

LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No. 3
10 MAY 2011		PUBLIC REPORT
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APPLICATION: New Premises Licence

APPLICANT: Miss K. Malakauskaite

REFERENCE NO: 060883

PREMISES: Lithuanian Food, 733 Lincoln Road, Peterborough, PE1 3HD

GLOSSARY OF TERMS: Attached at Appendix A – Page 5

1. PURPOSE OF REPORT

1.1 To consider and determine this application for a new premises licence for Lithuanian Food, 733 Lincoln Road, Peterborough, PE1 3HD, taking into account the representations received from local residents as detailed in paragraph 5 of this report.

2. BACKGROUND INFORMATION

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

2.2 As per the application (under general description) the premises will be used as a Lithuanian Food and drink convenience store and as an off licence selling Lithuanian alcohol.

3. AUTHORISATIONS AND TIMES APPLIED FOR

- **Sale of alcohol for consumption off the premises**
 - Monday to Sunday 08.00 to 23.00
- **Hours premises are open to the public**
 - Monday to Sunday 08.00 to 23.00

4. APPLICATION

4.1 Please refer to the application attached at **Appendix B – Page 9**

- 4.2 Representations have been received from 3 interested parties representing businesses in the vicinity, 2 residents living in the vicinity and also from a local councillor representing residents living in the vicinity of the premises, (to comply with the Data Protection Act all letters have been distributed to Committee Members and the applicant, but not for public circulation).
- 4.3 A petition against the granting of the premises licence containing 71 signatures was received but did not comply with the requirements of the Licensing Act 2003 to be counted as being a valid representation, (to comply with the Data Protection Act all letters have been distributed to Committee Members and the applicant, but not for public circulation)
- 4.4 Part P of the application sets out the applicant's proposed conditions under the licensing objectives, The Prevention of Public Nuisance, Public Safety, Prevention of Crime and Disorder and Protecting Children from Harm. These are also contained within the body of the report (in section 7) and in accordance with Para 5.67 of the Guidance have been translated into clear and understandable conditions consistent with the proposals in the Operating Schedule.
- 4.5 No representations have been received from any of the Responsible Authorities i.e. Cambridgeshire Constabulary, Cambridgeshire Fire and Rescue Service, Peterborough City Council Planning Department, Peterborough City Council Health & Safety Department, Peterborough City Council Children's Services and Peterborough City Council Trading Standards Department.

5. REPRESENTATIONS

5.1 'Interested Parties' is defined as:-

- a person living in the vicinity of the premises
- a body representing persons living in that vicinity
- a person involved in the business in that vicinity; and
- a body representing persons involved in such a business

5.2 Summary of issues raised

- Potential increase of existing alcohol related incidents and anti social behaviour in the area
- Increase in litter
- A potential increase to existing underage drinking due to an insufficient age verification policy
- Disturbance from customers at all hours
- The number of premises in the vicinity selling alcohol

5.3 Comment on the contents of representations

- 5.3.1 The representations received from two of the interested parties involved in businesses in the vicinity contain references to the Council's 'Cumulative Impact Area'. A 'Cumulative Impact Area' is a special policy adopted, after consultation that allows the Licensing Authority to refuse an application for a premises licence in a defined area due to a high concentration of alcohol licensed premises. It must be noted that there are no 'Cumulative Impact Area's' within the Peterborough City Council licensing area and therefore the representations made based on this policy must be disregarded.

6. MEDIATION

- 6.1 No mediation was conducted on this occasion due to depth of feeling of the representations received.

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

7.1 Crime and disorder

- Any person selling or supplying alcoholic drinks under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age.
- Video / CCTV equipment shall be installed inside the premises and maintained in working order.
- Video / CCTV equipment will be set to record from the time that the premises open to the public until the premises close and all members of the public have left.
- Digital images shall be retained for at least one month and shall be produced to an authorised officer on demand.
- Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.
- The Designated Premises Supervisor will ensure that staff receive training and supervision to ensure that they fully understand their responsibilities in relation to age restricted products, in particular to the sale of alcohol so as to prevent sales to persons under the age of 18.
- The Designated Premises Supervisor will ensure that all staff training is ongoing.
- The Designated Premises Supervisor will provide a book for all staff to record instances where sales are refused. This book will be available to any authorised officer upon request.

7.2 Prevention of Public Nuisance

- Receptacles for refuse storage shall be maintained in a clean condition.
- Litter shall be prevented at all times and where identified regularly cleared from the vicinity of the premises.

7.3 Public Safety

- A fire risk assessment conforming to the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.

7.4 Protection of Children from Harm

- The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises.
- Signage will be prominently placed within the premises advertising the fact that the premise operates the 'Challenge 25' initiative.

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
- Fundamental Principles, Section 6 on Page 6
- Licensing Hours, Section 12 on Page 10
- Children and Licensed Premises, Section 13 on Page 10 and 11
- Licence Conditions, Section 14 on Page 11 and 12
- Delegation / Decision Making / Administration, Section 17 on Page 13 and 14
- Cumulative Impact, Section 11 on Page 8

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

- The Licensing Objectives – Crime and disorder, - Section 2 pages 23 to 25
- The Licensing Objectives – Public Nuisance, Section 2 pages 21 to 23
- The Licensing Objectives – Public Safety, Section 2 pages 21 to 23
- Protection of Children from Harm, Section 2 pages 25 to 27
- Determining applications – Section 9 pages 78 to 81
- Pools of conditions – Annex D page 133 to 149

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 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 21st March 2011.
- 10.3 The application before this committee will be treated on its own merits, and the Licensing Sub-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 on 28 June 2007 under section 182 of the Licensing Act 2003.
- 10.4 The licensing authority may determine the application, depending upon what is necessary 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).