

## LICENSING COMMITTEE

**THURSDAY 18 DECEMBER 2014**  
**7.00 PM**

**Bourges/Viersen Rooms - Town Hall**

### AGENDA

Page No

**1. Apologies for Absence**

**2. Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council. Members must also declare if they are subject to their party group whip in relation to any items under consideration.

**3. Minutes of the Meeting Held on:**

**3.1 18 September 2014** **3 - 6**

**3.2 Minutes of the Sub-Committee Hearings Held Between March 2014 and November 2014** **7 - 34**

- i) 21/03/14 – Cliftepala (Personal)
- ii) 21/08/14 – Mansfield Snooker Club (Review)
- iii) 17/10/14 – Exeter Arms (New Premises)
- iv) 27/10/14 – 327 Lincoln Road (New Premises)
- v) 11/11/14 – 44 Eastfield Road (New Premises)

**4. Exclusion of the Press and Public**

In accordance with Standing Orders, Members are asked to determine whether agenda item 5, 'Decision Required in Relation to a Private Hire Driver's Licence', which contains exempt information relating to an individual, which is likely to reveal the identity of an individual and in relation to any action taken or to be taken in connection with the prevention or investigation or prosecution of crime, as defined by Paragraph 1, 2 and 7 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when this report is discussed or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Philippa Turvey on 01733 452460 as soon as possible.

#### **Emergency Evacuation Procedure – Outside Normal Office Hours**

*In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.*

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at:

<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

#### **Committee Members:**

Councillors: P Thacker (Chairman), P Hiller (Vice Chairman), S Allen, A Iqbal, G Nawaz, M Jamil, A Miners, R Herdman, Davidson and S Lane

Substitutes: Councillors: G Casey, N Khan, B Saltmarsh, N Sandford and J R Fox

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733 452460 or by email – [philippa.turvey@peterborough.gov.uk](mailto:philippa.turvey@peterborough.gov.uk)

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 18 SEPTEMBER 2014**

**Members Present:** Councillors Thacker (Chair), Hiller (Vice Chair), Allen, Nawaz, Jamil, Miners, Herdman, Davidson and Lane

**Officers Present:** Peter Gell, Strategic Regulatory Services Manager  
Adrian Day, Licensing Manager  
Philippa Turvey, Senior Governance Officer

**1. Apologies for Absence**

There were no apologies for absence.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes of the Meeting Held on:**

**3.1 13 February 2014**

The minutes of the meeting held on 13 February 2014 were approved as a true and accurate record.

**3.2 13 March 2014**

The minutes of the meeting held on 13 March 2014 were approved as a true and accurate record.

**3.3 17 April 2014**

The minutes of the meeting held on 17 April 2014 were approved as a true and accurate record.

**3.4 Minutes of the Sub-Committee Hearings Held Between October 2013 and August 2014**

The following minutes of the Sub-Committee hearings held between October 2013 and August 2014 were approved as true and accurate records:

- i) 18/11/13 – Mini Poli (Review)
- ii) 13/12/13 – Peterborough International Food Centre (Variation)
- iii) 08/01/14 – Akar Ahmned (Personal Licence)
- iv) 11/03/14 – Solstice (Expedited Review)
- v) 02/04/14 – Tesco Stores, Oundle Road (New Premises)
- vi) 17/04/14 – Solstice (Review)
- vii) 20/05/14 – Little Europe (New Premises) and Centre Café (New Premises)
- viii) 26/06/14 – General Store (New Premises)
- ix) 30/07/14 – Best Deli (Review)

#### 4. CCTV in Hackney Carriage and Private Hire Vehicles Taxi Licensing

The Committee received a report outlining an officer review of the Hackney Carriage and Private Hire Licensing Policy with regard to the adoption of CCTV as a compulsory requirement. The review was undertaken to ensure that the policy remained appropriate and fit for purpose.

The Licensing Manager presented the report and made the following key points:

- The decision to adopt CCTV as a compulsory requirement was made by this Committee five years ago, with the support of the trade.
- Once it was confirmed the Council would not be funding the requirements, this support was removed.
- Work had been undertaken to investigate alternative sources of funding, however the equipment required was high spec and expensive.
- Other local authorities that had imposed similar conditions had been served notice by the Information Commissioner. Southampton City Council had challenged this at tribunal and had lost.
- It was concluded by the Information Commissioner that the recording of video and audio was disproportionate and audio should only be recorded in small sections.
- It was considered that audio would be relied on more often in investigations.

In response to questions from Members, the Licensing Manager clarified:

- There was no official data on optional take up, but enquiries from drivers had been received and it was believed that drivers would choose to take part.
- Oxford County Council had published some strict guidelines and supporting information for a voluntary scheme. If agreed, Peterborough would follow a similar route.
- The equipment in question was not significantly cheaper than it had been five years ago, however it was expected that over the next one or two years the price would decrease.

Members discussed how data control would be regulated in a voluntary scheme. The Licensing Manager referred to the strict guidelines that would be put in place in such a situation, to mitigate the risks of intercepted data making its way onto social media or being used for criminal purposes. If the optional scheme was agreed, there was work to be done to ensure that the Council had the correct equipment and qualifications to receive any data. This may take several months.

**RESOLVED:** That the Committee approved the removal of the mandatory requirement for hackney carriage and private hire vehicles to have CCTV fitted, and instead made the installation of CCTV optional.

#### **Reasons for the decision:**

- To comply with statutory requirements regarding the regular review of licensing policies.
- To ensure that the policies and procedures continue to be fit for purpose.

#### 5. Guidelines Relating to the Relevance of Convictions / Cautions Taxi Licensing

The Committee received a report outlining an officer review of the Hackney Carriage and Private Hire Licensing Policy with regard to the "Guidance Relating to the Relevance of Convictions / Cautions Taxi Licensing". The review was undertaken to ensure that the policy remained appropriate and fit for purpose.

The Licensing Manager addressed the Committee and explained that the relevance of convictions was considered when establishing if an applicant was a fit and proper person. The guidelines were to be used as an explanatory tool for applicants and did not reflect any major changes to the Council's approach.

**RESOLVED:** That the Committee adopted the updated draft guidance as the Council's "Guidance Relating to the Relevance of Convictions / Cautions Taxi Licensing".

**Reasons for the decision:**

- To comply with statutory requirements regarding the regular review of licensing policies.
- To ensure that the policies and procedures continue to be fit for purpose.

