

Report to Licensing Committee

Agenda
Item:

A.1

Meeting Date: 27th May 2020
Portfolio: Finance, Governance and Resources
Key Decision: No
Within Policy and Budget Framework NO
Public / Private Public

Title: LICENSING ACT 2003 - UPDATE
Report of: Director of Governance and Regulatory Services
Report Number: GD.17/20

Purpose / Summary:

This report gives an update on the Council's current position regarding licences, notices and applications under the Licensing Act 2003.

Recommendations:

Members are requested to note the information.

Tracking

Executive:	
Scrutiny:	
Council:	

1. BACKGROUND

1.1 The Licensing Act 2003 took effect on 24th November 2005, from which date this Council administered all licences issued.

1.2 This report summarises the current situation regarding licences issued under the Act.

2 Licence figures – as at 13th May 2020

	Personal Licence	Premises Licence with Alcohol	Premises Licence without Alcohol	Club Premises Certificate
Previous Report	1940	424	64	20
Current Report	1957	427	64	20
Surrendered/Revoked in reporting period		1	1	0

New Premise Licences Issued within reporting period

- Hidden River Cabins, Brackenhill, Longtown
- The Dhaka, Carleton, Carlisle
- Cumberland Breweries, The Forge, Gt Corby, Carlisle
- Imon Tandoori, Shaddongate, Carlisle (No alcohol)

Temporary Event Notices

Year	Received	Refused	Year	Received	Refused
2008	267	2	2015	220	0
2009	203	12	2016	211	0
2010	243	5	2017	209	1
2011	276	6	2018	182	0
2012	247	4	2019	184	0
2013	200	3	2020	36	0
2014	200	2			

3. Pizza Base, Lonsdale Street, Carlisle (PL149)

3.1 Following a request from Cumbria Police to review the above licence, a Licensing Sub-Committee was held on 19th December 2019 (GD.70/19). The decision of the Sub-Committee was to remove the sale of alcohol from the premise licence.

- 3.2 An appeal was lodged by the licence holder and their legal representative offered a compromise. A minor variation was submitted to modify the licence in order for it to be fit for purpose. A self-imposed suspension of alcohol sales for 3 months was also agreed in order for the premises to train staff and implement procedures for recording and verifying alcohol sales. A copy of the licence detailing the amended hours, activities and conditions are attached at **Appendix 1**.
- 3.3 The above solution was agreed by the Sub-Committee Chair and the Chair of the Licensing Committee and was finalised with the Court on 12 May 2020.
- 3.4 The premises, along with all other Late Night Takeaways will be inspected on a regular basis to ensure that the conditions of their licence are being met.

4. Licensed Premises and Covid-19

- 4.1 On 20th March 2020 The Government has ordered all UK pubs and restaurants to close "as soon as they reasonably can" and The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 ("The Regulations") came into force at 13.00 on 26 March 2020.
- 4.2 To reduce social contact, the government has required by law certain businesses and venues to close to members of the public including businesses in which food and drinks are sold for consumption on its premises (though allowing for selling of the same to be consumed off premises).
- 4.3 The Government also announced a relaxation of planning rules. For the next twelve months pubs and restaurants will be able to operate as takeaways providing hot food and drink.
- 4.4 Many licensed premises in the Carlisle district have adapted their offer and are providing a takeaway service for food and drink. Those premises that have a licence for off sales of alcohol are permitted to include alcohol in the takeaway or delivery service.
- 4.5 Applications can be made to vary the premises licence to include off sales, to date no applications have been received.
- 4.6 In respect of premises, compliance with the Regulations can be enforced by the issuing of a prohibition notice. One Prohibition Notice has been served to date.
- 4.7 Cumbria Police and officers from Carlisle City Council Environmental Health and Licensing services are working closely to identify any premises not complying with the regulations and undertaking enforcement activity in line with the police strategy of the four E's – Engage, Explain, Encourage, Enforce.

5 RECOMMENDATIONS

Members are requested to note this report.

Contact Officer: Nicola Edwards

Ext: 7025

Appendices 1. PL149 The Pizza Base Premises Licence
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS:

LEGAL - None

FINANCE – None

EQUALITY – None

INFORMATION GOVERNANCE – None



Licensing Act 2003

Premises Licence**PL149**

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**The Pizza Base**

4-10 Lonsdale Street, Carlisle, Cumbria, CA1 1DB.

Telephone 01228514773

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol
- provision of late night refreshment

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption ON and OFF the premises	Sunday to Saturday		
I. Late night refreshment (Indoors & Outdoors)	Sunday to Saturday	11:00pm	3:00am Indoors only
	Sunday to Saturday	11:00pm	5:00am Outdoors sales only

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Sunday to Saturday	10:00am	5:00am
May open at such other times for non licensable activities as determined by licence holder		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Niyazi Enver

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

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Licensing Act 2003

Premises Licence

PL149

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

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PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA1372

Issued by Carlisle

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

Mandatory conditions are subject to amendment by central government. It is the licence holder's responsibility to ensure that they are up to date with any changes in legislation.

