

LICENSING PANEL

11 July 2017

REPORT OF HEAD OF REGULATORY SERVICES

**APPLICATION FOR PREMISES LICENCE FOR
(Arman Pizza) 13 WINDSOR STREET, MELTON MOWBRAY**

1.0 PURPOSE OF REPORT

1.1 The purpose of this report is to submit to the Licensing Panel an application by Rustum Sahel Abdul HAG for a Premises Licence under the Licensing Act 2003 due to the Premises falling within the Cumulative Impact Zone and submission of relevant representations during the statutory consultation period.

2.0 RECOMMENDATIONS

2.1 **It is recommended that the Panel determine this application for a Premises Licence having regard to all the information provided by the applicant and the representations, taking into account this Council’s Statement of Licensing Policy.**

3.0 KEY ISSUES

3.1 On Monday 22nd May 2017 an application for a premises licence was submitted to Melton Borough Council with the required fee and having been served on the responsible authorities.

3.2 In summary, according to the application (**appendix A**) this application is to allow a new operator to use this venue as a Late Night Refreshment establishment, serving food from the premises to eat in, via delivery service or take away. This application is necessary as the previous Premises Licence for this address was surrendered with effect from 26th January 2017.

3.3 The applicant has applied to carry on Licensable Activities, namely acting as a Late Night Refreshment house, serving food (12.00-00.00hrs Sunday to Thursday & to 03.00hrs Friday - Saturday), Regulated Entertainment (Recorded Music 12.00-00.00hrs on Friday 12.00 – 03.00 on Saturday only). The proposed activities will take place within the area identified in the accompanying plan (**appendix B**).

LICENSABLE ACTIVITY	DAYS	HOURS	RELEVANT APPLICANT COMMENTS
F - Recorded Music (Indoors)	Friday Saturday	12:00 x 00:00 12:00 x 03:00	Pre-recorded background music only

LICENSABLE ACTIVITY	DAYS	HOURS	RELEVANT APPLICANT COMMENTS
I & L – Late night refreshments & Opening hours	Monday Tuesday Wednesday Thursday Friday Saturday Sunday	12:00 x 00:00 12:00 x 00:00 12:00 x 00:00 12:00 x 00:00 12:00 x 03:00 12:00 x 03:00 12:00 x 00:00	Serving Hot food and providing take away and delivery service

3.4 The consultation period closed on 19th June 2017; three representations have been submitted.

4.0 REPRESENTATIONS.

4.1 The representation made by Leicestershire Police (**Appendix C**) relates to all four of the Licensing Objectives namely, Prevention of Crime & Disorder Public safety, Prevention of Public Nuisance and protection of children from harm; No additional conditions have been suggested as part of this representation.

4.2 During the consultation period the applicant engaged with Melton Borough Council's Environmental Health Team. The applicant agreed to conditions being added to the Premises Licence relating to waste management. A copy of the conditions, signed by the applicant can be found at **Appendix C1** for the Committee's consideration.

4.3 One representation was received by an interested party however, this was determined to be frivolous and rejected as permitted in the act.

5.0 POLICY AND CORPORATE IMPLICATIONS

5.1 The Sub Committee's attention is drawn to Melton Borough Council's Statement of Licensing Policy 2.3 and 2.5 and Current Special Policy on Cumulative Impact 5.1 (**appendix D**) which states:

Balance

2.3 The Licensing Authority will also seek to achieve a balance between leisure/entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.

Extent of Control

2.5 Licensing is about the control of premises and places being used for licensable activities. The conditions attached to various authorisations are focused on relevant matters that are within the control of the licence holders and others with relevant authorisations. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are beyond the control of the individual club or business holding the licence, certificate or authorisation concerned.

However, the Licensing Authority expects every holder of a licence, certificate or authorisation to be responsible for minimising the impact of the activities and anti-social behaviour by their patrons within the immediate vicinity of their premises and will require licence holders to demonstrate that they have taken appropriate action.

