

## LICENSING ACT 2003 SUB-COMMITTEE

THURSDAY 28 SEPTEMBER 2017  
10.30 AM

Council Chamber - 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.

3. **Application for Review of Premises Licence - Priory Road Store – 44 Priory Road, Peterborough, PE1 9ED** 3 - 26



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 Karen Dunleavy on 01733 452233 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.*

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

#### Committee Members:

Councillors: Ayres (Chairman), Allen and B Saltmarsh

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email – [karen.dunleavy@peterborough.gov.uk](mailto:karen.dunleavy@peterborough.gov.uk)

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<b>LICENSING ACT 2003 SUB COMMITTEE</b>		AGENDA ITEM No 3
<b>28 SEPTEMBER 2017</b>		<b>PUBLIC REPORT</b>
Contact Officers:	Kerry Leishman, Licensing & Business Manager Darren Dolby, Licensing Regulatory Officer	Tel. 453502 Tel. 453540

<b>APPLICATION:</b>	Review of Premises Licence
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<b>PREMISES:</b>	Priory Road Store – 44 Priory Road, Peterborough, PE1 9ED
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<b>REFERENCE NUMBER:</b>	MAU: 075823
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<b>GLOSSARY OF TERMS:</b>	Attached at <b>Appendix A</b> on <b>Page 6</b>
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**1. PURPOSE OF REPORT**

1.1 To consider and determine an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 served by Cambridgeshire Constabulary in relation to the above premises. The review was bought under the Prevention of Crime and Disorder objective.

**2. BACKGROUND INFORMATION**

2.1 A conversion application through ‘Grandfather rights’ of a Justice’s Off Licence was made by Mr & Mrs Wahiwala and the Premises Licence was granted in July 2005. The licence was transferred on a number of occasions before in November 2011 the premises licence was transferred to the current licence holder, Mr Rashad Mahmood with the current designated premises supervisor being Ms Nicola Coulson.

2.2 A copy of the current licence is attached at **Appendix B Page 9**.

**3. APPLICATION**

3.1 In accordance with section 51 of the Licensing Act 2003 following the submission of an application to review the premises licence from Cambridgeshire Constabulary, a Responsible Authority, the licensing authority must hold a hearing.

3.2 Copies of the application to review was received on 18 August 2017. The first copy was the full review document which was served at the premises on 18 September 2017. This

document contains sensitive information of an ongoing Police investigation so a second sanitised review document was also served for public viewing. The committee have access to both the full and sanitised review documents. The sanitised review document is attached at **Appendix C – Page 21**.

3.3 A statutory 'Notice' was displayed on the premises in accordance with Part 5 no. 38 of Statutory Instruments 2005 No. 42 – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

3.4 No representations have been received from any of the remaining Responsible Authorities nor from other persons.

#### **4. SUMMARY OF ISSUES RAISED BY CAMBRIDGESHIRE CONSTABULARY**

- A serious violent incident took place outside the premises which involved the premises licence holder.
- A failure by the premises licence holder to assist Police by refusing to supply CCTV footage of the violent incident previously mentioned.
- Criminality believed to be taking place at the premises

#### **5. POLICY & GUIDANCE IMPLICATIONS**

5.1 The following sections/paragraphs are applicable to this application:

##### **5.2 Council's Statement of Licensing Policy**

- Objectives: *section 4 on Page 5*
- Other Legislation : *section 7 page 7*
- Reviews: *section 16 on Page 17 and 18*
- Delegation / Decision Making / Administration: *Section 17 page 18 and 19*

##### **5.3 Guidance Issued under Section 182 of the Licensing Act 2003 (April 2017)**

- Reviews: *Section 11 pages 87 to 92*
- Determining applications: *Section 9 pages 66 to 74*

#### **6. LEGAL OFFICER'S COMMENTS**

6.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a review of a premises licence following the application by Trading Standards (Responsible Authority) to review the premises licence made under section 51 of the Licensing Act 2003.

6.2 In this case, the application was received at these offices on 18 August 2017.

6.3 The application before this committee will consider –

- (i) The application to review the licence,
- (ii) Any relevant representations

6.4 The committee will take such of the steps as it considers that action is appropriate for the promotion of the licensing objectives. The steps are –

- (a) to modify the conditions of the premises licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premises supervisor from the licence

- (d) to suspend the licence for a period not exceeding three months, or
- (e) to revoke the licence

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

6.5 In addition the guidance issued under section 182 of the Licensing Act 2003 states:

‘The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder. However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.’

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

**‘Child’**

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

**DCMS:** Department for Culture Media and Sport

**‘Designated Premises Supervisor’** means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

**‘Other Persons’:**

- persons who live, or are involved in a business, in the relevant licensing Authorities area and who are likely to be affected by the application and are not a Responsible Authority.

**‘Late Night Refreshment’** means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

**‘Licensable Activities’** means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

**‘Licensing Authority’:** - is the licensing function of Peterborough City Council

**‘Licensed Premises’** includes club premises and events unless the context otherwise requires.

**‘Licensing Objectives’**

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

**‘Operating Schedule’** means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public

- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives

**‘Challenge 25’** means that a retailer will ask for proof of identification if they have reason to believe that the person making a purchase of alcohol is under the age of 25.

**‘Rateable Value’**: as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

**‘Regulated Entertainment’** (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Except where there is an exemption under the Live Music Act 2012 or Statutory Instrument 2013 No. 1578 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013.