**6. Review of the Private Hire Operator Licensing Conditions Taxi Licensing**

The Committee received a report outlining an officer review of the Hackney Carriage and Private Hire Licensing Policy with regard to the "Private Hire Operator Licensing Conditions". The review was undertaken to ensure that the policy remained appropriate and fit for purpose.

The Licensing Manager addressed the Committee and outlined the main changes proposed to conditions. These were:

- The addition of section 15, "Satellite Offices". This section related to operators setting up an additional bookings location officer under their existing licence. This type of operation was open to abuse by the risk of plying for hire. It was proposed that section 15 was appropriate to regulate this activity.
- The addition of a paragraph relating to private hire trade operating in densely populated areas, such as the city centre. This paragraph outlined the Council's approach to consider each application in such areas individually.

Members discussed how the authority would be alerted to Satellite Offices. The Licensing Manager advised that it was expected that firms would approach the Council, however officers were usually aware of the work of the trade.

It was noted by Members that private hire vehicle business could work harmoniously with hackney carriages in the city centre when operated appropriately. The Strategic Regulatory Services Manager noted the proposal were to consider applications on a case by case basis.

**RESOLVED:** That the Committee adopted the updated draft licensing conditions as the Council's "Private Hire Operator Licensing Conditions".

**Reasons for the decision:**

- To comply with statutory requirements regarding the regular review of licensing policies.
- To ensure that the policies and procedures continue to be fit for purpose.

**7. Change in the Licensing Policy for Hackney Carriage Vehicle Licensing**

The Committee received a report seeking an amendment to a condition within the "Peterborough Conditions of Fitness for Hackney Carriage Vehicles", to ensure that the condition was not applicable until 14 November 2014.

The Licensing Manager addressed the Committee and explained that the draft “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” were approved by the Licensing Committee on 14 November 2013. Following the subsequent adoption of these conditions the Council received a letter from Bindmans LLP, acting on behalf of Allied Vehicles Ltd, which challenged condition 13.3(b). It was claimed in this letter that the condition 13.3(b) resulted in a commercial advantage for one manufacturer.

**RESOLVED:** That condition 13.3(b) of the “Peterborough Conditions of Fitness for Hackney Carriage Vehicles” be amended so that the exemption applied to all newly presented vehicles for licensing retaining the expiry date for the condition as 15 November 2014.

Condition 13.3 to read;

*13.3 The near-side occasional seat must be of swivel type in order to accommodate the needs of passengers with physical disabilities, unless;*

- a. the vehicle was licensed prior to these Conditions of Fitness being adopted and this facility was not installed, or*
- b. the vehicle is newly presented for licensing, in which case this condition will not apply until the 15 November 2014 to allow manufacturers / suppliers time to comply with this requirement. From the 15 November 2014 all newly presented vehicles for licensing will be required to have the swivel seat fitted.*

**Reasons for the decision:**

- To consider the challenge received from Allied Vehicles Ltd to review the policy.
- To remove any possible commercial advantage or disadvantage for manufacturers or suppliers.
- To ensure that the policies and procedures continue to be fit for purpose.

Chairman  
7.00pm – 8:00pm

**Meeting of the Licensing Act 2003 Sub-Committee  
Held at the Town Hall, Peterborough on 21 March 2014**

**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   | Personal Licence  |
| 3.1 Application Reference  | MAU : 068881  |
| 3.2 Sub-Committee Members  | Councillor Thacker (Chairman)<br>Councillor Saltmarsh<br>Councillor Peach   |
| 3.3 Officers   | Darren Dolby , Regulatory Officer – Licensing<br>Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee<br>Karen S Dunleavy, Governance Officer – Clerk to the Sub-Committee   |
| 3.4 Applicant  | Mr. Vakkas Ciftepala  |
| 3.5 Nature of Application  | <p><b><u>Application Type</u></b></p> <p>Personal Licence</p> <p><b><u>Summary of Review Application</u></b></p> <p>In accordance with Section 51 of the Licensing Act 2003, following the submission of an application for a Personal Licence and following declaration of a criminal conviction, an objection was received from the Responsible Authority – the Constabulary. The Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• The applicant had declared a criminal conviction and following an objection from the constabulary, his application required reviewing.</li> </ul> |
| 3.6 Licensing Objective(s) under which representations were made | 1. The Prevention of Crime and Disorder   |
| 3.7 Parties/Representatives and witnesses present                | <p><b><u>Applicant/Representative</u></b></p> <p>Mr Vakkas Ciftepala, who was present as the Applicant</p> <p>Mr. Langford Smith, who presented the case on behalf of the Applicant Mr. Vakkas Ciftepala.</p> <p><b><u>Responsible Authorities</u></b></p>  |

|   |   |
|---|---|
|   | PC Grahame Robinson, who was present on behalf of Cambridgeshire Constabulary.  |
| 3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters | There were no pre-hearing considerations or decisions taken by the sub-committee relating to ancillary matters.   |
| 3.9 Oral representations  | <p><b><u>Applicant / Responsible Authority</u></b></p> <p>Mr. Langford Smith 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>• The applicant wished to withdraw his application and reapply at a time when his criminal convictions would not be considered.</li> </ul> |
| 4. Decision   | As the applicant wished for his application to be withdrawn, the Chairman declared the meeting closed.  |

Chairman  
1:30 – 1:37pm



Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Monday, 21 August 2014

**RECORD OF PROCEEDINGS**

|  |  |
|--|--|
| 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 Exeter Arms, Helpston   |
| 3.1 Application Reference  | 069745   |
| 3.2 Sub-Committee Members  | Councillor Thacker (Chairman)<br>Councillor Hiller<br>Councillor Davidson  |
| 3.3 Officers   | Adrian Day, Licensing Manager<br>Darren Dolby, Licensing Regulatory Officer<br>Terri Martin, Licensing Regulatory Officer  |
| 3.4 Applicant  | Mr George Sakkalli   |
| 3.5 Nature of Application  | <b><u>Application Type</u></b><br><br>New Premises Licence.<br><br><b><u>Summary of Review Application</u></b><br><br>The Sub-Committee was asked to consider and determine the application for a new premises licence for the Exeter Arms, Church Lane, Helpston, Peterborough, PE6 7DT, taking into account the representations received from seven local residents and one local Councillor who were all, under the Licensing Act 2003, defined as 'other persons.' |
| 3.6 Licensing Objective(s) under which representations were made | 1. Prevention of Crime and Disorder<br>2. Prevention of Public Nuisance<br>3. Protection of children from harm<br>4. Public Safety   |
| 3.7 Parties/Representatives and witnesses present                | <b><u>Applicant / Responsible Authority</u></b><br><br>Terri Martin, the Licensing Regulatory Officer, who presented the case on behalf of the Council.<br><br><b><u>Licensee / Representative</u></b><br><br>Mr George Sakkalli.  |
| 3.8 Written representations                                      | None   |

