

LICENSING ACT 2003 SUB-COMMITTEE		AGENDA ITEM No. 3
12 JANUARY 2012		PUBLIC REPORT
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APPLICATION: NEW PREMISES LICENCE

LICENCE REFERENCE: MAU 062402

APPLICANT: Paradise Peterborough Limited

PREMISES: Paradise Café, 83 Eastfield Road, Peterborough, PE1 4AS

GLOSSARY OF TERMS: Attached at **Appendix A – Page 6**

1. PURPOSE OF REPORT

1.1 To consider and determine an application for a new premises licence for Paradise Peterborough Limited, 83 Eastfield Road, Peterborough, PE1 4AS taking into account the representations received from PC Grahame Robinson of Cambridgeshire Constabulary, as a Responsible Authority, and a valid representation from a member of the public in their capacity as an Interested Party.

2. BACKGROUND INFORMATION

- 2.1 On the 15 November 2011 a new application for a premises licence was submitted by Paradise Peterborough Limited.
- 2.2 There is a current premises licence in place for part of 83 Eastfield Road (licence number 062047) which authorises the sale of alcohol until 23.00pm, **Appendix B – Page 9**.
- 2.3 Should the licence be granted to Paradise Peterborough Limited this will incorporate the existing licence.

3. SUMMARY OF AUTHORISATIONS APPLIED FOR

- 3.1
 - i) To allow the retail sale of alcohol for both on and off the premises on Monday to Sunday from 07.00am to 01.00am.
 - ii) To allow recorded music on Monday to Sunday from 07.00am to 23.00pm
 - iii) To allow the premises Late Night Refreshment on Monday to Sunday from 07.00am to 01.00am.
 - iii) To allow the premises to be open on Monday to Sunday from 06.00am to 01.00am

4. APPLICATION & PROPOSED CONDITIONS

4.1 Please refer to the application attached at **Appendix C – Page 21**.

4.2 The applicant has proposed the following conditions be placed upon the licence to meet the four licensing objectives. For clarity and as per paragraph 8.42 of the guidance, these conditions have been translated in to clear and understandable conditions.

4.3 **The Prevention of crime and disorder**

i) CCTV equipment shall be installed inside/outside the premises and maintained in working order.

ii) CCTV recording equipment and associated cameras will be maintained once a week and will record and store digital images for a period not less than 28 days. A record of maintenance is to be kept and made available to an authorised officer upon request. CCTV images are to be produced to an authorised officer upon request

iii) CCTV cameras will be positioned so that they cover the front aspect / entrance of the property in addition to internal public rooms and the customer service area.

iv) Notices advising that CCTV has been installed on the premises shall be posted so that they are clearly visible to the public within the licensed premises.

4.4 **Public Safety**

(CCTV conditions as per above)

i) Fire Risk Assessment

4.5 **The prevention of public nuisance**

i) Receptacles for refuse storage shall be maintained in a clean condition

ii) Litter shall be prevented at all times and where identified regularly cleared from the vicinity of the premises.

4.6 **The protection of children from harm**

i) 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 monthly basis. This training, together with ongoing training to prevent underage sales, such as challenge 21 or challenge 25, should be recorded in a written format and be available to an authorised officer upon demand.

4.7 Representations have been received from the Cambridgeshire Constabulary and a member of the public in their capacity as an interested Party. There was also a representation from the council's Pollution Team under the objective of the prevention of public nuisance, later withdrawn due to successful mediation. A copy of the representations are attached at **Appendix D – Page 45.**

4.8 The applicant, through mediation, has agreed to a number of further conditions being placed upon the licence. These agreed conditions are shown at paragraph 7.

5. **RESPONSIBLE AUTHORITIES**

5.1 **Summary of issues raised:**

The extension to the alcohol hours would have a detrimental effect on the local community where issues of noise and disorder will be increased causing further suffering to the local residents.

6 MEDIATION

- 6.1 Some mediation has taken place between the applicant and the concerning responsible authorities and the applicant has agreed to additional conditions being placed upon the licence.

7. APPLICANT'S AGREED ADDITIONAL CONDITIONS

7.1 Crime and disorder

i) CCTV recording equipment and associated cameras will be maintained once a week and will record and store digital images for a period not less than 28 days. A record of maintenance is to be kept and made available to an authorised officer upon request. CCTV images are to be produced to an authorised officer upon request

ii) CCTV cameras will be positioned so that they cover the front aspect / entrance of the property in addition to internal public rooms and the customer service area.

7.2 Public Nuisance

i) Noise Control Measures

The licensee shall take reasonable steps to prevent and control noise nuisance caused by persons using the Licensed Premises and also ensure patrons and visitors arrive and depart from the premises in a manner which will not cause annoyance to nearby residents.

ii) Noise Control Measures

Prominent, clear notices shall be displayed at all exits and outside trading area's, requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly. Staff must be given adequate instruction and training to prevent them causing unnecessary noise when they leave the premises.

iii) Noise Control Measures

All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place

iv) Noise Control Measures

The premises License holder shall take all necessary steps to ensure that noise or vibration is not noticeable inside or at the façade of any noise sensitive premises.

v) Noise Control Measures

The holder of the premises licence or responsible person shall ensure that no noise shall emanate from the Licensed Premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance or unreasonable disturbance to the occupiers of premises in the vicinity of the Licensed Premises.

vi) Noise Control Measures

Any request by an authorised officer of the Council in relation to reducing noise levels shall be complied with.

vii) Noise Control Measures

The placing of bottles into receptacles outside the premise shall take place at times that will minimise disturbance to nearby properties.

viii) Odour Control Measures

All ventilation of steam and cooking fumes to the atmosphere shall be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby properties.

ix) Noise Control Measures

Speakers should be located away from the noise sensitive premises, avoiding locations close to the joining wall.

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 8
- Fundamental Principles, section 6 on Page 9
- Licensing Hours, section 8 on Page 12
- Other Legislation, section 10 on Page 14
- Licence Conditions, section 13 on Page 16 and 17
- Delegation / Decision Making / Administration, Section 16 on page 18 and 19

8.3 Guidance Issued under Section 182 of the Licensing Act 2003 – October 2010

- The Licensing Objectives, section 2 pages 18 to 25
- Determining applications, section 9 Pages 78 to 81
- Conditions attached to premises licences, section 10 pages 83 to 96
- Pools of conditions, Annex D page 133 to 149

9. LEGAL OFFICER'S COMMENTS

9.1 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 the variation of a premises licence made under Section 34 of the Licensing Act.

9.2 In this case, the application was received at these offices on 28th October 2011.

9.3 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 March 2010 under section 182 of the Licensing Act 2003.

9.4 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 or vary the licence in the same terms as it was applied for
- decide to grant or vary 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 vary the licence

9.5 Conditions are modified if they are altered, omitted or any new condition added (Section 35(4) Licensing Act 2003).

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.

‘Interested parties’:

- a person living in the vicinity of the premises in question;
- a body representing persons living in that vicinity, e.g. a residents association;
- a person involved in a business in the vicinity of the premises in question;
- a body representing persons involved in such a business e.g. a trade association.
- a member of the relevant licensing authority e.g. a Councillor

‘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

‘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

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.

Or the provision of entertainment facilities:

Facilities for enabling persons to take part in entertainment of the following description for the purpose or purposes, which include the purpose of being entertained:

- making music
- dancing
- entertainment of a similar description

‘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
- 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 96 hours;
- 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 15 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.

(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

‘Vicinity’: Given the normal everyday meaning of being ‘near to’ when considering the relevance of representations received from individual’s residence or business.

Licensing Act 2003\glossary of terms 13 March 2007