

**LICENSING ACT 2003
APPLICATION FOR THE GRANT OF A PREMISES LICENCE
Take 2 Alehouse, 3 Rookery Place, Fenstanton, PE28 9LZ**

1. INTRODUCTION

1.1 This application was received on 12 November 2019. The applicant is Mr Peter Williams.

1.2 The application seeks to permit -

a. Supply of alcohol for consumption ON & OFF the premises
Applied for: Mondays to Sundays 12:00 – 22:00

b. Seasonal Variations
No Seasonal Variations

c. Opening Hours
Applied for: Mondays to Sundays 12:00 – 22:00

1.3 Section '18' of the application form addresses the four licensing objectives. Any proposals made in this section are normally translated directly into enforceable conditions that will be attached to the premises licence. Paragraphs 8.41- 8.49 and Section 10 of the Home Office guidance issued under section 182 refer to the operating schedule and licence conditions.

1.4 The application form including the plan is attached in full **Appendix A**.

2. BACKGROUND

2.1 The proposed premises is within a small parade of five shop units in a residential area, this unit is currently empty and has been for over 12 months, but previously operated as a hairdressers.

2.2 The applicant has also made an application to change the use of the premises under planning regulations. Although submitted at the same time as the Licence application, the planning application was delayed and was not available for public comments until 25.11.2019 and remains open until 27.12.2019.

3. REPRESENTATIONS

3.1 During the period for representations seven valid representations have been received from 'other persons'. The representations have been attached in their entirety as **Appendix B**.

3.2 Not all matters raised within the representation may be relevant matters for consideration under the Licensing Act 2003.

3.3 A person who has submitted a relevant representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

3.4 In addition, a further 9 representations were received regarding this application, that could not be deemed as relevant to the activities that had been applied for or the Licensing Objectives these were therefore rejected with advice.

3.5 It is understood a document had been circulated to some residents, informing them of the application. This document titled 'PLEASE BE AWARE' was sent into the Licensing Authority as part of a representation. It became apparent this document contained incorrect and irrelevant information about the application, with points more relevant to a Planning application. This document may have been the reason for the unusually high number of rejected representations.

4. GENERAL DUTY/ POLICY CONSIDERATIONS

4.1 The licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives, each objective has equal importance, the 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.

4.2 The sub-committee must also have regard to –

- a. its statement of licensing policy, and
- b. any statutory guidance issued under Section 182 of the Licensing Act 2003.
- c. the Human Rights Act 1998

4.3 The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

5. DETERMINATION

5.1. In making a decision, this application must be determined on its individual merits having regard to the representations and supporting documents included as part of the report along with additional information considered relevant at the hearing. As part of the decision process the sub-committee is required to give its reasons for any decision arrived at.

5.2. Any decision made by the sub-committee must be reasonable and proportionate and promote the Licensing objectives.

The Committee may:-

- a. Grant the application as applied for

- b. Refuse the application
- c. To grant the licence with conditions or modifications as considered appropriate to promote the licensing objectives

BACKGROUND INFORMATION

Licensing Act 2003.

Guidance issued under section 182 of the Licensing Act 2003.

The Council's Statement of Licensing Policy.

Licensing Officer: Sarah Mardon