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| LICENSING ACT 2003 SUB COMMITTEE | | AGENDA ITEM No. 3 |
| 02 November 2018 | | PUBLIC REPORT |
| Contact Officers: | Kerry Leishman, Licensing & Business Manager Simon Andrews, Licensing Regulatory Officer | Tel: 453502 Tel. 453486 |

APPLICATION: NEW PREMISES LICENCE

APPLICANT: International Shop

REFERENCE NO: 076652

PREMISES: 32-34 Dogsthorpe Road, Peterborough, PE1 3AF

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 Shop, 32-34 Dogsthorpe Road, Peterborough, PE1 3AF taking into account the background information and representations received from a Local Councillor, the Chair of MANERP (Millfield and New England Regeneration Partnership) and two ‘other persons’ in opposition of the application.

2. BACKGROUND INFORMATION

2.1 There has not been any previous application under the Licensing Act 2003 for this premises.

2.2 Since 18th 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 B Page 11**.

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 8am to 11pm

- **Opening hours of premises**

Monday to Sunday 8am to 11pm

4. APPLICATION

- 4.1 Please refer to the application attached at **Appendix C – Pages 13**
- 4.2 Representations against the application have been received from 1 Councillor, the Chair of Manerp & two 'other persons'. These are attached at **Appendix D on Page 35**.
- 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 the following Responsible Authorities. 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.
- 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, **Appendix E on page 47**.

5. REPRESENTATIONS

- 5.1 Summary of issues raised by Councillor Ferris, Manerp & 'other persons' 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 were no representations in support of the application.

6. MEDIATION

- 6.1 Mediation has not taken place. Cambridgeshire Constabulary have requested additional conditions and a reduction in opening hours to 21:00 hrs, **Appendix F on page 50**. This has not been mediated with the applicants agent due to the number of additional representations.

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

7.1 Crime and disorder

These conditions have been carefully formulated to support the Licensing Objectives, taking into account the premises is located within the Cumulative Impact Area (CIA).

- Alcohol available for sale will be restricted between the hours of 08.00 until 23.00.
- The Licensee will display at all times in close proximity to all alcohol displays within the premises, the current Alcohol guidelines produced by the Chief Medical Officers. (see attached – simple A4 poster).
- There will be no window display posters or similar advertising containing and reference to alcohol on the premises shop frontage or the highway abutting the premises.
- Spirits must be displayed and secured behind the sales point and will not be available for self-service.
- There will be no sales of beer, lager, or cider over 6% ABV.

- The licence holder shall operate and maintain a refusals register in respect of declined sales of alcohol where the attempted purchase was suspected of being under 18 years of age or drunk.
- The refusals register shall be kept on the premises and be made available immediately upon request to an authorised officer of the Police or Local Authority.
- The licence holder will ensure that within six weeks of any appointment of a member of staff, they receive adequate training in responsible alcohol retailing and refreshed every 12 months. A training record will be kept at the premises.
- 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.
- A fully working and maintained CCTV system capable of recording and storing images must be installed on the premises. The system must record at all times the premises is open to the public and images must be stored for a minimum of 28 days with date & time stamping. As a minimum this must cover all entry and exit points, both sides of all areas where the sale/supply of alcohol takes place.
- All recordings must be made available to an officer from a responsible authority upon reasonable request and in line with the provisions of the Data Protection Act 1998.
- All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale. This training must be completed prior to them being authorised to sell alcohol and refreshed every 12 months as a minimum. A record of this training must be kept and maintained with a copy of the syllabus attached. The recipient of the training must sign to state that they have received and understood the training and this should be dated. Training records must be kept on the premises at all times and made available to an officer from a responsible authority upon reasonable request.
- The premises will operate and adhere to an age verification scheme with the minimum standard of Challenge 25. Signs advertising the policy must be displayed in all areas where alcohol is for sale.
- A refusals register will be kept on the premises for the recording of any incidents involving the refusal of a sale of alcohol due to age or drunkenness. The register will be made available to an officer from the local authority for inspection upon reasonable request.
- 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**

- Persons shall be discouraged from congregating outside of the premises.
- A notice will be placed immediately outside the main entrance reminding persons that no alcohol to be consumed directly outside the main entrance to the shop.
- 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**

- The challenge 25 scheme will be implemented.
- To ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder follows the guidelines of the Challenge 25 scheme and asks for photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age and to ensure that signs relevant to this condition are prominently displayed at the premises.

7.4 **Public Safety**

- The premises will conform to all statutory Health and Safety Requirements.

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 2017**

- The Licensing Objectives – Section 2 pages 7 to 17
- Applications for Premises Licences – Section 8 pages 52 to 62
- Determining applications – Section 9 pages 70 to 78
- Conditions Attached to Premises Licences – Section 10 page 79 to 90

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 17 September 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 2018.
- 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

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