Mandatory conditions where licence authorises the supply of alcohol

- (1) No supply of alcohol may be made under the premises licence -
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) The supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The following conditions shall apply from 28th May 2014

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph 1 -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
 - (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added

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ANNEXES continued ...

tax were charged on the date of the sale or supply of the alcohol;

- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7)

The following conditions shall apply from 1st October 2014

- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

General - all four licensing objectives



Licensing Act 2003

Premises Licence**PL149**

ANNEXES continued ...

1. All sales of alcohol for consumption off the Premises shall only be supplied with, and ancillary to a take-away meal.
2. All sales of alcohol for consumption on the Premises shall only be to persons seated taking a table meal there and for consumption by such persons as ancillary to their meal.
3. All staff employed at or by the Premises (including delivery drivers) shall undergo a Training Package consisting of:
 - a. Promoting the Licensing Objectives;
 - b. The conditions of this Premises Licence;
 - c. Challenge 25 and the Premises' age verification policy;
 - d. Underage sales prevention;
 - e. Vulnerability and CSE; and
 - f. Responsible sale of alcohol.
4. The Training Package (a - f) shall be updated and repeated every 6 months.
5. Any new staff employed at or by the Premises (including delivery drivers) shall undergo the Training Package (a - f) before being authorised to sell or deliver alcohol.
6. All staff in receipt of the Training Package (a - f) shall sign a training record to confirm that they have received and understood the training. A copy of the training record shall be kept at the Premises and made available on request to Responsible Authority officers.
7. The Premises Licence Holder shall develop and maintain an Alcohol Delivery Policy. A copy of the Alcohol Delivery Policy shall be kept at the Premises and made available on request to Responsible Authority Officers.
8. Deliveries of alcohol shall only be made to a verifiable address and by a delivery driver with a minimum age of 18.
9. Deliveries of alcohol to external public spaces shall not be permitted.
10. Where any delivery contains alcohol the delivery driver shall ask the recipient of the order for photographic identification to prove that they are over 18 and a record shall be made of the type of ID seen. Acceptable forms of photographic identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
11. Staff shall notify customers requesting a delivery that contains alcohol that they will be required to provide photographic identification proving they are over 18.
12. In relation to online orders the Premises Licence Holder shall ensure that a notice to this effect is displayed on the Premises' website, before the order is confirmed and as part of any order confirmation provided.

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**ANNEXES continued ...**

13. Where the recipient of any delivery containing alcohol is unable to provide photographic identification to prove that they are over 18 the delivery driver shall withhold the alcohol part of the delivery.
14. Where the recipient of any delivery containing alcohol is unable to provide photographic evidence the delivery driver shall make an entry in the Premises' refusal register.
15. Itemised records of all deliveries containing alcohol shall be kept at the Premises for a minimum of 12 months. The itemised records shall contain details of the food and drink delivered and the address the items were delivered to. Copies of the records of deliveries shall be made available to Responsible Authority officers on request.
16. A direct telephone number for the manager at the Premises shall be publicly available at all times the Premises is open. This telephone number is to be made available to residents and businesses in the vicinity
17. All sales of alcohol for consumption off the Premises shall be in sealed containers only, and shall not be consumed on the Premises

The Prevention of Crime and Disorder

18. The Premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the Premises is open for licensable activities and during all times when customers remain on the Premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available upon the request of Responsible Authority officers throughout the entire 31 day period
19. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open. This staff member must be able to provide Responsible Authority officers copies of recent CCTV images or data with the absolute minimum of delay when requested

The Prevention of Public Nuisance

20. During the hours of operation of the Premises, the Premises Licence Holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the Premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business
21. No noise generated on the Premises, or by its associated plant or equipment, shall emanate from the Premises nor vibration be transmitted through the structure of the Premises which gives rise





Licensing Act 2003

Premises Licence**PL149****ANNEXES continued ...**

to a nuisance

22. No fumes, steam or odours shall be emitted from the licensed Premises so as to cause a nuisance to any persons living or carrying on business in the area where the Premises are situated
23. Patrons permitted to temporarily leave and then re-enter the Premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them
24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day

Public Safety

26. The approved arrangements at the Premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order

The Protection of Children from Harm

27. A Challenge 25 proof of age scheme shall be operated at the Premises and on delivery where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
28. A record shall be kept detailing all refused sales of alcohol and address if an order for delivery. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the Premises by Responsible Authority officers at all times whilst the Premises is open.

ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

Not applicable





Licensing Act 2003

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Printing Summary





Licensing Act 2003

Premises Licence Summary

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STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