|   |   |
|---|---|
| and supplementary material taken into consideration |   |
| 3.9 Facts/Issues in dispute                         | <p><b><u>Issue 1</u></b></p> <ul style="list-style-type: none"> <li>• Whether the correct application procedure had been followed.</li> </ul>   |
| 3.10 Oral representations                           | <p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><b><u>Responsible Authority</u></b></p> <ul style="list-style-type: none"> <li>• Regulations required that applications for a new premises license should be advertised at the premises and in a local newspaper, however the premises license had not been advertised in the local newspaper.</li> <li>• The application process had not been completed fully, therefore representations could not be taken into account.</li> <li>• Any representations would need to be re-submitted in the new consultation period.</li> </ul> |
| 3.11. Decision                                      | <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> <p>The application would have to be resubmitted as the correct application procedure had not been followed.</p>  |
| 4. Application                                      | Review of Premises Licenses, Mansfield Snooker Club   |
| 4.1 Application Reference                           | 069719  |
| 4.2 Sub-Committee Members                           | Councillor Thacker (Chairman)<br>Councillor Hiller<br>Councillor Davidson   |
| 4.3 Officers  | Adrian Day, Licensing Manager<br>Darren Dolby, Licensing Regulatory Officer<br>Terri Martin, Licensing Regulatory Officer   |
| 4.4 Applicant                                       | Cambridgeshire Constabulary   |
| 4.5 Nature of Application                           | <p><b><u>Application Type</u></b></p> <p>Review of Premises License</p> <p><b><u>Summary of Application</u></b></p> <p>To consider and determine an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 for Mansfield Snooker</p>   |

|  |   |
|--|---|
|  | <p>Club, taking into account the representation made by Cambridgeshire Constabulary in their capacity as a Responsible Authority and the representation in support of the review by Peterborough City Council's Pollution Control Team, also a Responsible Authority. There had also been representations in support of the review from the Millfield and New England Regeneration Partnership (MANERP) and a local Councillor in their capacity as 'other persons'. The review was brought under the Prevention of Crime and Disorder and Public Safety objectives.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• Police had concerns that alcohol related violent crime and anti-social behaviour had increased remarkably over the 6 months prior to the serving of the review documentation.</li> <li>• The Constabulary requested that the hours of the club be restricted to 08:00-23:00.</li> <li>• Police believed that the premises was not managed effectively by the licence holder during the early hours of the day when he was not present and the staff on duty were ineffective in preventing crime and anti-social behaviour.</li> <li>• Although no recent noise complaints had been received, the Pollution Control Team noted that the licence conditions should be updated to prevent any noise issues arising in the future.</li> </ul> |
| 4.6 Licensing Objective(s) under which representations were made | <ol style="list-style-type: none"> <li>1. Prevention of Crime and Disorder</li> <li>2. Public Safety</li> </ol>   |
| 4.7 Parties/Representatives and Witnesses present                | <p><b><u>Responsible Authorities</u></b></p> <p>Sgt. Haley Richardson, Cambridgeshire Constabulary<br/>Dorothy Poecock, Pollution Control Officer<br/>Karen Woods, Trading Standards</p> <p><b><u>License Holder and Representative</u></b></p> <p>Gohar Darr, License Holder<br/>Alan Aylott, License Holder Representative</p> <p><b><u>Ward Councillor</u></b></p> <p>Councillor Khan</p> <p><b><u>Other Persons</u></b></p> <p>Brian Gascoigne, Millfield and New England Regeneration Partnership</p>  |
| 4.8 Written Representations                                      | <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written representation from Brian Gascoigne, attached to the report at Appendix D.</p>   |
| 4.9 Facts/Issues in Dispute                                      | <p><b><u>Issue 1</u></b></p> <p>Whether the update of the premises license conditions would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p>   |

|                           |   |
|---------------------------|---|
|                           | <p><b><u>Issue 2</u></b></p> <p>Whether the update of the premises license conditions would further support the 'Public Safety' Licensing Objective.</p>  |
| 4.10 Oral Representations | <p>The Regulator Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in the address included the Prevention of Crime and Disorder and the Public Safety.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Sgt. Haley Richardson, representative for Cambridgeshire Constabulary, addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee and License Holder and his representative, were as follows:</p> <ul style="list-style-type: none"> <li>• The request for a review came after a significant increase in instances of alcohol-related anti-social behaviour at the premises.</li> <li>• The snooker club had the most recorded instances of violent crimes out of all similar establishments in the zone.</li> <li>• Compliance visits had failed to improve the situation and the licensing objectives were not being upheld.</li> <li>• There had been nine violent crimes recorded in six months, and the CCTV at the premises was of poor quality, however since the review application the CCTV quality had improved.</li> <li>• The extensive crime notes had made it clear that staff working at the bar were unaware which customers were in the premises, and membership was not being enforced, making it hard to identify individuals immediately after the crime had been committed.</li> <li>• Officers had not had access to the membership log book.</li> <li>• According to crime statistics, there had been reports from earlier than 03:00, even though the majority were between 03:00 and 07:00.</li> <li>• The Constabulary were supportive of the venue being run correctly during the day time.</li> <li>• The exhibit provided by the license holder and the data contained therein was inaccurate and contradicted police statistics.</li> </ul> <p><b><u>License Holder &amp; License Holder Representative</u></b></p> <p>Gohar Darr, the License Holder, and Alan Aylott, the License Holder representative, addressed the Sub-Committee. The key points raised during his address, and questions from the Sub-Committee, were as follows:</p> <ul style="list-style-type: none"> <li>• The police had not had issues with the CCTV since the upgrade of the cameras.</li> <li>• There was a membership list available, and all names of people involved in incidents and membership numbers had been handed to police when requested.</li> <li>• The license holder has not worked in the club for several years, but was always available if there were any problems in the club. Many troublemakers were banned in the first instance.</li> <li>• Other staff were trained in how to handle customers that were difficult.</li> <li>• Most customers finish their drinks inside the club.</li> </ul> |

- When the license was first applied for, there weren't as many residential areas nearby.
- The detailed crime reports had not been supplied by the police, therefore the results of allegations and reports were not available to the committee.
- Some accusations were shown by CCTV to be unsubstantiated.
- Oftentimes crimes linked to the club had not occurred on the club premises.
- Mediation should have been taken prior to the matter being referred to licensing.
- CCTV footage had never been deleted.
- Were live music to be played on the premises, a noise limiter could be installed.
- No residents had complained to the club directly.
- Any steps taken must be proportionate and appropriate to ensure the licensing objectives are reached.
- The condition regarding CCTV was inappropriate as the CCTV had been already upgraded.
- Many other conditions are dealt with by other legislation.
- Very few people come to the club in the early hours of the morning, therefore hiring door staff for such a small amount of people was not financially viable.
- Few of the people who come in the early hours of the morning were drinking. Most were restaurant owners, taxi drivers, etc. who came in after finishing work.

