

REPORT TO ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT LICENSING COMMITTEE

REPORT OF: COMMUNITY SAFETY & LICENSING SERVICE
MANAGER

REPORT NO: ENV 513

DATE: 7 January 2011

TITLE:	APPLICATION FOR A LATE NIGHT REFRESHMENT PREMISES LICENCE	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:		
PORTFOLIO HOLDER: NAME AND DESIGNATION:	COUNCILLOR RAY AUGER, ACCESS AND ENGAGEMENT	
CONTACT OFFICER:	RICHARD ETHERTON 01476 406190 r.etherton@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
Equality and Diversity	N/A	N/A
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Statement of Licensing Policy 6th January 2011 as approved by Council on the 9 th December 2011	

1. RECOMMENDATIONS

1.1 That the committee considers the application for a premises licence under the Licensing Act 2003 at UK1 Pizza and Kebabs 9 Abbey road, Bourne, Lincolnshire, having regard to the relevant representation made by the interested party and take such steps (if any) as it considers necessary for the promotion of the four licensing objectives:

1a Approve the application

1b Reject the application

1c Approve the application with proportionate conditions attached.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

2.1 The purpose of this report is to provide the committee with information to enable them to make a decision to either:

2a Approve the application

2b Reject the application

2c Approve the application with proportionate conditions attached.

3. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)

3.1 This application is for a new premises licence for the sale of late night refreshment from premises, Uk1 Pizza and Kebabs situated at 9 Abbey Road, Bourne.
(Appendix 1 refers)

3.2 The applicant has indicated on the application at Section P, under b, The Prevention of Crime and Disorder that he will fit CCTV cameras and he has supplied the details of the system he will have installed. (Appendix 2 refers).

3.3 The premises opening hours as indicated on the application are:-

Monday to Thursday 16.00hrs to 23.00hrs

Friday and Saturday 16.00hrs to 02.30hrs

Sunday 16.00hrs to 23.00hrs

Opening hours for Late Night refreshment

Monday to Thursday 2300hrs to 0000hrs (Midnight)

Friday & Saturday 23.00hrs to 02.30hrs

Sunday 23.00hrs to 0000hrs (Midnight) All Bank Holidays/Boxing day.

3.4 The Lincolnshire Police as a Responsible Authority have via an e-mail registered an objection to the application under Prevention of Crime and Disorder and Public Safety. (Appendix 3 refers)

3.5 The Government's expectation is that the police will have a key role in undertaking the following tasks – advising on the installation and monitoring of security devices such as CCTV.

3.6 The Information Commissioners Office (ICO) has stated that the police can not insist that CCTV is installed as a condition of a licence but they are entitled to ask the licensing authority to make CCTV installation a condition of the licence. The licensing committee must take into account any relevant representations made by responsible authorities appendix 3. (Appendix 4 refers)

3.7 All representations made by responsible authorities are relevant representations if

they concern the effect of the application on the licensing objectives.

4. OTHER OPTIONS CONSIDERED

N/A

5. RESOURCE IMPLICATIONS

N/A

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

N/A

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

N/A

8. CRIME AND DISORDER IMPLICATIONS

8.1 Please refer to Lincolnshire Police objection (Appendix 3)

9. COMMENTS OF SECTION 151 OFFICER

9.1 I have no financial comments to make in respect of this report.

10. COMMENTS OF MONITORING OFFICER

Where relevant representations are made in respect of an application, the Council must hold a meeting to consider them, unless the Council, the applicant and each person who has made such representations agree that a meeting is unnecessary. The Council must have regard to the representation and take such steps (if any) as it considers necessary for the promotion of the licensing objectives. The representation from the police refers to three incidents involving violence close to the premises. Clear evidence of the incidents with copies of the incident log should be presented to the committee for consideration.

11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Mark Jones- Service Manager, Community Safety and Licensing

I consider the request from Lincolnshire Police for the standard CCTV condition to be appropriate in relation to this application, I base this on the information supplied regarding the amounts of violent incidents that take place within other similar premises, in the vicinity of 9 Abbey Road. With the exception of bullet point;

2- This would be of no benefit to the Police, I do not understand why this condition is included;

5- This should read "The system should record a minimum of 12 frames per second

per camera in the industry standard recording format (currently H.264)

I do not consider that the CCTV specification as at appendix 2 complies with the CCTV conditions, it does not state, the data retention period, that the system displays the date/time, that the images upon transfer will be able to be played on a DVD or PC without additional software, nor does it state how images are transferred ie memory stick, external hard drive, CD/DVD.

12. APPENDICES:

- 1 Application for Premises Licence.
- 2 Details of CCTV system.
- 3 Responsible Authority/Lincolnshire Police Objection.
- 4 Information Commissioners Office comments.