Authority in the area the premises are situated.

**‘Responsible Authority’** means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children’s Services – Child Protection & Review Manager
- Primary Care Trust or Local Health Board (Director of Public Health)
- The Relevant Licensing Authority, Peterborough City Council
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

**‘Supply of alcohol’**:

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

**‘Temporary Event Notice’** means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 168 hours (7 days);
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year and another person to 5 notices in a similar period.

## **APPENDIX A**

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

**'the Act'**: means the Licensing Act 2003