#### **Responsible Authorities**

Dorothy Poecock, the Pollution Control Officer outlined the points with regard to the application. The key points raised during her address, and questions from the Sub-Committee, the License Holder and his representative were as follows:

- No noise complaints had been received since 2012.
- Some licensing conditions on various premises around the city needed updating if they were imprecise or difficult to uphold.

#### **Ward Councillor**

Councillor Khan, the ward councillor, addressed the Sub-Committee. The key points made during his address, and questions from the Sub-Committee, the License Holder and his representative were as follows:

- Many residents had simply grown tired of complaining about noise complaints, as they felt nothing was being done, but the ward councillor received complaints personally.
- Residents quality of life had been significantly negatively affected by the noise from the snooker club.
- Cans of alcoholic drinks had been thrown over into residents' gardens.
- There is a log of complaints which Peterborough City Council officers were aware of.

### **Other Persons**

Brian Gascoigne, the Millfield and New England Regeneration Partnership representative, addressed the Sub-Committee. The key points made during his address, and questions from the Sub-Committee, the License Holder and his representative were as follows:

- Brian Gascoigne stated that he had nothing further to add to his written statement.

### **Summing up**

All parties were given the opportunity to summarise their submissions.

### **License Holder / License Holder's Representative**

The License Holder's Representative stated that the website from which the data had been taken for the exhibits was an officially recognised police website. There were other reasons and rationale behind the occurrence of crimes besides the establishment not being managed properly. It was disputed that the club was controlled by criminal elements. Complaints should be made by residents to the club or the environmental health officer. The club's measures were sufficient to support the licensing objectives. There were conditions on the premises for 16 year-olds to not be allowed on the premises after 23:00.

The License Holder added that he was more than willing to co-operate with the council. The club was not the only thing in the area which could have people drinking large amounts of alcohol. The club did not play music, and therefore complaints about music would have to be addressed elsewhere.

### **Ward Councillor**

Councillor Khan stated that the difficulty lay with residents not being able to distinguish where noise complaints came from. When members of the club congregated outside the club to leave or smoke, there was a significant amount of noise, which affected residents' quality of life.

### **Responsible Authorities**

Dorothy Pocock, the Pollution Control Officer stated that this was an opportune moment to update the licensing conditions, which is why it had been brought to the committee.

Sgt. Haley Richardson, representative for Cambridgeshire Constabulary stated there was a significant amount of evidence suggesting staff were not able to control customers and were in fear of their own customers, and that one in particular staff member stated she was willing to make a witness statement. One member staff had called her boyfriend rather than the police to address a customer, but this had not been recorded in the log book. It could not be risked for things to go back to how they were. Whilst small details could be disputed, there had been significant instances of violence at the establishment which could not be ignored.

4.11 Decision

**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:-**

In their deliberations, the Sub-Committee considered the various options available, these being:

- To modify the conditions of the premises licence;
- To exclude a licensable activity from the scope of the licence;
- To remove the designated premises supervisor from the licence;
- To suspend the licence for a period not exceeding three months, or; and
- To revoke the licence.

They therefore agreed to reduce the opening hours of the premises, known as Mansfield Snooker Club, 119a Lincoln Road, Peterborough from 8.00am until 3.00am and to modify the conditions of the premises licence to include those conditions as requested by the police and as agreed by the Premises Licence Holder.

Chairman  
1:30pm – 2:45pm

This page is intentionally left blank



Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Friday, 17 October 2014

**RECORD OF PROCEEDINGS**

|                             |  |
|-----------------------------|--|
| 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 Exeter Arms, Church Lane, Helpston, Peterborough, PE6 7JT.  |
| 3.1 Application Reference   | 070020   |
| 3.2 Sub-Committee Members   | Councillor Hiller (Chairman)<br>Councillor Davidson<br>Councillor Lane   |
| 3.3 Officers                | Darren Dolby, Licensing Regulatory Officer<br>Nigel Joseph, Lawyer<br>Karen S Dunleavy, Clerk  |
| 3.4 Applicant               | Mr. George Sakkalli  |
| 3.5 Nature of Application   | <p><b><u>Application Type</u></b></p> <p>New Premises Licence.</p> <p><b><u>Authorisations and Times Applied For</u></b></p> <ul style="list-style-type: none"> <li>• <b>Sale of alcohol for consumption off the premises</b> <p>Sunday to Thursday 8:00am to Midnight; and<br/>Friday and Saturday 8:00am to 2:00am.</p> <p>Alcohol sales will cease in the barn at 11:00pm;<br/>Christmas Eve and New Year's Eve 8:00am to 3:00am; and<br/>Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St David's Day, the Sunday prior to Spring and Autumn Bank Holiday's until 2:00am.</p> </li> <li>• <b>Plays, Films, Indoors and Outdoors</b> <p>Sunday to Thursday 8:00am to Midnight; and<br/>Friday and Saturday 8:00am to 1:00am.</p> <p>Outdoor activities to cease at 9:00pm;<br/>Activities in the Barn will cease at 11:00am;<br/>Christmas Eve and New Year's Eve 8:00am to 2:00am; and<br/>Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St David's Day, Spring and Autumn Bank Holiday to 1:00am.</p> </li> </ul> |

- **Performance of Dance – Indoors and Outdoors**

Sunday to Thursday 8:00am to Midnight; and  
Friday and Saturday 8:00am to 1:00am;

Outdoor activity to cease at 9:00pm;  
Activity in the Barn will cease at 11:00pm;  
Christmas Eve and New Year's Eve 8:00am to 2:00am; and  
Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St  
David's Day, the Sunday prior to Spring and Autumn Bank Holiday to  
1:00am.

- **Recorded Music – Indoors and Outdoors**

Sunday to Thursday 8:00am to Midnight; and  
Friday and Saturday 8:00am to 2:00am.

