

<b>LICENSING ACT 2003 SUB COMMITTEE</b>	<b>AGENDA ITEM No. 4</b>
<b>16 JUNE 2009</b>	<b>PUBLIC REPORT</b>

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**SUMMARY OF COMMITTEE HEARINGS HELD UNDER THE PREVIOUS COMMITTEE STRUCTURE**

**1. PURPOSE AND REASON FOR REPORT**

The purpose of the report is for information purposes only, summarising committee hearings held by the Licensing Act Sub Committee under the previous committee structure. The report will offer new members of the committee an insight in to the various issues involved when considering an application and also the reasons why an application for a licence under the Licensing Act 2003 would be required to be heard by the committee.

The report will also act as a refresher for existing members of the committee who may have not been present at particular committee hearings.

**2. PREVIOUS HEARINGS HELD**

**2.1 Hearing Date: 2 July 2008**

**Premises: Bogarts Wine Bar, 17 North Street, Peterborough.**

**Application Type: Review Premises Licence**

**Summary:** The application to review the premises licence was served by Cambridgeshire Constabulary in their capacity as a Responsible Authority. The review was served with regard to Crime and Disorder, Public Safety and the Protection of Children from Harm objectives, following a test purchase operation where the premises sold alcohol to underage volunteers.

**Committee Decision:** to suspend the premises licence for 3 (Three) months and to add the following conditions:

1. A personal licence holder will be on the premises at all times that alcohol is available for sale.
2. A comprehensive training package will be delivered to all staff regarding underage sales. This training will be recorded and will be made available to an Authorised Officer of the Local Authority or of Cambridgeshire Constabulary.

**2.2 Hearing Date: 28 July 2008**

**Premises: Dhesi, 27 Oakleigh Drive, Orton Longueville, Peterborough.**

**Application Type: New Premises Licence**

**Summary:** The application was for the sale of alcohol for consumption off the premises Monday to Sunday 09.00 to 22.00. Eleven (11) letters of representation were received from interested parties, as well as a petition containing signatures of 28 local residents. The

concerns were with regard to all four licensing objectives, (Public Nuisance, Crime and Disorder, Protection of Children from Harm and Public Safety).

**Committee Decision:** To grant the premises licence subject to the following conditions:

1. Alcohol sales to be restricted to the hours of 10am to 2pm and 6pm to 9pm.
2. Alcohol not to be visible to the public during the hours that sales are prohibited.
3. Appropriate signage to be displayed within the shop to advise customers of the Designated Public Places Order.

### **2.3 Hearing Date: 28 July 2008**

**Premises: Smilte, 64 Westgate, Peterborough.**

**Application Type: Review Premises Licence**

**Summary:** The application to review the premises licence served by Cambridgeshire Constabulary in their capacity as a Responsible Authority. The review was served with regard to Crime and Disorder, Public Safety, and Protection of Children from Harm objectives, following a test purchase operation where the premises sold alcohol (bottle of Gera Vodka) to underage volunteers and no staff training records (due diligence) could be produced. The premises had also been previously found to have counterfeit and 'duty free' tobacco on premises, duty free alcohol priced and on display without a premises licence which was seized by an asset recovery company.

**Committee Decision:** To revoke the premises licence.

### **2.4 Hearing Date: 21 August 2008**

**Premises: The Comet, Garton End Road, Peterborough.**

**Application Type: Variation to Premises Licence**

**Summary:** The application was to extend the hours of existing regulated entertainment and alcohol sales, and to include extra licensable activities Monday to Friday 09.00 to midnight. Representation was received from the Environmental Health Pollution Team. The concern was with regard to Public Nuisance objective.

**Committee Decision:** The Committee decision was to grant the application to the licence in the terms applied for with the exception of the hours for the playing of live music and recorded music being amended to 9.00am to 11pm Sunday to Thursday and 9.00am to midnight Friday and Saturday and subject to the additional mediated conditions as agreed with the Pollution Team.

### **2.5 Hearing Date: 16 September 2008**

**Premises: Mr Ather Azeem, 715 Lincoln Road, Peterborough.**

**Application Type: New Premises Licence**

**Summary:** The application was for the sale of alcohol for consumption off the premises Monday to Sunday 08.00 to midnight. A letter of representation was received from a residents group, Millfield and New England Regeneration Partnership, (MANERP) classed as a body representing persons who live in the vicinity. The concerns were with regard to Public Nuisance, Crime and Disorder and Protection of Children from Harm objectives. Two (2) letters of support to the application were also received.

