

<b>LICENSING ACT 2003 SUB COMMITTEE</b>		AGENDA ITEM No. 3
13 January 2015		PUBLIC REPORT
Contact Officers:	Peter Gell, Head of Regulatory Services Terri Martin, Licensing Regulatory Officer	Tel: 453419 Tel. 453561

**APPLICATION: NEW PREMISES LICENCE**

**APPLICANT:** Little Europe Partners Ltd

**REFERENCE NO:** 070476

**PREMISES:** Little Europe, 715 Lincoln Road, Peterborough, PE1 3HD

**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 Little Europe, 715 Lincoln Road, Peterborough, taking into account the representations received from Cambridgeshire Constabulary, MANERP (a group representing local residents) and a local Councillor in opposition of the application and a representation from a local Councillor in support of the application.

**2. BACKGROUND INFORMATION**

2.1 An application for a new premises licence was made by Mr Ather Azeem on 24 July 2008, representations were received, so the application was determined and subsequently granted by the Licensing Sub-Committee on 16 September 2008. The licence was surrendered on 19 December 2008.

2.2 The Council adopted a special policy relating to cumulative impact in respect to all licensed premises for the Op Can Do area on 18 April 2013.

2.3 An application for a new premises licence was made by Little Europe Partners Ltd on 31 March 2014. As representations were received the application was determined and subsequently refused by the Licensing Sub-Committee on 20 May 2014.

**3. AUTHORISATIONS AND TIMES APPLIED FOR**

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

Monday to Saturday 09.00 to 21.00  
Sunday 10.00 to 20.00

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

Monday to Saturday 09.00 to 21.00  
Sunday 10.00 to 20.00

## **4. APPLICATION**

- 4.1 Please refer to the application attached at **Appendix B**.
- 4.2 Representations against the application have been received from Cambridgeshire Constabulary, one local Councillor and MANERP (a group representing local residents) These are attached at **Appendix C**.
- 4.3 A representation from one local Councillor in support of the application is attached at **Appendix D**.
- 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 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 E**.

## **5. REPRESENTATIONS**

- 5.1 Summary of issues raised by persons objecting against the application
- Application falls within the Cumulative Impact Area, an area identified within the Councils Statement of Licensing Policy as already saturated with licensed premises.
  - Area suffers with a high level of anti-social behaviour fuelled by alcohol, which could be exacerbated by another off licensed premises.
  - Evidence does still exist of a negative impact caused by alcohol within the area, e.g. street drinking, alcoholism and domestic violence.
  - High level of crime in the vicinity.
  - The proposed DPS (Designated Premises Supervisor) is already responsible for other licensed premises, suggest another DPS for this premises if the licence is granted.
  - Proposed extra conditions, if the licence is granted in relation to single and double vessels of alcohol above 6.5 abv (alcohol by volume) and public liability insurance.
- 5.2 Summary of issues raised in support of the application.
- Alleged consumption of alcohol in the area is declining due to closure of on-licensed premises
  - Area improvements by various agencies mean that the problems historically experienced in the direct locality are declining.
  - The premises is located away from the high concentration area of Can Do.

## **6. MEDIATION**

- 6.1 Mediation in relation to this application would not be appropriate. The adoption of a Cumulative Impact Policy creates a rebuttable presumption to refuse when relevant representations are received. Therefore it is for the Licensing Sub-Committee to determine whether or not to depart from this policy.

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

### **7.1 Crime and disorder**

- No alcoholic drinks will be purchased by the store owners or staff from sellers calling at the store.
- 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 at the premises for the purpose of checking the UK Duty Stamp on all spirits as soon as practical after they have been purchased.
- If any spirits bought by the company 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 and HMRC as soon as possible.
- 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 encompass all entrances and exits to the premises, fire exits and all areas where the sale / supply of alcohol occur. A camera will be positioned outside the premises covering the shop frontage.
- 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 31 days.
- The Premises Licence Holder must ensure at all times a Designated Premises Supervisor or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format and hand this footage over to the Police / Local Authority on demand.
- 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 complaint, 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 Licence Holder / Designated Premises Supervisor must report the failure to the Police or Local Authority immediately.
- 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.
- Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk must be undertaken on a monthly basis. This training, together with on-going training to prevent underage sales (Challenge 25) must be recorded in a written format and be available to an authorised officer upon demand.
- A refusals log will be maintained on a daily basis recording all refused attempted purchases of alcohol, carried out by drunks or underage persons.
- No person will be allowed to enter or leave the licensed premises with an open vessel of alcohol and the licensee will actively discourage and prevent anyone congregating or drinking outside the premises.

## 7.2 **Prevention of Public Nuisance**

- Waste collection contractors will not collect refuse between 23:00 and 07:00 hours.
- Any litter or refuse generated must be contained within the boundaries of the premises and regularly cleared (the boundaries of the premises are taken to be those indicated on the plan).
- Receptacles for waste shall be emptied regularly to avoid causing a public nuisance through smells or odours and shall be maintained in a clean condition.
- Trade waste containers will only be left out for collection of waste on the day of collection and will be stored off the public right of way at all other times.
- Clear and legible notices will be prominently displayed at all exits asking customers to respect local residents and to leave the area quietly.

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

- Signage will be prominently placed within the premises advertising the fact that the premises operate the 'Challenge 25' initiative.
- 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.

- Staff will be trained to recognise ID proof and challenge 25. Refusal book, staff training records will be available for the authorities.

#### 7.4 **Public Safety**

- An adequate and appropriate supply of first aid equipment and materials must be available on the premises.
- Valid Public liability Insurance must be kept in force and a copy of the schedule must be available for inspection by an authorised officer on request.
- An incident log book will be maintained at the premises where staff will be responsible for entering details of any incident of a violent disorderly nature.
- The premises license holder will ensure compliance of current fire and safety regulations, air conditioning will be maintained and in good condition.

### 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 Impact, Section 11 Page 8 to 10
- 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
- Cumulative impact – Section 13.19 to 13.40 page 111 to 117

### 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 18 November 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
  - 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.

(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