

<b>LICENSING ACT 2003 SUB COMMITTEE</b>		AGENDA ITEM No. 3
<b>13 JULY 2018</b>		<b>PUBLIC REPORT</b>
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**APPLICATION: NEW PREMISES LICENCE**

**APPLICANT:** Mr Razaq Karim

**REFERENCE NO:** 077274

**PREMISES:** International Food Centre, Unit 1 & 2, 41 Lincoln Road, Peterborough, PE1 2RH

**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 International Food Centre, Unit 1 & 2, 41 Lincoln Road, Peterborough, PE1 2RH taking into account the background information and representation received from an ‘other person’ in opposition of the application. A copy of the application can be found at **Appendix B Page 11**

**2. BACKGROUND INFORMATION**

2.1 On 9<sup>th</sup> January 2018 an application for a premises licence was submitted to the Licensing Authority by Mr Karim. This application was to sell alcohol at the premises for the same hours as this current application. This application was rejected by the Licensing Act 2003 Sub Committee at a hearing on 1<sup>st</sup> March 2018. A copy of the decision notice is attached at **Appendix C Page 23**.

2.2 Since 18<sup>th</sup> April 2013 the Licensing Authority has adopted a special policy relating to the cumulative impact in respect to all licensed premises within the ‘Operation Can – Do’ area. An explanation of what this special policy entails can be found on page 10 of the Council’s Statement of Licensing Policy. A map showing the Can – Do area is attached at **Appendix D Page 25**.

2.3 The premises falls within the ‘Operation Can – Do’ area and is therefore subject to the provisions of the special ‘cumulative impact’ policy

**3. AUTHORISATIONS AND TIMES APPLIED FOR**

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

Monday to Sunday 7am to 10pm

- **Opening hours of premises**

Monday to Sunday 7am to 10pm

#### **4. APPLICATION**

4.1 Please refer to the application attached at **Appendix B – Pages 11**

4.2 A representation against the application have been received from one ‘other person’. This representation is from the Chairman of the Millfield and New England Regeneration Partnership. This is attached at **Appendix E on Page 27**.

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. After consultation with Cambridgeshire Constabulary the applicant amended the original proposed conditions to those shown at Part P.

4.4 No representations have been received from any of the Responsible Authorities i.e. Cambridgeshire Constabulary, Peterborough 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 five positive character references received in relation to Mr Razaq Karim. These are attached at Appendix F on Page 29.

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 authorities objecting to the application:

- In ‘Op Can-do’ area which is now subject to a special ‘cumulative impact policy.
- Another premises offering ‘Off Sales’ of alcohol would lead to an increase in anti-social behaviour in the vicinity.

5.2 There have been five character references in support of Mr Karim.

#### **6. MEDIATION**

6.1 Mediation has not taken place.

#### **7. APPLICANT’S PROPOSED CONDITIONS UNDER THE LICENSING OBJECTIVES (AFTER CONSULTATION WITH POLICE):**

7.1 **Crime and disorder**

- The need for SIA at the premises will be risk assessed on a regular basis. SIA will be employed if requested in writing by the Police or Licensing Authority. If SIA are employed a bound book must be maintained by the premises licence holder containing the following details for SIA door staff; full name, SIA badge number, full agency details through which they have been allocated to work at the premises, time they began and completed their duty. This book must be kept for a minimum period of 12 months and must be made available for inspection by authorised officers upon request..
- 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](http://www.informationcommissioner.gov.uk)) regarding installation of CCTV is provided at the premises.
- A minimum of 16 CCTV cameras will be installed at the premises, a minimum of one camera will cover the frontage of the premises.
- 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 must cover the entire licensed area (including the frontage of the premises).
- CCTV equipment must be maintained in good working order, be correctly time and date stamped and must be retained for a minimum period of 28 consecutive days..
- The premises licence holder must ensure at all times that an 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 upon reasonable request, but in any event, within 24 hours.
- All images downloaded must be provided in a format that can be viewed on readily available equipment without the need for specialist software..
- All incidents of crime and disorder occurring at the premises and details of occasions when the police are called to the premises must be recorded in a log book by relevant staff including the staff members name the date and time of the incident.
- All refusals of age restricted products including will be recorded in detail within the daily log book.
- All staff will be trained with regards to the sale of alcohol under the Licensing Act 2003 prior to making any sales. This training must be ongoing, logged and available for inspection on request by the Police and authorised council officers at any reasonable time.
- No Beer/Cider/Lager above 6.5% Abv will be sold at the premises.
- Alcohol will only be sold to persons purchasing other non-alcoholic items.
- No single cans of beer or cider will sold.

## 7.2 **Prevention of Public Nuisance**

- The placing of bottles into receptacles outside the premises shall take place at times that will minimise disturbance to nearby properties.
- Receptacles for waste shall be emptied regularly to minimise nuisance smells.
- Adequate and suitable (lidded) receptacles shall be provided to receive and store refuse from the premises/site.
- Receptacles for refuse storage shall be maintained in a clean condition.

- The placing of any waste into receptacles outside the premises shall take place at times that will minimise disturbance to nearby properties.
- All deliveries to the premises will be between 6am and 9pm.
- Clear visible notices will be placed at the entrance / exits asking patrons to respect the needs of local residents and disperse the area quietly.
- Any refuse on the frontage of the premises will be regularly cleared.

### 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 and signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 25' initiative
- Any person selling or supplying alcoholic drink must do so under the authority of a personal licence holder and 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
- A refusal log will be accurately maintained on every refusal made in relation to the attempted purchase of alcohol by a juvenile or intoxicated person

### 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.
- An adequate and appropriate supply of first aid equipment and materials shall 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.

## 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 7 and 8
- Fundamental Principles, Section 6 on Page 6 and 7
- Licence Conditions, Section 14 page 17
- Delegation / Decision Making / Administration, Section 17 on Page 19 and 20

### 8.3 **Guidance Issued under Section 182 of the Licensing Act 2003 April 2018**

- The Licensing Objectives – Section 2 pages 6 to 14
- Applications for Premises Licences – Section 8 pages 49 to 68
- Determining applications – Section 9 pages 68 to 77
- Conditions Attached to Premises Licences – Section 10 page 77 to 89

## 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 22 May 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 – 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).

## 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