

REPORT TO	DATE OF MEETING
LICENSING PANEL	24 September 2013

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SUBJECT	PORTFOLIO	AUTHOR	ITEM
APPLICATION TO VARY PREMISES LICENCE UNDER S34 LICENSING ACT 2003 – PETRAS PIZZAS 11A PRESTON ROAD FARINGTON	REGENERATION, LEISURE AND HEALTHY COMMUNITIES	KAY LOVELADY	

SUMMARY AND LINK TO CORPORATE PRIORITIES

An application has been made by Mr Hadi Nazari for a Variation of the premises licence under Section 34 of the Licensing Act 2003 in respect of Petras Pizzas 11A Preston Road Farington Leyland Lancashire, PR25 4NT.

The application could have an impact on several of the Council's Corporate Priorities. It should be borne in mind however, that the application must be determined in accordance with the Licensing Act 2003, Council's Licensing Policy Statement and the statutory guidance issued under Section 182 of the Licensing Act 2003.

RECOMMENDATIONS

The panel conduct the hearing in accordance with the hearing procedure and decide accordingly.

DETAILS AND REASONING

Mr Hadi Nazari submitted an application to vary the premises licence to alter the opening hours. Attached is a copy of the Application form detailing the variation sought. In short the premises licence holder wished to extend the hours for the provision of late night refreshment as follows:

From:

Sunday – Thursday 23.00 – 24.00
Friday & Saturday 23.00 – 01.00

Opening hours
Sunday – Thursday 16.00 – 24.00
Friday & Saturday 16.00 – 01.00

To:

Sunday – Thursday 23.00 – 24.00
Friday & Saturday 23.00 – 02.30

Opening hours
Sunday – Thursday 16.00 – 24.00
Friday & Saturday 16.00 – 02.30

Representations from Responsible Authorities

Representations were received from Environmental Health outlining problems with patrons frequenting the premises and in the vicinity of the premises and observed breaches of the Licence in respect of illegal opening hours.

The Police have stated that they have no representations to make regarding the application.

Representations from Other parties

There have been seven representations from other parties who appear to be local residents. They have raised issues in respect of noise nuisance and crime and disorder at and around the premises. There are comments regarding the premises operating beyond its licensable hours and examples of bad behaviour from patrons including criminal damage, shouting and swearing. They make reference to the fact that the nearby Licensed Premises – The Railway is also open until 2a.m and the obvious problems with dispersal of patrons i.e if the application to vary is granted there would be another reason for the patrons to stay longer in the area.

There is mention to the number of licensed premises in the area in particular takeaways. The Committee will be aware that there is no Cumulative Impact Policy within the borough of South Ribble.

Licensing Act 2003

The Council must carry out its licensing functions with the intention of promoting the licensing objectives.

The licensing objectives are:-

- a) the prevention of crime and disorder;
- b) public safety;
- c) the prevention of public nuisance; and
- d) the protection of children from harm.

The Council must also have regard to:

1. Its own Policy Statement;
2. Secretary of State guidance (Section 182 of the Licensing Act 2003).

Licensing Statement

The attention of the panel is drawn to the Council's 'Statement of Licensing Policy.' In particular:

1. Section 10 Prevention of Crime and Disorder
2. Section 11 is of particular relevance. This section deals with the 'Prevention of Public Safety'.
3. Section 13 - this section looks at 'Mechanisms for dealing with Public Nuisance'.
4. Section 14 – Protection of Children from Harm

Secretary of State Guidance

Members' attention is drawn to the statutory guidance issued under Section 182 of the Licensing Act 2003 (October 2012) which is of relevance to such hearings.

Members should make themselves aware of all relevant parts of the statutory guidance prior to determining this application.

The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities may be carried on

Paragraph 2.1 of this guidance states;

Licensing authorities should therefore look to the police as the main source of advice on these matters....”

In respect of public nuisance paragraph 2.18 states:

“... It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on a business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.”

Paragraph 2.24 states:

“Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law...”

Paragraph 2.25 states:

“The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment)

Committee must ensure that any action they take is proportionate to the four licensing objectives.

Members should consider the contents of 'Annex D – Pool of Conditions' of the Guidance issued under Section 182 of the Licensing Act 2003. In particular 'Part 4. Conditions relating to the Prevention of Public Nuisance' may be of relevance

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these. The risk assessment which has been carried out forms part of the background papers to the report.

FINANCIAL	There are no financial implications for the authority.
LEGAL	When determining this hearing the Council must comply with the rules of natural justice. Any party at the hearing has the right of appeal to the Magistrates Court.

RISK	Please see the background papers to this report. The main points for consideration are summarised here:- See above
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THE IMPACT ON EQUALITY	There is no impact on equality. No one is barred on equality reasons from either making an application or a representation either for or against an application
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OTHER (see below)	
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<i>Asset Management</i>	<i>Corporate Plans and Policies</i>	<i>Crime and Disorder</i>	<i>Efficiency Savings/Value for Money</i>
<i>Equality, Diversity and Community Cohesion</i>	<i>Freedom of Information/ Data Protection</i>	<i>Health and Safety</i>	<i>Health Inequalities</i>
<i>Human Rights Act 1998</i>	<i>Implementing Electronic Government</i>	<i>Staffing, Training and Development</i>	<i>Sustainability</i>

BACKGROUND DOCUMENTS

Risk Assessment