Recorded Music in the Barn will cease at 11:00pm;  
Recorded Music will cease outdoors at 9:00pm;  
Christmas Eve and New Year's Eve 8:00am to 3:00am; and  
Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St  
David's Day, Spring and Autumn Bank Holiday to 2:00am.

- **Indoor Sporting Events**

Sunday to Thursday 8:00am to midnight; and  
Friday and Saturday 8:00am to 2:00am.

Christmas Eve and New Year's Eve 8:00am to 2:00am; and  
Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St  
David's Day, Spring and Autumn Bank Holiday to 1:00am.

- **Live Music – Indoors Only**

Sunday to Thursday 11:00pm to Midnight; and  
Friday and Saturday 11:00pm to 1:00am.

Live Music in the Barn will cease at 23.00;  
Christmas Eve and New Year's Eve 11:00pm to 2:00am; and  
Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St  
David's Day, Spring and Autumn Bank Holiday to 1:00am.

- **Late Night Refreshment – Indoors Only**

Sunday to Thursday 11:00pm to Midnight; and  
Friday and Saturday 11:00pm to 2.00am.

Late Night Refreshment in the Barn will cease at 11:00am;  
Christmas Eve and New Year's Eve 11:00pm to 3:00am; and  
Burn's Night, St Patricks Day, St George's Day, St Andrew's Day, St  
David's Day, the Sunday prior to Spring and Autumn Bank Holiday to  
1:00am.

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• <b>Hours premises are open to the public</b></li> </ul> <p>Sunday to Thursday 8:00am to 0:30am; and<br/>Friday and Saturday 8:00am to 2:30am.</p> <p>Christmas Eve and New Years Eve 8:00am to 3:00am; and<br/>Burn’s Night, St Patricks Day, St George’s Day, St Andrew’s Day, St David’s Day, the Sunday prior to Spring and Autumn Bank Holiday to 2:00am.</p> <p><b><u>Summary of the New Premises Licence Application</u></b></p> <p>The Committee was asked to consider and determine the application for a new premises licence for The Exeter Arms, Church Lane, Helpston, Peterborough, PE6 7DT, taking into account the representations received from local residents in objection, a petition signed by 34 residents in support and one local Councillor who were all, under the Licensing Act 2003, defined as ‘other persons.’</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• If the licence applied for was granted, it could lead to a rise in anti-social behaviour;</li> <li>• If the licence applied for was granted, it would lead to an increase in noise and disturbance in the area, including from customers leaving the premises late at night, causing sleep deprivation affecting the health and wellbeing of residents, resulting in emotional and physical detriment; and</li> <li>• Excessive and inappropriate hours and activities for a village pub in residential area, more acceptable hours would be 11:00pm – 11:30pm.</li> </ul> |
| 3.6 Licensing Objective(s) under which representations were made                | <ol style="list-style-type: none"> <li>1. Prevention of Crime and Disorder</li> <li>2. Prevention of Public Nuisance</li> <li>3. Protection of children from harm</li> <li>4. Public Safety</li> </ol>  |
| 3.7 Parties/Representatives and witnesses present                               | <p><b><u>Applicant / Responsible Authority</u></b></p> <p>Darren Dolby, the Licensing Regulatory Officer, who presented the case on behalf of the Council.</p> <p><b><u>Licensee / Representative</u></b></p> <p>Mr. George Sakkalli.</p>   |
| 3.8 Written representations and supplementary material taken into consideration | <p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p>  |

|                                 |   |
|---------------------------------|---|
|                                 | <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from Other Persons and attached to the report at Appendix C and D.</p>   |
| <p>3.9 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</u></b></p> <p>Mr George Sakkalli addressed the Sub-Committee and responded to comments and questions raised by Members. The key points raised during the address and responses to comments included:</p> <ul style="list-style-type: none"> <li>• There had been a clear demonstration within the application of how the four licensing objectives would be upheld;</li> <li>• A letter had been sent to local residents explaining the position in order to clarify the concerns residents raised and to allay any fears;</li> <li>• Most of the residents in the village were in support of the reopening of The Exeter Arms;</li> <li>• The renovations and public house re-opening was strongly supported by the John Clare Trust;</li> <li>• One aim was to generate funds and become involved in fund raising for local children’s causes, the Liam Pridmore charity, up keep of the John Clare Cottage, St Botolph’s Church Helpston, Scouts and Hockey clubs;</li> <li>• A business plan had been sent to local residents which outlined the type of public house establishment that would be in operation;</li> <li>• There had been many unfounded comments raised by some residents within their objections;</li> <li>• It was not intended to operate The Exeter Arms as a night club or to hold live music events;</li> <li>• The application sought permission to operate for longer hours on the weekends;</li> <li>• The applicant currently managed The Golden Pheasant in Etton and on quite evenings, the premises would close between 10:00pm and 10:30pm;</li> <li>• The late licence was required to accommodate clientele that worked late shifts mid-week due to their profession;</li> <li>• It was envisaged that The Exeter Arms would not attract clientele that sought bargain alcohol sale offers or a nightclub environment;</li> <li>• The public house was a significant part of the John Clare History;</li> <li>• The applicant was keen to keep investment within Helpston Village and to employ staff locally</li> <li>• The application sought operating hours not too dissimilar than that of another local public house in the area;</li> <li>• The applicant offered adjusted operating hours, which included: <ul style="list-style-type: none"> <li>i. The sale of alcohol Sunday to Thursday 8:00am until 11:30pm and Friday to Saturday 8:00 am until 1:00am;</li> <li>ii. Regulated entertainment (music): Friday and Saturday – 11:00pm until 12:30am (midnight);</li> </ul> </li> </ul> |

- iii. No authorisation was required between the hours of 8:00am to 11:00pm; and
- iv. Reduction of the sale of alcohol on New Year's Eve from 3:00am to 2:00am.

- The applicant was the Lease Holder of The Golden Pheasant, Eton, Peterborough. The building was currently owned by Milton Estates;
- Assurances were given that drinks would not be discounted to City Centre prices or 'Happy Hour' promotions in order to attract additional business;
- Christmas and New Year's Evening parties held at The Golden Pheasant in Eton, generally finished at a reasonable hours and were usually by invite only. These events were usually organised by companies or local residents booking the marquee; and
- It was anticipated that The Exeter Arms would not open until 10:00am unless a walking, cycling club or charity event required it to be.

