

**LICENSING PANEL**

**22 SEPTEMBER 2017**

**REPORT OF HEAD OF STRATEGIC PLANNING & REGULATORY SERVICES**

**APPLICATION FOR PREMISES LICENCE UNDER LICENSING ACT 2003  
CERDO LOUNGE, 14 SHERRARD STREET, MELTON MOWBRAY, LE13 1XJ**

**1.0 PURPOSE OF REPORT**

1.1 The purpose of this report is to submit to the Licensing Panel an application by Loungers Limited for a new Premises Licence under the Licensing Act 2003 due to the submission of relevant representations during the statutory consultation period.

**2.0 RECOMMENDATIONS**

2.1 It is recommended that the Panel determine this application for the grant of the 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 31 July 2017 an application for a new premises licence for Cerdo Lounge, 14 Sherrard Street, Melton Mowbray was submitted to Melton Borough Council with the required fee and having been served upon the responsible authorities (**appendix A**).

3.2 The intention of the applicant is to operate a “food-led Continental style café/bar. Opening will be all-day everyday with food available at all times. There will be a focus towards being family friendly with highchairs available, a selection of board games, daily newspapers & a free book swap facility. Music will be limited to background only”. The applicant seeks to provide the licensable activities and associated hours as detailed in table 1 below:

**table 1**

LICENSABLE ACTIVITY	DAYS	HOURS	RELEVANT APPLICANT COMMENTS
<b>I – Late night refreshment</b> (Indoors)	Monday	23:00 x 23:20	“This facility may be required to cover the occasional service of hot beverage or food after 23:00”  <b>Seasonal Variation:</b> New Years Eve 23:00 x 01:20
	Tuesday	23:00 x 23:20	
	Wednesday	23:00 x 23:20	
	Thursday	23:00 x 00:20	
	Friday	23:00 x 00:20	
	Saturday	23:00 x 00:20	
	Sunday	23:00 x 23:20	
<b>J - Supply of alcohol</b> (on the premises)	Monday	10:00 x 23:00	<b>Seasonal Variation:</b> New Years Eve 10:00 x 01:00
	Tuesday	10:00 x 23:00	
	Wednesday	10:00 x 23:00	
	Thursday	10:00 x 00:00	
	Friday	10:00 x 00:00	
	Saturday	10:00 x 00:00	
	Sunday	10:00 x 23:00	

table 1 continued:

LICENSABLE ACTIVITY	DAYS	HOURS	RELEVANT APPLICANT COMMENTS
L - Opening hours	Monday	08:00 x 23:30	<b>Seasonal Variation:</b> New Years Eve 08:00 x 01:30
	Tuesday	08:00 x 23:30	
	Wednesday	08:00 x 23:30	
	Thursday	08:00 x 00:30	
	Friday	08:00 x 00:30	
	Saturday	08:00 x 00:30	
	Sunday	08:00 x 23:30	

3.3 The consultation period for this application closed on 28 August 2017 with two relevant representations having been submitted.

#### 4.0 REPRESENTATIONS.

4.1 The first representation was received from the Police in their capacity as a Responsible Authority and can be seen at **appendix B**; this representation quotes Melton Borough Councils existing Special Policy on Cumulative Impact.

4.2 The second representation is from an Interested Party and can be seen at **appendix C**. This representation relates to the Licensing Objectives, namely Crime & Disorder and Public Nuisance and also references Melton Borough Councils existing Special Policy on Cumulative Impact.

#### 5.0 POLICY AND CORPORATE IMPLICATIONS

5.1 The Panel's attention is drawn to Melton Borough Council's Statement of Licensing Policy (**appendix D**) which states

*5 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)

5.2 The Panel’s attention is further drawn to Melton Borough Council’s Statement of Licensing Policy 2.3 and 2.5 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.

5.2 This policy refers in parts to a “pool of model conditions”. These can be seen at **appendix D3**

## **6.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

1.1 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 decision notice.

## **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 28 August 2017, the representations received are attached.

## **13.0 WARDS AFFECTED**

13.1 Melton Mowbray ,Craven

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Contact Officer: Anna Young

Date: 6 September 2017

Appendices : Application Form (including Part A & plan) – Appendix A  
Representation from RESPONSIBILITY AUTHORITY – Appendix B  
Representation from INTERESTED PARTY – Appendix C  
Melton Borough Councils Statement of Licensing Policy - Appendix D  
Area of special policy - Appendix D2  
Pool of model conditions – Appendix D3

Reference : X:\Cttee, Council & Sub Cttees\Licensing and Regulatory\2016.17 panels