

## PLANNING & LICENSING COMMITTEE

18 April 2023

### NEW PREMISES LICENCE APPLICATION – KIOSK NEAR TO NORMANTON CHURCH, RUTLAND WATER

#### Report of the Strategic Director for Places

|                                |   |  |
|--------------------------------|---|--|
| Strategic Aim:                 | All   |  |
| Exempt Information             | No  |  |
| Cabinet Member(s) Responsible: | Councillor Rosemary Powell, Portfolio Holder for Planning, Highways and Transport |  |
| Contact Officer(s):            | Gareth Brighton<br>Licensing & Business Manager                                   | 01733 864103<br><a href="mailto:gareth.brighton@peterborough.gov.uk">gareth.brighton@peterborough.gov.uk</a> |
|                                | Darren Dolby<br>Licensing Regulatory Officer                                      | 01733 453540<br><a href="mailto:darren.dolby@peterborough.gov.uk">darren.dolby@peterborough.gov.uk</a>       |
| Ward Councillors               | Councillor Gale Waller<br>Councillor Kenneth Bool                                 |  |

#### COMMITTEE DECISION OPTIONS

The Committee may:

1. Decide to grant the licence in the same terms as it was applied for;
2. Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives)
3. Decide to refuse to grant the licence

## 1 PURPOSE OF THE REPORT

- 1.1 To consider and determine this application for a new premises licence for the Kiosk near to Normanton Church, Rutland Water taking into account the background information and representations received from two local Councillors and three local residents. A copy of the application can be found at Appendix.

## **2 BACKGROUND AND MAIN CONSIDERATIONS**

- 2.1 On 2nd March 2023 an application for a premises licence was submitted to the Licensing Authority by Sally Benton on behalf of the applicants, Anglian Water Services Ltd. There has not previously been an alcohol licence at this premises.

## **3 AUTHORISATIONS AND TIMES APPLIED FOR (AFTER MEDIATION)**

### **3.1 Sale of Alcohol for consumption on the premises.**

- 3.2 Monday to Sunday: 9am to 4pm (1<sup>st</sup> November to 28<sup>th</sup>/29<sup>th</sup> February) 9am to 7pm (1<sup>st</sup> March to 31<sup>st</sup> October)

## **4 APPLICATION**

- 4.1 Representations against the application being granted have been received. These representations are attached at **Appendix C**.

- 4.2 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.

- 4.3 No representations have been received from any of the Responsible Authorities. Leicestershire Police, Trading Standards, Leicestershire Fire and Rescue Service, Licensing Authority, Rutland County Council Planning Department, Rutland County Council Health & Safety Department, Public Health, Rutland County Council Environmental Pollution Team, or Children's Services.

- 4.4 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 in the representations against the application being granted:

- Increase in anti-social behaviour, fuelled by alcohol, from customers of the premises
- The Premises would be near to a site of special scientific interest
- Lack of sanitary facilities at the premises.
- Premises would be near to water and therefore the potential of an increase in drowning by intoxicated persons
- Inappropriate location for premises due to historic landmark (Normanton Church).
- Inadequate 'out of hours' late-night security / supervision issues

- 5.2 Members should note that the correspondence attached against the application are in their entirety. The correspondence in favour of the application being granted have been placed together and in their entirety on a separate sheet. Please note 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

## **6 APPLICANT'S PROPOSED CONDITIONS UNDER THE LICENSING OBJECTIVES**

### **6.1 Crime and Order**

The sale of alcohol will only take place in the fixed kiosk and the consumption of alcohol will only take place within the defined licensable area.

Alcohol is to be served in polycarbonate, plastic or shatterproof glasses.

Open containers of alcohol shall not be removed from the premises.

An incident log (which may be electronically recorded) shall be kept at the premises for at least six months and made available on request to the police or an authorised officer of the licensing authority.

Documented written / online records of training to prevent underage sales of alcohol shall be completed and kept for each member of staff. Training shall be regularly refreshed and at no greater than 12 monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of the Licensing Authority.

A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Licensing Authority at all times.

No super-strength beer, lagers or ciders (including perries) of 6.5% ABV (alcohol by volume) or above shall be sold at the premises.

The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol ('DPS Authorisation List' or similar). The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to verify their identity against the notice.

Outside the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors to prevent access to the alcohol by customers or staff.

There will be notices on the grass area denoting the boundary of the licensable area & where alcohol purchased at the kiosk may be consumed.

At the kiosk there will be notices reminding customers that any alcohol purchased at the kiosk must be consumed within the consumption area.

All staff who sell alcohol at the kiosk will remind customers purchasing alcohol they must consume it within the consumption area and it may not be taken outside of this area.

## 6.2 **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 on request.

## 6.3 **Public Nuisance**

The premises licence holder, or a responsible person nominated by them in writing, shall receive and respond to complaints throughout the duration of all licensable activities. These complaints shall be recorded and the records made available to the local authority upon request. Such records shall be retained for a minimum of 2 years.

The premises and immediate surrounding area shall be kept clean and free from litter at all times the premises are open to the public.

Litter bins shall be provided at the premises in sufficient capacity to ensure that customers can adequately dispose of any litter.

No inflatable play equipment shall be used without the agreement of the Licensing Authority with respect to its hours of use and other conditions as may be appropriate.

## 6.4 **Protection of Children**

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 FINANCIAL IMPLICATIONS (MANDATORY)**

7.1 An appeal against this decision would incur costs in repairing a defence case and to attend Court. Costs may be recovered at the discretion of the Magistrates in the event that the application is dismissed.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS (MANDATORY)**

The following sections/paragraphs are applicable to this application

8.1 Council's Statement of Licensing Policy

- Objectives, Section 4 on Page 6 and 7
- Fundamental Principles, Section 6 on Page 7 and 8

- Licence Conditions, Section 15 on page 14 and 15
- Delegation / Decision Making / Administration, Section 18 on Page 17

## 8.2 Guidance Issued under Section 182 of the Licensing Act 2003 - December 2022

- The Licensing Objectives – Section 2 pages 6 to 13
- Applications for Premises Licenses – Section 8 pages 54 to 72
- Determining applications – Section 9 pages 73 to 81
- Conditions Attached to Premises Licences – Section 10 page 82 to 93

## **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 2<sup>nd</sup> March 2023
- 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 – December 2022.
- 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).

## **11 BACKGROUND PAPERS**

11.1 S182 Guidance Dec 2022

11.2 RCC Licensing Policy 2023

## **12 APPENDICES**

12.1 Appendix A – Application Form

12.2 Appendix B – Plans

12.3 Appendix C – Email representations

**A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.**