### **Other Persons**

Mr Ivan Cumberpatch, Mrs Eileen Cumberpatch, Mr Valentine, Mr Dunford and Patricia Jackson addressed the Sub-Committee and responded to comments and questions raised. The key points raised during the address and responses to comments included:

- Intrusive noise had been experienced in the past by previous Landlords;
- Christmas operating times seemed too excessive and it was felt that a 3:00am close was unnecessary;
- Concerns regarding alfresco entertainment;
- Most representatives were in support of the building restoration;
- Opening hours proposed were reasonable;
- It had not been made clear of what times alcohol would be on sale from;
- The Exeter Arms was within a conservation area with 100 plus houses that neighboured the property;
- Concerns were raised with regards to the valuation of residents properties that neighboured The Exeter Arms if it was to reopen;
- It would be difficult to control the noise arising from the access and egress of The Exeter Arms building once in operation;
- The Exeter Arms building was not too dilapidated in some representatives opinion; and
- The residents neighbouring The Exeter Arms would need to keep their windows closed throughout the summer, due to events held by the previous licence holders.

### **Summing up**

All parties were given the opportunity to summarise their submissions.

### **Applicant**

The Exeter Arms renovation and operation was to be designed in line with local residents' wishes. The application had been supported by a number of local residents by way of a petition. The front of the building was disgraceful,

|                              |   |
|------------------------------|---|
|                              | <p>had been vandalised and was in desperate need of restoration. The applicant reassured residents that The Exeter Arms would operate as a well-managed establishment with very little or no noise disturbance to residents.</p> <p><b><u>Other Persons</u></b></p> <p>It was felt by local residents in opposition that the proposed operating hours for Christmas Eve and New Year's Eve were too excessive.</p>  |
| 3.10 Facts/Issues in Dispute | <p><b><u>Issue 1</u></b></p> <p>Whether the application of the premises license conditions would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the application of the premises license conditions would further support the 'Public Safety' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the application of the premises license conditions would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the application of the premises license conditions would further support the 'Protection of Children from Harm' Licensing Objective.</p>   |
| 4 Decision                   | <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> <p>In their deliberations, the Sub-Committee considered the various options available, these being:</p> <ul style="list-style-type: none"> <li>• Decide to grant the licence in the same terms as it was applied for;</li> <li>• Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives);</li> <li>• Exclude from the scope of the licence a licensable activity; or</li> <li>• Decide to refuse to grant the licence.</li> </ul> <p>During deliberation, Sub-Committee also considered the following:</p> <ul style="list-style-type: none"> <li>• The applicant had voluntarily amended the hours for the sale of alcohol and the facilitation of entertainment;</li> <li>• It was noted by the Committee that there had been no objections from the Responsible Authorities to the application, in particular, the Pollution Team;</li> <li>• The hours requested were not significantly inconsistent with the other public house, which operated nearby;</li> <li>• The Licensing Authority was keen to ensure that local residents were</li> </ul> |

not inconvenienced, and therefore felt that the applicant has listened to the residents and sought to address their concerns to a reasonable degree; and

- It should be of comfort to the residents that there was a mechanism for review available, should the need arise.

Therefore the Sub-Committee agreed to **GRANT** the licence for the premises, known as The Exeter Arms, Church Lane, Helpston, Peterborough, PE6 7DT as per the application subject to the reduction in hours for the sale of alcohol and operation of entertainment as follows:

- The sale of alcohol Sunday to Thursday 8:00am until 11:30pm and Friday to Saturday 8:00am until 1:00am;
- Regulated entertainment (music): Friday and Saturday – 11:00pm until 12:30am;
- No authorisation was required between the hours of 8:00am to 11:00pm; and
- Reduction of the sale of alcohol on New Year's Eve from 3:00am to 2:00am.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:

Peterborough Court House, Bridge Street, Peterborough, PE1 1ED.

Chairman  
1:30pm – 3:00pm

This page is intentionally left blank



Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Monday, 27 October 2014

**RECORD OF PROCEEDINGS**

|                             |   |
|-----------------------------|---|
| 1. Apologies for Absence    | There were no apologies for absence received.   |
| 2. Declarations of Interest | There were no declarations of interest.   |
| 3. Application              | Hypermarket, 327 Lincoln Road, Peterborough, PE1 2PF  |
| 3.1 Application Reference   | 070052  |
| 3.2 Sub-Committee Members   | Councillor (Chairman) Thacker<br>Councillor Hiller<br>Councillor Davidson   |
| 3.3 Officers                | Darren Dolby, Regulatory Officer – Licensing<br>Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee<br>Philippa Turvey, Senior Governance Officer – Clerk to the Sub-Committee  |
| 3.4 Applicant               | Mr Ergin Tasci  |
| 3.5 Nature of Application   | <p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p><b><u>Authorisations and Times Applied For</u></b></p> <ul style="list-style-type: none"> <li>• <b>Sale of alcohol for consumption off the premises</b><br/>Monday to Sunday 8am to 10pm</li> <li>• <b>Hours premises are open to the public</b><br/>Monday to Sunday 8am to 10pm.</li> </ul> <p><b><u>Summary of New Premises Licence Application</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Hypermarket, 327 Lincoln Road, Peterborough, which had been received from a Responsible Authority the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• In ‘Op Can-do’ area which is now subject to a special ‘cumulative impact policy’.</li> <li>• The Operating Schedule conditions contained within the application do not sufficiently address the issues of the historic problems of the location and the surrounding area.</li> </ul> |

|     |   |   |
|-----|---|---|
| 3.6 | Licensing Objective(s) under which representations were made  | 1. The Prevention of Crime and Disorder<br>2. The Protection of Children from Harm  |
| 3.7 | Parties/Representatives and witnesses present   | <p><b><u>The Licensing Authority</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Applicant</u></b></p> <p>The Applicant, Mr Ergin Tasci, and the Applicant's Agent, Mr Mahir Kilic, and the Applicant's Solicitor, Mr A Ranatunga.</p> <p><b><u>Responsible Authorities</u></b></p> <p>PC Grahame Robinson, Cambridgeshire Constabulary.</p>   |
| 3.8 | Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters | There were no pre-hearing considerations.   |
| 3.9 | Oral representations  | <p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in his address included the specific hours that have been applied for the sale of alcohol off the premises, the fact that the applicant had submitted photographs of 327 Lincoln Road for the Sub-Committee to consider and the fact that the application fell within the 'Operation Can – Do' area.</p> <p><b><u>Applicant</u></b></p> <p>Mr Ranatunga and Mr Tasci addressed the Sub-Committee. The key points raised during the address were as follows:</p> <ul style="list-style-type: none"> <li>• The proposed business was food-led and would contain the display of alcohol for sale to the area behind the counter. This made up 5% of the premises.</li> <li>• Steps over and above the necessary had been taken to adhere to licensing objectives and the applicant would be happy to work to the conditions proposed by the police.</li> <li>• The presumption against granting permission set special policy relating to the 'Operation Can – Do' area was rebutted by the limited area in which alcohol is sold, the food-led nature of the business, the limited hours of sale and the 'challenge 25' prompt system in place on each till.</li> <li>• The applicant had a good reputation. He had run 'Peterborough Food and Wine' at 317 Lincoln Road for 8 years, which the police had no issue with.</li> <li>• 317 Lincoln Road sold four times more alcohol than was being proposed for 327 Lincoln Road. The application for 327 Lincoln Road was motivated by a need to keep current customers want to be able to buy alcohol within their normal shop.</li> <li>• Customer signage and a till prompting system would reinforce the 'challenge 25' initiative.</li> <li>• If the application was granted there would be six staff in the store at</li> </ul> |

one time. Three of these would be at the till and there would be one personal licence holder on the site at any one time.