Current Special Policy on Cumulative Impact

*5.1 Having had regard to the legislation, guidance, representation from Leicestershire Constabulary and Leicestershire Public Health following the necessary consultation, the Licensing Authority considered that the special policy that currently applies in respect of Melton town centre should be amended to incorporate all licensed premises, including on and off sales of alcohol and late night refreshment, in respect of Melton town centre. For the purposes of this policy the town centre is defined as that bound by Norman Way, Thorpe End, Sherrard Street, Leicester Street and Wilton Road, **but also including Burton Street** Church Street and Park Lane. Premises fronting these roads are deemed to be within this area.*

5.2 The Licensing Authority is mindful of the problems that can be created when large numbers of premises providing licensable activities are located in close proximity. To that end, as part of the council's Statement of Licensing Policy consultation, Leicestershire Constabulary and Leicestershire County Council Public Health have asked the Council to consider adopting a specific policy on

cumulative impact i.e. the potential impact on the promotion of the licensing objectives where there are a significant number of licensed premises concentrated in one area. Increasing access to alcohol through more outlets and longer trading hours is linked to a range of alcohol-related harms. These include increases in alcohol sales per head of population, alcohol-related death rate, alcohol consumption in young people, assaults, and other harms including homicide, child abuse and neglect, and self-inflicted injury.

5.3 This Policy, however, will not be used as grounds for revoking an existing licence or certificate where relevant representations have been received.

5.4 This area has been identified because the Licensing Authority believes that the cumulative impact of the concentration of licensed premises in this area is adversely affecting the promotion of the licensing objectives.

5.5 Within this area there are a significant number of licensed premises, and although these have staggered closing times it still leaves large numbers of people on the streets late at night. The Licensing Authority takes the view that the principle problem is caused by the number of people attending licensed premises in the area where there is movement from these properties and to and from the hot food takeaways. The Licensing Authority believes that a cumulative impact policy in this area supports and assists initiatives in reducing crime and disorder. Accordingly the Licensing Authority will resolve to adopt a policy which will seek to prevent a further increase in the number of licensed premises within that area.

5.6 The effect of the special policy will be to create a rebuttal presumption that those applications for new premises licences or club premises certificates or material variations will normally be refused. It will be for the applicant to demonstrate that the premises will not add to the existing cumulative impact. Applicants will need to address this matter in their Operating Schedule.

5.7 Evidence was provided by Leicestershire Constabulary and Leicestershire County council Public Health”.

5.8 The area of the special policy is marked on the Map at Appendix 2. (appendix D2)

6.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

6.1 There are no financial or other resource implications.

7.0 LEGAL IMPLICATIONS/POWERS

7.1 Any of the parties involved may, if they are unhappy with the outcome of this hearing, appeal to the Magistrates’ Court within 21 days of the date of the hearing.

8.0 COMMUNITY SAFETY

8.1 The Act contains four Licensing Objectives which underpin the functions that this authority will perform and must be overriding in any decisions that are made in relation to this or any Licensing Application these are:

- Public Safety
- Prevention of Crime & Disorder
- Prevention of Public Nuisance
- Protection of Children from Harm

9.0 EQUALITIES

9.1 There are no equalities issues in relation to this report.

10.0 RISKS

10.1 The risks identified by the representations are mainly in respect of public nuisance.

11.0 CLIMATE CHANGE

11.1 There are no implications for Climate Change.

12.0 CONSULTATION

12.1 The consultation period of 28 days ended on 19 June 2017 and the representations received are attached.

13.0 WARDS AFFECTED

13.1 Melton Craven ward

Contact Officer: Simon Greensmith

Date: 20th June 2017

Appendices : Application Form – Appendix A
Application Plans – Appendix B
Representations from RESPONSIBLE AUTHORITIES – Appendix C/C1
Melton Borough Councils Statement of Licensing Policy and model conditions - Appendix D
Area of special policy - Appendix D2

Reference : 110717