

**Meeting of the Licensing Act 2003 Sub-Committee  
held at the Town Hall, Peterborough on Friday 9 November 2012**

**RECORD OF DECISION**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence – Tesco Stores Ltd, Wistow Way, Peterborough, PE2 6XN
(i) Application Reference	065754
(ii) Sub-Committee Members Present	Councillor Thacker (Chairman) Councillor Hiller Councillor Jamil
(iii) Officers Present	Terri Martin, Regulatory Officer – Licensing Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee Alex Daynes, Senior Governance Officer – Clerk to the Sub-Committee
(iv) Applicant	Tesco Stores Ltd
(v) Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p><b><u>Summary of New Application</u></b></p> <p>The application was submitted to the Licensing Authority on 20th September 2012 and to the required Responsible Authorities by the applicant in accordance with the regulations and section 8.30 of Guidance.</p> <p>Representations have been received from three local residents in their capacity as ‘other persons’. A summary of issues raised by these Other Persons included:</p> <ul style="list-style-type: none"> <li>• Granting the licence would contribute to anti-social behaviour and violent behaviour in the area;</li> <li>• Increase in traffic and parking issues at the Napier place precinct;</li> <li>• Increase in litter and vandalism; and</li> <li>• Close proximity to primary school.</li> </ul> <p>No representations have been received from any of the Responsible Authorities.</p> <p>The Applicant’s proposed conditions under the licensing objectives were detailed within the application and were outlined within the Sub-Committee report. In accordance with Section 10.9 and 10.11 of the Guidance, these conditions had been interpreted into enforceable conditions and only those appropriate and proportionate for the promotion of the licensing objectives had been included in the Operating Schedule.</p>

<p>(vi) Licensing Objectives Under Which Representations Were Made</p>	<ul style="list-style-type: none"> <li>• The Prevention of Crime and Disorder</li> <li>• The Protection of Children from Harm</li> <li>• The Prevention of Public Nuisance</li> </ul>
<p>(vii) Parties/Representatives and witnesses present</p>	<p><b><u>Applicant / Applicant's Representative</u></b></p> <p>Mr Craig Baylis, the Applicant's Solicitor and Mr Paul Roberts, the store manager.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Mrs Terri Martin, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Other Persons</u></b></p> <p>Mr Michael Keogh, who made representation against the application.</p>
<p>(viii) Pre-hearing considerations and any decisions taken by the sub-committee relating to ancillary matters</p>	<p>There were no pre-hearing considerations to be determined by the Sub-Committee.</p>
<p>(ix) Oral Representations</p>	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><b><u>Applicant / Applicant's Representative</u></b></p> <p>Mr Craig Baylis addressed the Sub-Committee on behalf of the Applicant. The key points raised during his address, and following questions from the Sub-Committee, were as follows:</p> <ul style="list-style-type: none"> <li>• Tesco utilised a Challenge 25 system for alcohol sales;</li> <li>• A members of staff would routinely patrol the outside of the store;</li> <li>• Adequate car parking was in place;</li> <li>• Internal and external CCTV coverage; and</li> <li>• Regular staff training on licensing objectives and procedures.</li> </ul> <p><b><u>Other Persons</u></b></p> <p>Mr Michael Keogh addressed the sub-committee. The key points raised during his address, and following questions from the sub-committee, were as follows:</p> <ul style="list-style-type: none"> <li>• Local opposition to the store;</li> <li>• Insufficient parking spaces available;</li> <li>• The store would act as a magnet for anti-social behaviour; and</li> <li>• Alcohol already sold nearby.</li> </ul> <p><b><u>Summing Up</u></b></p> <p>All parties were given the opportunity to summarise their submissions. Mr Craig Baylis highlighted that there had been no representations from the responsible authorities against the application. If significant problems arose, the licence could be reviewed.</p>

<p>(i) Written Representations and Supplementary Material Taken Into Consideration</p>	<p><b><u>Submitted by the Applicant / Applicant's Representative</u></b></p> <p>Consideration was given to the application submitted by Tesco Stores Ltd.</p> <p><b><u>Submitted by the Responsible Authorities</u></b></p> <p>None.</p> <p><b><u>Submitted by Other Persons</u></b></p> <ul style="list-style-type: none"> <li>• Letter from Mr Kenneth Campbell, local resident against the licence; and</li> <li>• Email from Mrs Janet Kirk against the opening hours;</li> <li>• Letter and oral representation from Mr Michael Keogh against the application.</li> </ul>
<p>(ii) Facts/Issues in dispute</p> <p>Issue 1</p> <p>Issue 2</p> <p>Issue 3</p>	<p>Whether the granting of a new premises licence application would be detrimental to the 'Prevention of Crime and Disorder' objective.</p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Prevention of Public Nuisance' objective.</p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Protection of Children from Harm' objective.</p>
<p>(iii) Decision</p>	<p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</b></p> <ul style="list-style-type: none"> <li>• Any future parking issues could be reviewed if needed;</li> <li>• Representations received were more focused on the store than the licence;</li> <li>• Representations received were not enough to amend the sale of alcohol hours compared to store opening hours;</li> <li>• Representations about increases to antisocial behaviour could not be considered as there was no evidence to support it.</li> </ul> <p>The Sub-Committee was satisfied that the mechanism for reviewing licenses was robust and understood that should any issues arise in the future in relation to Public Nuisance caused by issues such as antisocial behaviour and car parking and in relation to Protection of Children from Harm such as underage alcohol sales, the licence could be brought back for subsequent review.</p> <p>The decision was suspended for 21 days to allow for appeal to the Magistrate's Court.</p>

Chairman  
13.30pm – 15.05pm