- There were currently 32 cameras active in the premises, with room to increase this to 36. Four cameras were trained on the counter area where alcohol would be shelved.
- The training programme and refusals documents maintained in 317 Lincoln Road would be recreated at 327 Lincoln Road.
- If the licence for 327 Lincoln Road were to be granted, Mr Tasci would be the Designated Premises Supervisor (DPS) for 327 Lincoln Road and his business partner would take over as DPS for 317 Lincoln Road.
- The applicant did not want to add to the problems faced in the area and had tried to run the Hypermarket without the sale of alcohol before reaching this point.

Following questions from the Sub-Committee it was clarified that if the Sub-Committee felt it appropriate a condition to restrict the sale of alcohol to the area behind the counter would be accepted. Licensing hours until 10pm had been applied for, however the shop would only be open until 9pm. This was in case 317 Lincoln Road was sold in the future and Mr Tasci wanted to expand the 327 Business. The applicant was happy to restrict the hours of sale on Sunday to 8am – 9pm.

#### **Responsible Authorities – Cambridgeshire Constabulary**

PC Grahame Robinson addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- He was happy that the applicant felt they could meet all the conditions outlined in his representation.
- Mr Tasci was a good licensee. There had previously been an application from Trading Standards to review the licence at 317 Lincoln Road. This was not progressed as Mr Tasci agreed to additional conditions to prevent further underage sales.
- The representation had been made because of the premises location in the 'Operation Can – Do' area, which had problems with anti-social behaviour, street-drinking and violence.
- There was no guarantee and conditions would be upheld.
- The application would not increase footfall in that area, but would add another venue in the vicinity providing alcohol.
- There had been no relevant, recent issues to report in the specific area.
- Proper supervision of the premises was considered to be vitally important, with a separate DPS. It was clarified by the applicant that, if the application was successful, he would be the DPS solely for 327 Lincoln Road.

#### **Summing Up**

All parties were given the opportunity to summarise their submissions.

#### **Applicant's Representative**

No responsible authority, apart from the Cambridgeshire Constabulary, had

|   |  |
|---|--|
|   | <p>made representation against the application. Underage sales were not a problem in relation to the applicant and steps had been taken to ensure that the application would not add to the cumulative impact in the area. These steps included restricted hours, high staff numbers with three personal licence holders and till prompts. A condition could be put in place to limit the area of sale of alcohol and this could be called in for review if not adhered to.</p> <p><b>Responsible Authorities</b></p> <p>The applicants offer to restrict the sale of alcohol to the areas designated on the plan was acceptable and had been done successfully elsewhere. A limitation on the hours of sale to 9pm on a Sunday would be appropriate.</p>  |
| <p>3.10 Written representations and supplementary material taken into consideration</p> | <p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from a Responsible Authority.</p>  |
| <p>3.11 Facts/Issues in dispute</p>   | <p><b><u>Issue 1</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p>  |
| <p>4. 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> <p>The Sub-Committee was impressed by the representation received from the applicant and were happy with the safety measures put in place. The applicant had experienced no relevant issues with his existing premises and it was believed that the measures suggested by the applicant would be sufficient in restricting the addition to any cumulative impact. The Sub-Committee considered that the granting of this premise licence would not add to the cumulative impact already being experienced because, by the admission of the Police, no additional footfall would be created. The Sub-Committee also believed that the premises was a food-led business with only a small area offering alcohol and that the hours applied for were more restricted than many of the establishments operating in the area.</p> <p>Taking into consideration the representation from Cambridgeshire Constabulary the Committee felt that it would be appropriate to apply conditions which restricted:</p> <ul style="list-style-type: none"> <li>• the sale of alcohol to the area designated on the application plan as</li> </ul> |

'off licence shelves'; and

- the sale of alcohol consumption off the premises from 8am to 9pm on a Sunday.

In addition, those conditions proposed by the Cambridgeshire Constabulary in the report were considered appropriate to include on the premises licence.

The Sub-Committee therefore, decided to grant the application for a licence for the premises, known as Hypermarket, 327 Lincoln Road, Peterborough.

The Sub-Committee advised that any party in objection to the decision could appeal to the Peterborough Magistrates Court within 21 days of receiving the formal decision notice.

Chairman Cllr Thacker M.B.E  
Start 1:30pm – End 3:10pm

This page is intentionally left blank

Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Monday, 11 November 2014

**RECORD OF PROCEEDINGS**

|                             |  |
|-----------------------------|--|
| 1. Apologies for Absence    | There were no apologies for absence received.  |
| 2. Declarations of Interest | There were no declarations of interest.  |
| 3. Application              | 44 Eastfield Road, Peterborough, PE1 4AN   |
| 3.1 Application Reference   | 070138   |
| 3.2 Sub-Committee Members   | Councillor (Chairman) Thacker<br>Councillor Lane<br>Councillor Davidson  |
| 3.3 Officers                | Terri Martin, Regulatory Officer – Licensing<br>Colin Miles, Lawyer – Legal Advisor to the Sub-Committee<br>Philippa Turvey, Senior Governance Officer – Clerk to the Sub-Committee  |
| 3.4 Applicant               | Mr Abdul Latif Hussani   |
| 3.5 Nature of Application   | <p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p><b><u>Authorisations and Times Applied For</u></b></p> <ul style="list-style-type: none"> <li>• <b>Sale of alcohol for consumption off the premises</b><br/>Monday to Sunday 09.00 to 02.00</li> <li>• <b>Hours premises are open to the public</b><br/>Monday to Sunday 05.00 to 02.00</li> </ul> <p><b><u>Summary of New Premises Licence Application</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for 44 Eastfield Road, Peterborough, PE1 4AN, which had attracted representations from Responsible Authorities, Councillors, the local MP and members of the public, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• If granted it would contribute to an increase in street drinking in the area.</li> <li>• If granted it could lead to a rise in anti-social behaviour.</li> <li>• If granted it would lead to an increase in noise and disturbance in the</li> </ul> |

