

LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No. 3
16 October 2015		PUBLIC REPORT
Contact Officers:	Peter Gell, Head of Regulatory Services Darren Dolby, Licensing Regulatory Officer	Tel: 453419 Tel. 453540

APPLICATION: NEW PREMISES LICENCE

APPLICANT: Mr Usman Ali

REFERENCE NO: 071973

PREMISES: Take Away, 3 Langford Buildings, Alexandra Road, Peterborough, Cambridgeshire, PE1 3DA

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 Take Away, 3 Langford Buildings, Alexandra Road, Peterborough, PE1 3DA taking into account the 11 representations against the grant of the premises licence.

2. BACKGROUND INFORMATION

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

3. AUTHORISATIONS AND TIMES APPLIED FOR

- **Late Night Refreshment**

Friday and Saturday 23.00 to 01.00

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

Sunday to Thursday 12.00 to 23.00
Friday and Saturday 12.00 to 01.00

4. APPLICATION

4.1 Please refer to the application attached at **Appendix B**.

4.2 Representations against the application have been received from 10 local residents and a local Councillor each in their capacity as 'other persons'. These are attached at **Appendix C**.

4.3 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

- 4.4 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, Peterborough City Council Environmental Pollution Team, or Children's Services. There have been no representations in support of the application.
- 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.

5. REPRESENTATIONS

- 5.1 Summary of issues raised by persons objecting to the application:
- Already sufficient premises in the area where late night hot food can be purchased;
 - An increase in litter in the vicinity of the premises
 - An increase in parking issues in the vicinity of the premises
 - An increase in noise issues in the vicinity of the premises
 - Concerns over cooking odours emanating from the premises.
 - An increase in anti social behaviour in the area.
- 5.2 There were no representations in support of the application.

6. MEDIATION

- 6.1 Mediation has not been attempted between the applicant and the petitioners.

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

7.1 Crime and disorder

- No alcohol will be allowed on the premises..

7.2 Prevention of Public Nuisance

- The premises licence holder shall be responsible for prevention and disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises.

7.3 Protection of children from harm

- No specific conditions offered.

7.4 Public Safety

- No specific conditions offered.

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

- 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 March 2015**

- The Licensing Objectives – Section 2 pages 6 to 13
- Applications for Premises Licences – Section 8 pages 39 to 54
- Determining applications – Section 9 pages 55 to 62
- Conditions Attached to Premises Licences – Section 10 page 63 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 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 19 August 2015.
- 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 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; and
 - 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).

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