

LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No. 3.2
2 APRIL 2014		PUBLIC REPORT
Contact Officers:	Adrian Day, Licensing Manager Darren Dolby, Licensing Regulatory Officer	Tel: 454437 Tel. 453561

APPLICATION:	NEW PREMISES LICENCE
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APPLICANT:	Littlejohn & Co Ltd
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REFERENCE NO:	068940
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PREMISES:	Spar, 4 Fortune Buildings, Cowgate, Peterborough, PE1 1LR
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GLOSSARY OF TERMS: Attached at Appendix A on Page 31

1. PURPOSE OF REPORT

- 1.1 To consider and determine this application for a new premises licence for Spar, 4 Fortune Buildings, Cowgate, Peterborough, taking into account the representations received from Mr Mariusz Sliwinski who, under the Licensing Act 2003 is defined as an 'other person'.

2. BACKGROUND INFORMATION

- 2.1 Historically there has been no authorisation for any licensable activities, through a premises licence, to take place at the premises.

3. AUTHORISATIONS AND TIMES APPLIED FOR

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

Monday to Friday 07.30 to 22.00

Saturday & Sunday 08.00 to 22.00

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

Monday to Friday 07.30 to 22.00.

Saturday & Sunday 08.00 to 22.00

4. APPLICATION

- 4.1 Please refer to the application attached at **Appendix B– Pages 35-48**

- 4.2 The applicant is Littlejohn & Co who are a private limited company. Mr Sanjay Khunti is the proposed DPS (Designated Premises Supervisor) and has held a personal licence with Peterborough City Council since 7th March 2014.

- 4.3 Representations have been received from one 'other person' and is attached at **Appendix B on Page 49**.
- 4.4 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.
- 4.5 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, Children's Services or Peterborough City Council Environmental Pollution Team.
- 4.6 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.

5. OTHER PERSONS

5.1 Summary of issues raised:

- If granted it would contribute to an increase in anti-social behaviour in the area;
- Lighting near to the premises is inadequate and would increase the potential risks to public safety; and
- If granted, the premises would contribute to an increase in litter in the area.

6. MEDIATION

6.1 No mediation has taken place.

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

7.1 **Crime and disorder**

- All staff will be encouraged to complete the Level 2 Conflict Management Course for Licensed Premises Staff;
- CCTV recording equipment shall be installed inside/outside the premises and maintained in working order;
- CCTV recording equipment will be set to record all licensed areas at all times, 24 hours a day, 7 days a week. The equipment will be maintained once a week and a record of the maintenance will be kept and be available for inspection by a Police or Licensing Authority Officer on demand;
- Digital images will be clear and comprehensible and shall be retained for at least 28 days and shall be produced to an authorised Police or Licensing Authority 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;
- An authorised person will be available at all times on the premises to show CCTV images immediately or to an authorised officer on demand;
- All invoices (originals or copies) for all alcoholic goods for retail sale on the premises will be kept at the shop and made available to Police, Council and HMRC Officers upon request;
- An ultra violet light will be available and maintained at the store for the purpose of checking the UK Duty Stamp on all spirits as soon as practical after they have been purchased;
- If any spirits brought by the company / licensee have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall

identify the supplier to Trading Standards Department or HMRC as soon as possible;

- A means of two way communication shall be provided between the premises and the local police or CCTV monitoring centre to report incidents;
- Public information notices about crime and disorder issues shall be displayed at the request of the Council or the Cambridgeshire Constabulary; and
- Any conditions of entry to the premises shall be displayed in the vicinity of any entrance to the premises.

7.2 **Prevention of Public Nuisance**

- No customers will be admitted, or permitted to leave when carrying open or sealed bottles or glasses; and
- No alcohol shall be consumed on the premises.

7.3 **Protection of children from harm**

- Any person selling or supplying alcohol under the authority of a personal licence holder must ask for a photo ID proof where they have reason to suspect the individual may be under 25 years of age;
- Signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 25' initiative;
- Written staff training records will be documented and these training records will be produced to an authorised officer on demand;
- Written staff training records will be documented and updated on a regular basis. These training records will be produced to an authorised officer on demand.

7.4 **Public Safety**

- A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection to an authorised officer;
- Any grills and / or alarms installed at the licensed premises shall be maintained in working order;
- The premises licence holder will be an active member of any Shopwatch scheme that is active in the City Centre;
- Lighting shall be provided outside the premises during the hours of darkness when any licensable activity takes place on the premises;
- Notices relating to any restrictions on the admittance of individuals according to age shall be displayed on or immediately outside the premises;
- Management are responsible for ensuring that comprehensive arrangements exist to enable the safe evacuation of all disabled occupants in the event of an emergency;
- An adequate and appropriate supply of first aid equipment and materials shall be available on the premises;
- In the absence of adequate daylight the lighting in any area accessible to the public shall be fully operational; and
- Valid public liability insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request.

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
- Cumulative Effect, Section 11 on Page 8 to 10

- Children and Licensed Premises, Section 13 on Page 10 and 11
- Licence Conditions, Section 14 page 11 and 12
- Delegation / Decision Making / Administration, Section 17 on Page 13 and 14

8.3 **Guidance Issued under Section 182 of the Licensing Act 2003 June 2013**

- The Licensing Objectives – Section 2 pages 11 to 16
- Applications for Premises Licences – Section 8 pages 42 to 48
- Determining applications – Section 9 pages 58 to 64
- Conditions Attached to Premises Licences – Section 10 page 65 to 74

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 11th February 2014.
- 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; and
 - The Guidance issued by the Secretary of State for Culture, Media and Sport under section 182 of the Licensing Act 2003 – October 2012.
- 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; or
 - 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

'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
- 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.

(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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