|     |   |  |
|-----|---|--|
|     |   | area.  |
| 3.6 | Licensing Objective(s) under which representations were made  | <ol style="list-style-type: none"> <li>1. The Prevention of Crime and Disorder</li> <li>2. The Prevention of Public Nuisance</li> <li>3. The Protection of Children from Harm</li> <li>4. Public Safety</li> </ol>   |
| 3.7 | Parties/Representatives and witnesses present   | <p><b><u>The Licensing Authority</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Applicant</u></b></p> <p>The Applicant, Mr Abdul Latif Hussani, and the Applicant's Representatives, Mr Alais Alizada and Mr Kazemi Mohammed.</p> <p><b><u>Responsible Authorities</u></b></p> <p>PC Grahame Robinson, Cambridgeshire Constabulary.</p> <p><b><u>Councillors</u></b></p> <p>Councillor Shearman.</p> <p><b><u>Other Persons</u></b></p> <p>Local residents, Mr Mike Fowler and Mr Steven Allen.</p>  |
| 3.8 | Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters | There were no pre-hearing considerations.  |
| 3.9 | Oral representations  | <p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in her address included the specific hours that have been applied for the sale of alcohol off the premises, the representations against the application received from three responsible authorities, the local MP, two local Councillors, 21 residents and a petition with 49 signatures.</p> <p><b><u>Applicant</u></b></p> <p>Mr Alizada addressed the Sub-Committee. The key points raised during the address were as follows:</p> <ul style="list-style-type: none"> <li>• It was believed that those individuals who had signed the petition were not true objectors.</li> <li>• The Applicant did not want to contribute to any anti-social behaviour and would take the required action to prevent it.</li> </ul> <p>Following questions from the Sub-Committee, the following points were made:</p> <ul style="list-style-type: none"> <li>• The business currently operated as a grocery store, however this business was not sufficient. The premises application would enable the Applicant to sell alcohol and increase profit.</li> <li>• The area of sale for alcohol has been driven by the public demand.</li> </ul> |



- Sale of alcohol would commence from 9am. Prior to this time, when to shop was open, customers attempting to purchase alcohol would not be served.
- No risk assessment had been undertaken.
- There were CCTV units within the store and an alarm.
- After some questioning, it was confirmed that the Applicant would have door supervisors at the premises.

The Sub-Committee expressed concern that some of the conditions the Applicant had included within his application were unreasonable for an off-licence, such as those relating to door supervisors, drugs policies and smoking areas. In response to a query from the Sub-Committee, it was confirmed that the Applicant completed the application form himself.

The Regulatory Officer advised the Applicant that if permission were granted, all the conditions applied for would be attached to the premises licence. As such, if the Applicant were not to comply with any of the conditions put forward, it would be a criminal act.

No conditions could be removed at the stage of the application. If the Applicant felt he could not fulfil the conditions as applied for, he would need to withdraw the application and resubmit with amended conditions.

The Chairman advised that a resubmission would mean starting the application process from the beginning, with all related costs and advertisement fees.

The Applicant's Representative confirmed that the Applicant wished to proceed with the current application.

#### **Responsible Authorities – Cambridgeshire Constabulary**

PC Grahame Robinson addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- The conditions attached to the application were ambiguous and may be unsound.
- To provide a door supervisor, as put forward in the application, could cost up to £1,800 a week.
- It would appear that alcohol was being introduced for sale purely to increase profit.
- The conditions within the application suggested that the Applicant may be pre-empting problems arising at the premises.
- The Eastfield area was considered to be comparable to that of Millfield, prior to the introduction of the cumulative impact zone. Consideration was being given to proposing an extension of the zone to cover Eastfield.
- The area in question already had six off-licences, two public houses, two cafes and two clubs.
- Within 100 meters of the premises, 381 incidents had been recorded by the police and 62 reported crimes. In the same time, over 100 metres away 38 incidents had been recorded by the police and 9 crimes had been reported.
- A community neighbourhood panel had instigated a proactive crime

prevention scheme in the area.

- The application had not been properly considered.
- PC Robinson confirmed that door supervisors required qualifications and had to be employed through an SRA agency.

At this point the Applicant's representative advised the Sub-Committee that the Applicant had not previously been aware that a door supervisor would be required to hold an SRA badge. The Applicant would not be able to fund such a position. As such, the Applicant withdrew their premises licence application for 44 Eastfield Road and would resubmit at a later time.

The Sub-Committee agreed that, as there was no longer a premises licence application in front of them to consider, the meeting be concluded.

Chairman Cllr Thacker M.B.E  
Start 1:30pm – End 2:10pm

|                            |  |
|----------------------------|--|
| <b>Licensing Committee</b> | AGENDA ITEM No.5   |
| <b>18 December 2014</b>    | <b>PUBLIC REPORT</b><br>This report contains exempt Appendices, not for publication by virtue of Paragraphs 1, 2 and 7 of Schedule 12A of Part 1 of the Local Government Act 1972. |

|                                |   |                            |
|--------------------------------|---|----------------------------|
| Cabinet Member(s) responsible: | Councillor North – Cabinet Member for Communities and Environment Capital |                            |
| Contact Officer(s):            | Regulatory Officer Ian Robinson<br>Licensing Manager Adrian Day           | Tel. 453541<br>Tel. 454437 |

## **DECISION REQUIRED IN RELATION TO A PRIVATE HIRE DRIVER'S LICENCE**

### **1. ORIGIN OF REPORT**

- 1.1 This report is submitted to the Committee following a request from the Head of Regulatory Services, Peter Gell.

### **2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is to enable members to consider and determine whether a Private Hire driver currently on suspension, can be deemed a "fit & proper" person to hold a private hire driver's licence.

### **3. REASONS FOR EXEMPTION**

- 3.1 The attached Appendices are NOT FOR PUBLICATION in accordance with paragraphs 1, 2 and 7 of Schedule 12A of Part 1 of the Local Government Act 1972 in that they contain information relating to an individual, which is likely to reveal the identity of an individual and in relation to any action taken or to be taken in connection with the prevention or investigation or prosecution of crime. The public interest test has been applied to the information contained within the exempt report and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it.

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank