

LICENSING SUB-COMMITTEE

13th March 2024
LICENSING ACT 2003
APPLICATION FOR A NEW PREMISES LICENCE
The Lancaster Lounge, 152 Main Street, Yaxley, PE7 3LB

1. INTRODUCTION

1.1 Huntingdonshire District Council as the Licensing Authority has received an application for a new premises Licence:

from **Mr Domenico Ricciardi, on behalf of Lancaster Lounge Limited**

for the premises **The Lancaster Lounge, 152 Main Street, Yaxley, PE7 3LB**

The Application was received on the 18th January 2024. As required under the Licensing Act 2003, notice of the application was advertised by blue notices displayed at or near the premises from the 19th January 2024. The 28-day consultation period ended on 14th February 2024.

1.2 A copy of the application, is attached as **Appendix A** (application) & **Appendix B** (plan) & **Appendix C** Premises Location

2. INFORMATION

2.1 The Premises Licence application is applying for the following activities:

a. **Supply of alcohol for consumption ON the premises**

Mondays to Thursdays – 12:00 to 23:00

Fridays and Saturdays – 12:00 to 01:00 (the following morning)

Sundays – 12:00 to 23:00

b. **Performance of Live Music (Indoors and Outdoors)**

Mondays to Thursdays – 12:00 to 23:00

Fridays and Saturdays – 12:00 to 01:00 (the following morning)

Sundays – 12:00 to 23:00

Seasonal Variations - New Years Eve until 02.00 and Good Friday until 01:00.

c. **Performance of recorded music (indoors)**

Mondays to Thursdays – 12:00 to 23:00

Fridays and Saturdays – 12:00 to 01:00 (the following morning)

Sundays – 12:00 to 23:00

d. **Hours premises are open to the public**

Mondays to Thursdays – 12:00 to 23:00

Fridays and Saturdays - 12:00 to 01:00 (the following morning)

Sundays 12:00 to 23:00

Seasonal Variations - New Years Eve until 02.00 and Good Friday until 01:00.

2.2 Section 'M' 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

3. REPRESENTATIONS

3.1 As part of the consultation the Responsible Authorities as determined under the Licensing Act 2003) were consulted on the application. Their responses can be seen in summary at **Appendix D**.

3.2 During the period for representation a total of 4 valid representations were received from 'other persons'. However, following mediation and subsequent amendments to the application by the applicant, 2 of the representations were withdrawn before the end of the consultation period. The remaining representations and any subsequent correspondence are attached as **Appendix E**.

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

4. MEDIATION

During the consultation period, the Police and the applicant came to an agreement to amend the timings slightly and add conditions as follow.

1. To reduce alcohol supply to 22:30hrs Sunday-Thursday, and 00:30hrs Friday and Saturday).
2. Substantial food offering will be available until one 23:00
3. Staff will take all necessary steps to ensure that customers do not take partly consumed alcoholic products or drinking receptacles away from the premises.

4. Children under the age of 18 shall not be permitted to enter or remain at the premises after 21:00 unless dining with a responsible adult.
5. The designated premises supervisor will ensure that an Incident report log is maintained. This shall be completed as soon as possible and, in any case, no later than the close of business on the day of the incident. The log is to be kept on the premises at all times and shall be produced to an authorised person on requested.
6. All staff will undertake responsible alcohol sales training prior to engaging in the sale of alcohol. Refresher training will be carried out at least once every 6 months. Fully auditable training records should be maintained for all staff in respect of the sale of alcohol. These will be made available for inspection upon request to the Police and all other Responsible Authorities.
7. All staff must complete welfare and vulnerability training. This is to include 'Ask for Angela' Scheme (as long as it is still in operation). The training is to be carried out at least once every 12 months and written records of the training must be kept for inspection by Cambridgeshire Police or an authorised officer of a responsible authority.
8. A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of the Designated Premises Supervisor.
9. A risk assessment will be done to assess the requirement to employ SIA door supervisors. This risk assessment will take into consideration information and advice provided by the local police. A copy of this risk assessment will be made available to the Police and Licensing Authority on request.

In addition, prior to the end of the consultation period, our it was brought to our attention there were restrictions on the operating times of this premises, imposed following a planning application. The decision notice issued in Dec 2022 for this application can be seen in full at **Appendix F**.

The planning consent limited the use of the premises as follows:

5. Condition.

The use of the wine bar hereby permitted shall be limited to Monday - Sunday 10:00 - 23:30. The external patron area should not be used after 23:00 hours on any day.

5. Reason.

In the interests of residential amenity in accordance with LP14 of the Huntingdonshire Local Plan to 2036.

8. Condition.

No amplified or other music shall be played in the premises outside the following times 10:00 to 23:00 on any day.

8. Reason.

In the interests of residential amenity in accordance with LP14 of the Huntingdonshire Local Plan to 2036.

The statutory guidance issued under Section 182 of the Licensing Act 2003 states:

- 14.66 There are circumstances when, as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee.

This information was discussed with the applicant who agree to amend and reduce the times of the premises licence application, to match those of the of the planning conditions.

Therefore, the application now reads as follows.

a. **Supply of alcohol for consumption ON the premises**

Mondays to Thursdays – 12:00 to 23:00

Fridays and Saturdays – 12:00 to 23:00

Sundays – 12:00 to 23:00

b. **Performance of Live Music (Indoors and Outdoors)**

Mondays to Thursdays – 12:00 to 23:00

Fridays and Saturdays – 12:00 to 23:00

Sundays – 12:00 to 23:00

Seasonal Variations – None

c. **Performance of recorded music (indoors)**

Mondays to Thursdays – 12:00 to 23:00

Fridays and Saturdays – 12:00 to 23:00

Sundays – 12:00 to 23:00

d. **Hours premises are open to the public**

Mondays to Thursdays – 12:00 to 23:00

Fridays and Saturdays - 12:00 to 23:30

Sundays 12:00 to 23:00

Seasonal Variations - None

Additional condition – **The external customer area will not be used after 23:00 on any day.**

These amendments along with the agreed Police suggested conditions, were notified to all parties that had made a representation. Subsequently two representations were withdrawn before the end of the consultation period.

The out of the remaining two representations, (at the time of writing) one has not responded to the emails regard the changes or subsequent follow-up emails.

The other has indicated they are not entirely satisfied with the amendments.

5. GENERAL DUTY/POLICY CONSIDERATION

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 1988
- d. Live Music Act 2012

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.

6. 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 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- Grant the application as applied for
- Refuse the application
- Add additional conditions to the premises licence
- Exclude any licensable activities applied for
- Amend dates and times of licensable activities applied for.

5.3 Any decision made by the sub-committee must be reasonable and proportionate and 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.