

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

LICENCE REFERENCE: MAU 064341

APPLICANT: Enterprise Peterborough

PREMISES: Central Park, Park Crescent, Peterborough, PE1 4DX

GLOSSARY OF TERMS: Attached at **Appendix A** on **Page 4**

1. PURPOSE OF REPORT

1.1 To consider and determine this application for a variation to the premises licence for Central Park, Park Crescent, Peterborough, PE1 4DX taking into account the representations received from local residents in their capacity as interested parties.

2. BACKGROUND INFORMATION

2.1 On the 19th May 2006 a new application for a premises licence for Central Park was submitted by Peterborough City Council (**Appendix B, Page 7**). Objections to the grant of the licence were received from local residents and the noise pollution team but after intensive mediation these objections were withdrawn and the premises licence was granted without the need to be heard by the Licensing Act 2003 Sub Committee.

2.2 On the 16th May 2008 a variation to the premises licence was submitted. This application was to increase the capacity limit of Central Park to a maximum of 9,999 persons at any one time and to allow live and recorded music to be played until 11pm on Friday, Saturday and Sunday. Objections to this variation were received from a number of local residents and also from the noise pollution team. After mediation the licence application was amended so that the increase in capacity and music hours was only for the 28th and 29th June 2008. This was to coincide with 2008's Peterborough Festival. On the 30th June 2008 the capacity and music times returned to those as originally applied for in 2006.

2.3 On 22nd March 2011 an application to transfer the premises licence to Enterprise Peterborough was made and was granted as there was no objection from the Police. A copy of this current premises licence is attached at **Appendix C on Page 29**.

3. VARIATION APPLICATION AND ADDITIONAL CONDITIONS PROPOSED

- 3.1
- i) To remove conditions 12, 17, 19-33, 37-44, 46, 47, 49, 53-59, 62, 65-67, 69-72, 74, 75, 100, 101, 102.
 - ii) To increase the maximum occupancy of the licensed premises at any one time to 14,999.
 - iii) To add the condition 'A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.'
 - iv) To add the condition 'If it is proposed to play music (other than background music) a suitable cut out device, wired in to the fire alarm system, should be installed so that in the event of the fire alarm sounding the music will be automatically shut down. Once installed this cut out relay must be tested on a weekly basis in conjunction with the fire alarm test.'
 - v) To add the condition 'An adequate number of suitably qualified first aiders will be present at any event where members of the public are present. This number should be determined after the completion of an event risk assessment.'
 - vi) To add the condition 'All relevant Health & Safety, Building Control, Planning and any other regulatory authorisations or permissions must be in place and available for inspection by an authorised officer.'
 - vii) To add the condition 'When a licensable event or activity takes place, consideration will be given to suitably qualified security staff and stewards/first aid being employed. The number required will be determined by the Peterborough Safety Advisory Group (SAG) and will be strictly adhered to. Decisions will be based on submission of a comprehensive risk assessment that has been passed as fit for purpose by SAG and will be relevant and proportionate to the event in question.'
 - viii) To add the condition 'The premises licence holder and event organisers are responsible for ensuring that adequate child protection policies are in place for any event involving children and young persons. These policies should be available for inspection by an authorised officer.'

4. REPRESENTATIONS

- 4.1 Representations have been received from 1 local resident and from a local residents group. These representations from interested parties are under the prevention of crime and disorder, public safety and the prevention of public nuisance. These representations are attached at **Appendix D Page 47** and summarised at 5.1.
- 4.2 No valid representations have been received from any of the Responsible Authorities i.e. Cambridgeshire Constabulary, Cambridgeshire Fire and Rescue Service, Peterborough Trading Standards, Peterborough City Council Noise Pollution Team, Peterborough City Council Planning Department, Peterborough City Council Health and Safety Team and Peterborough City Council Child Protection and the local Health Authority

5. INTERESTED PARTIES REPRESENTATIONS

5.1 Summary of issues raised:

- An increase in litter in the area.
- An increase of noise in the area.
- Parking issues near the premises
- Health & Safety issues at the premises.

6. MEDIATION

- 6.1 Mediation did not take place on this occasion as it was felt that with the depth of feeling from local residents against the variation the residents were unlikely to agree on any mediated terms.

7. POLICY & GUIDANCE IMPLICATIONS

- 7.1 The following sections/paragraphs are applicable to this application:

7.2 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
- Other Legislation, section 7 on Page 7
- Licence Conditions, section 14 on Page 11
- Delegation / Decision Making / Administration, Section 17 on Page 13

7.3 Guidance Issued under Section 182 of the Licensing Act 2003 – April 2012

- The Licensing Objectives, section 2 pages 8 to 18
- Determining applications, section 9 Pages 68 to 75
- Conditions attached to premises licences, section 10 pages 76 to 89

8. LEGAL OFFICER'S COMMENTS

- 8.1 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.

- 8.2 In this case, the application was received at these offices on 18th May 2012.

- 8.3 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 Home Office in April 2012 under section 182 of the Licensing Act 2003.

- 8.4 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 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

- 8.5 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.

‘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)
- The Licensing Authority

‘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;
- 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.

(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

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