

LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No. 3
9 MAY 2018		PUBLIC REPORT
Contact Officers:	Kerry Leishman, Business & Licensing Manager Darren Dolby, Licensing Regulatory Officer	Tel: 453502 Tel. 453540

APPLICATION: NEW PREMISES LICENCE

APPLICANT: Sumeet Odedra

REFERENCE NO: 076843

PREMISES: Werrington Green Post Office, 2 The Green, Werrington Village, Peterborough, PE4 6RU

GLOSSARY OF TERMS: Attached at **Appendix A** on **Page 8**

1. PURPOSE OF REPORT

1.1 To consider and determine this application for a new premises licence for Werrington Green Post Office, 2 The Green, Werrington Village, Peterborough taking into account the representation & petition received from local residents.

2. BACKGROUND INFORMATION

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

2.2 There have been two previous application submissions for this premises by the same applicant in 2018. These submissions both failed due to the applicant failing to advertise the application correctly.

3. AUTHORISATIONS AND TIMES APPLIED FOR

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

Monday to Thursday 07.00 to 21.00
Friday and Saturday 07.00 to 22.00
Sunday 08.00 to 21.00

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

Monday to Thursday 07.00 to 21.00
Friday and Saturday 07.00 to 22.00
Sunday 08.00 to 21.00

4. APPLICATION

- 4.1 Please refer to the application attached at **Appendix B on Page 11**.
- 4.2 A representation against the application has been received from 1 local resident and also a petition against the application containing 72 signatories from local residents in their capacity as 'other persons' These are attached at **Appendix D on Page 29**.
- 4.3 Section 18 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.
- 4.5 A 'Notice' was displayed in the local 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.
- 4.6 The applicant has submitted a valid plan/layout of the premises. These documents can be found at **Appendix C on Page 27**.

5. REPRESENTATIONS

- 5.1 Summary of issues raised by the local residents objecting to the application:
- The local residents believe that the sale of alcohol from the Post Office until late at night will encourage and increase vulnerability to crime.
 - Sufficient numbers of other premises in the local area authorised to sell alcohol to meet demand.
 - Parking issues will increase due to the Post Office being open late and their customers would be trying to park in the same area as customers of other licensed premises in the immediate vicinity.
 - If a licence is granted there would be an increase in alcohol related incidents including disturbances from customers purchasing alcohol.
 - An increase in littering in the vicinity of the premises
 - An increase in access of alcohol to young persons either through theft from the store or through 'proxy buying' (where an under 18 year old persuades an over 18 year old to purchase alcohol on their behalf).
- 5.2 There were no representations in support of the application.

6. MEDIATION

- 6.1 Mediation has not been attempted.

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

7.1 Crime and disorder

- The premises licence holder will ensure that a digital CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises.
- The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of at least 2 hours afterwards
- Digital CCTV images shall be retained for a minimum of 28 days and should be produced to a Police Officer, PCSO or Local Authority Officer immediately upon demand.
- At all times the premises are open for business a member of staff shall be present who is capable of operating the digital CCTV system and downloading images at the request of a Police Officer, PCSO or Local Authority Officer
- The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders of every person entering or leaving the premises
- 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

7.2 Prevention of Public Nuisance

- Prominent, clear and legible notices at all exits shall be displayed on the premises requesting patrons to respect the needs of local residents and to leave the premises and the area quietly
- Arrangements should be in place to ensure that waste collection contractors do not collect refuse from the site at times that will cause disturbance to nearby properties
- An adequate number of suitable (lidded) receptacles shall be provided to receive and store refuse from the premises/site

7.3 Protection of children from harm

- The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises & signage will be prominently placed within the premises advertising the fact that the premises operate the 'Challenge 25' initiative

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 by an authorised officer
- Valid public liability insurance shall be kept in force and a copy of the schedule will be displayed at the venue and made available for inspection by an authorised Local Authority or Police Officer or PCSO 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
- Licence Conditions, Section 14 page 15 and 15
- Delegation / Decision Making / Administration, Section 17 on Page 18 and 19

8.3 Guidance Issued under Section 182 of the Licensing Act 2003 April 2017

- The Licensing Objectives – Section 2 pages 6 to 14
- Applications for Premises Licences – Section 8 pages 48 to 66
- Determining applications – Section 9 pages 66 to 75
- Conditions Attached to Premises Licences – Section 10 page 75 to 87

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 15th of March 2018.

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 – April 2017

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.

APPENDIX A

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