**Committee Decision:** To grant the premises licence in the terms applied for subject to the following condition:

1. Alcohol sales to be restricted to the hours of 10am to 2pm and 6pm to 11pm

## **2.6 Hearing Date: 26 September 2008**

**Premises: Ebenezers, Grove Street, Peterborough.**

**Application Type: Variation to Premises Licence**

**Summary:** The application was to extend the hours of existing regulated entertainment and alcohol sales allow extra licensable activities including adult entertainment Fridays and Saturdays until 4am Sunday until midnight, and to also to remove and replace existing conditions. Representation was received from Cambridgeshire Constabulary in their capacity as a Responsible Authority and eight (8) interested parties. The concerns were with regard to Public Nuisance and Crime and Disorder objectives. Representation was also received from Pollution Team but mediated conditions were agreed to be added to the premises licence.

**Committee Decision:** To grant the application for a variation to the licence in the terms applied for with the exception of the hours for:

1. Sale of alcohol will be permissible on Friday and Saturday between 11.00 and 03.00
2. The service of hot food and drink will be permissible on Friday and Saturday between 11.00 and 02.30
3. To allow live and recorded music to be played on Friday and Saturday between 19.00 and 03.00.
4. To allow the performance of dance on Friday and Saturday between 19.00 and 03.00.

## **2.7 Hearing Date: 21 November 2008**

**Premises: Cross Keys Public House, 279 Oundle Road, Peterborough.**

**Application Type: Review Premises Licence**

**Summary:** The application to review premises licence was served by the Pollution Control Team in their capacity as a Responsible Authority. The review was served with regard to Public Nuisance objective, following investigation proved a statutory nuisance existed and was likely to reoccur before and after 23.00. A noise abatement notice had been served and breached, and the premises were operating in breach of its existing premises licence conditions with regards to noise.

**Committee Decision:** As follows

1. To exclude live music from the scope of the licence for a period of 3 months.
2. To carry out the works proposed in the letter dated 9 October 2008 from AGS Noise Control Ltd within the next 3 months and to the standard specified.
3. To install self closing doors to the front of the premises within the next 3 months.
4. To remove condition 91 of the licence
5. To vary condition 87 to "Requests made by a responsible authority shall be complied with as soon as practicable. In addition to any restriction specified in the Operating Schedule to the licence the holder of the premises licence shall implement requests regarding control be exercised over music at all times when the premises are open to the public".
6. To vary condition 92 to "All external doors and windows including both lobby doors must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place".

## **2.8 Hearing Date: 4 December 2008**

**Premises: Somerfield, Paston Parkway, Peterborough.**

**Application Type: Variation to Premises Licence**

**Summary:** The application was to extend the sale of alcohol for consumption off the premises to 24 hours a day Monday to Sunday. Representations were received from a Councillor representing two residents, three letters from bodies representing residents and a further two letters of representation from residents. The concerns were with regard to Prevention of Crime and Disorder and Public Nuisance objectives. Representation was also received from Cambridgeshire Constabulary in their capacity as a Responsible Authority, however during mediation it was agreed that the police would withdraw the representation if the premises agreed to make all sales through a serving hatch between the hours of 23.00 and 04.00.

**Committee Decision:** To grant the application in the same terms applied for subject to the following condition:

1. A serving hatch will be used to conduct all sales between 23.00 and 04.00 daily. The customer doors will be locked during this time and customers will not be permitted to enter the store.

## **2.9 Hearing Date: 9 January 2009**

**Premises: Asda Superstore, Viersen Platz, Peterborough.**

**Application Type: Variation of a Premises Licence**

**Summary:** The application was to extend the sale of alcohol for consumption off the premises to 24 hours a day Monday to Sunday. Representation was received from one (1) interested party. The concern was with regard to Prevention of Crime and Disorder and Public Nuisance objectives.

**Committee Decision:** To grant the application in the terms applied for.

## **2.10 Hearing Date: 9 February 2009**

**Premises: Ruticia, 81 Eastfield Road, Peterborough.**

**Application Type: New Premises Licence**

**Summary:** The application was for the sale of alcohol for consumption off the premises and recorded music inside the premises Monday to Sunday 06.00 to midnight. One (1) letter of representation was received from an interested party and representation was also received from a Councillor representing himself and 5 other interested parties. The concerns were with regard to Public Nuisance, Crime and Disorder and Public Safety objectives.

**Committee Decision:** To grant the licence subject to the following condition:

1. The sale of alcohol to be restricted to the hours of Monday to Sunday 09.00 to 21.00.

### **3. SECTIONS OF NATIONAL GUIDENCE AND THE COUNCILS'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE COMMITTEES DECISIONS**

#### **3.1 Council's Statement of Licensing Policy**

- Objectives, section 4 on page 8
- Fundamental Principals, 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

#### **3.2 Guidance issued under Section 182 of the Licensing Act 2003**

- Licensing Objectives – Crime and Disorder, section 2 pages 16 to 19
- Licensing Objectives – Public Nuisance, section 2 pages 21 to 23
- Licensing Objectives – Public Safety, section 2 pages 19 to 21
- Licensing Objectives – Protection of Children From Harm, section 2 pages 23 to 25
- Determining Applications, section 9 pages 66 to 70

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