

**TITLE: APPLICATION FOR THE GRANT OF A NEW PREMISES LICENCE - LICENSING ACT 2003**

Committee: Licensing Sub-Committee

Date: 10 January 2018

Author: Stewart Broome, Senior Licensing Officer

[T173]

1.0 PURPOSE/SUMMARY OF REPORT

1.1 To determine an application for the grant of a new premises licence in respect of Millennium Pizza, 16 Chequer Lane, Ely, Cambridgeshire, CB7 4LN.

2.0 RECOMMENDATION(S)

2.1 That Members consider the content of this report, and all evidence provided during the hearing, and determine the application in accordance with the options contained in paragraph 4.2 of this report.

3.0 BACKGROUND/OPTIONS

3.1 Premises History

The premises have been trading as a food outlet for a number of years. The hours and activities that they currently operate do not require a premises licence.

Details of new application

3.2 On 15 November 2018 Millennium Pizza Limited applied for a Premises Licence under section 17 of the Licensing Act 2003 for Millennium Pizza, 16 Chequer Lane, Ely, Cambridgeshire, CB7 4LN (**Appendix 1**). The application was served on the responsible authorities and advertised in accordance with the regulations of the Licensing Act 2003.

3.3 The applicant has applied for a licence that requests the following:

<b>Activity</b>	<b>Proposed Hours</b>
Sale by retail of alcohol for consumption on and off the premises	09:00 to 00:00 everyday
Late night refreshment	23:00 to 00:00 - Sunday to Thursday 23:00 to 02:00 - Friday and Saturday
<b>Opening Hours</b>	09:00 to 00:00 - Sunday to Thursday 09:00 to 02:00 - Friday and Saturday

- 3.4 The applicant has offered steps that they are willing to take to promote the licensing objectives. These can be found in **Appendix 2** to this report.

#### Relevant Representations

- 3.5 During the consultation period no representations were received from any responsible authority.
- 3.6 A total of three valid representations were received from other persons permitted by the Licensing Act 2003 to submit representations (**Appendix 3**).
- 3.7 At the time of writing this report no agreement had been reached between those parties submitting representations and the applicant.

#### 4.0 CONCLUSIONS/DETERMINATION OF APPLICATION

- 4.1 Members are obliged to determine this application with a view to promoting the licensing objectives which are:
- The prevention of crime and disorder
  - The prevention of public nuisance
  - Public safety
  - The protection of children from harm

In making their decision Members are also obliged to have regard to the Statutory Guidance issued under Section 182 of the Licensing Act 2003 (sections 1, 2, 9 and 10 are of particular note), and the Council's Statement of Licensing Policy. Should Members depart from either they must specify their reasons for doing so. Members must also take into account the information contained within this report, and the evidence submitted, both written (if submission of such information is agreed by all parties at the hearing) and orally during the hearing.

- 4.2 Members can determine the premises licence application as follows:
- a) to grant the premises licence subject to:
    - (i) the conditions that are consistent with the operating schedule accompanying the application modified to such extent as Members consider necessary for the promotion of the licensing objectives; and
    - (ii) any mandatory conditions that must be included in the licence;
  - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - (c) to refuse to specify a person in the licence as the premises supervisor;  
or
  - (d) to reject the application.

- 4.3 Members are asked to note that they may not modify or impose new conditions, or reject the whole or part of the application merely because they consider it desirable to do so. It must actually be **appropriate** to do so in order to promote the licensing objectives, and any such step must relate to the actual representations made.
- 4.4 In determining the premises licence application, Members must provide the reasons for their decisions, and consider their responsibilities under the Human Rights Act 1998, when balancing the rights of the applicant and the rights on those who may be affected.
- 4.5 Any decision taken must be appropriate and proportionate to the objective being pursued. In particular the following should be taken into consideration:
  - Article 6 – the right to a fair hearing
  - Article 8 – respect for private and family life
  - Article 1, First protocol – peaceful enjoyment of possessions (which can include the possession of a licence)

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 5.1 The cost of convening a Licensing Sub-Committee to determine an application is covered by the fees paid by licence applicants.
- 5.2 Should there be a decision to modify the premises operating schedule, exclude a licensable activity from the scope of the licence, refusal to specify a person as the designated premises supervisor or reject the application, the applicant can appeal to the Magistrates' Court. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 5.3 Any party who made relevant representations in relation to the application may appeal the decision. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 5.4 Equality Impact Assessment (INRA) is not required, as this does not relate to a service provided by the Council or a decision on a change of policy, but an application for a licence by an individual/ organisation.

6.0 APPENDICES

- 6.1 Appendix 1            New application paperwork
- 6.2 Appendix 2            Conditions offered
- 6.3 Appendix 3            Representations from other persons

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**Background Documents**

Licensing Act 2003

Guidance issued by the  
Secretary of State under  
Section 182 of the  
Licensing Act 2003, April  
2018

ECDC Statement of  
Licensing Policy 2016

**Location**

Room SF208  
The Grange  
Ely

**Contact Officer**

Lin Bagwell  
Licensing Officer

01353 616477

lin.bagwell@eastcambs.gov.uk