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

**‘Relevant Licensing Authority’**: is the Authority in the area the premises are situated.

**‘Responsible Authority’** means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children’s Services – Child Protection & Review Manager
- Primary Care Trust or Local Health Board (Director of Public Health)
- The Relevant Licensing Authority, Peterborough City Council
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

**‘Supply of alcohol’**:

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

**'Temporary Event Notice'** means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 168 hours (7 days);
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

**'the Act'**: means the Licensing Act 2003



**PART A**



**Premises Licence**

**Peterborough City Council, Environmental Services,  
Bridge House, Town Bridge, Peterborough, PE1 1HU**

**Premises Licence Number**

062411

**Part 1 - Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description**

Priory Stores

44 Priory Road

**Post Town** Peterborough

**Post Code** PE3 9ED

**Telephone Number** 01733 565131

**Where the licence is time limited the dates**

Start Date N/A

End Date N/A

**Licensable activities authorised by the licence**

**Recorded Music**

The recorded music will take place indoors

**Sale by retail of alcohol**

The supply of alcohol will be for consumption off the premises

**The times the licence authorises the carrying out of licensable activities**

**Recorded Music**

Monday to Sunday      During opening hours

**Sale by Retail of Alcohol**

Monday to Saturday      Between 08.00 hrs and 23.00 hrs

Sunday                      Between 10.00 hrs and 22.30 hrs

Non-standard timings      As per attached embedded restrictions

**The opening hours of the premises**

Monday to Sunday      Information not provided

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

The supply of alcohol will be for consumption off the premises

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Rashad Mahmood  
210 Cromwell Road  
Peterborough  
PE1 2HG

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Nicola Anne Coulson  
2 Burghley Close  
Great Casterton  
PE9 4DP

**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 Number	RWI/0303
Issuing Authority	Rutland County Council

## Annex 1 - Mandatory conditions

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

### Supply of alcohol (Premises Licence)

	This registration authorises the supply of alcohol subject to the following conditions:
1.	No supply of alcohol may be made at a time when  (a) there is no designated premises supervisor in respect of the premises licence, or  (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2.	Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3.	The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  (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 a holographic mark



## **Annex 2 - Conditions consistent with the Operating Schedule**

### **Protection of Children from Harm**

1. Any person selling or supplying alcoholic drink under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to suspect that the individual may be under 18 years of age.

## **Annex 2A – Embedded Restrictions**

### **Embedded Restrictions:**

Licensees should note that the under enclosed embedded restrictions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

### **ALCOHOL ‘OFF’ LICENCES**

Alcohol shall not be sold or supplied except during permitted hours

On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty’s naval, military or air forces;

Alcohol shall not be sold in an open container or be consumed in the licensed premises

**Annex 3 - Conditions attached after a hearing by the licensing authority**



**Annex 4 – Plans**

## Premises Licence Summary

Peterborough City Council, Licensing Section,  
Bridge House, Town Bridge, Peterborough, PE1 1HU

**Premises Licence Number**

062411

### Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description**

Priory Stores

44 Priory Road

**Post Town** Peterborough

**Post Code** PE3 9ED

**Telephone Number** 01733 565131

**Where the licence is time limited the dates**

Start Date N/A

End Date N/A

**Licensable activities authorised by the licence**

**Recorded Music**

The recorded music will take place indoors

**Sale by retail of alcohol**

The supply of alcohol will be for consumption off the premises

**The times the licence authorises the carrying out of licensable activities**

**Recorded Music**

Monday to Sunday      During opening hours

**Sale by Retail of Alcohol**

Monday to Saturday      Between 08.00 hrs and 23.00 hrs

Sunday                      Between 10.00 hrs and 22.30 hrs

Non-standard timings      As per embedded restrictions

**The opening hours of the premises**

Monday to Sunday      Information not provided

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

The supply of alcohol will be for consumption off the premises

**Name, (registered) address of holder of premises licence**

Mr Rashad Mahmood

210 Cromwell Road

Peterborough

PE1 2HG

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Nicola Anne Coulson

**State whether access to the premises by children is restricted or prohibited**

Restricted

**LC1**

**Peterborough City Council, Licensing Section, Bayard Place,  
Broadway, Peterborough, PE1 1FZ.**

**Application for the review of a premises licence or club premises  
certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases  
ensure that your answers are inside the boxes and written in black ink. Use additional sheets  
if necessary.  
You may wish to keep a copy of the completed form for your records.

**I, Alec Wood, Chief Constable of Cambridgeshire Constabulary apply for  
the review of a premises licence under section 51 of the Licensing Act  
2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description</b>  PRIORY ROAD STORE 44 Priory Road	
<b>Post town</b> PETERBOROUGH	<b>Post code (if known)</b> PE1 9ED
<b>Name of premises licence holder or club holding club premises certificate (if known)</b>  Mr Rashad Mahmood	
<b>Number of premises licence or club premises certificate (if known)</b>  062411	

## Part 2 - Applicant details

Please tick ✓ yes

I am

- |    |   |                                     |
|----|---|-------------------------------------|
| 1) | an interested party (please complete (A) or (B) below)                                | <input type="checkbox"/>            |
| a) | a person living in the vicinity of the premises                                       | <input type="checkbox"/>            |
| b) | a body representing persons living in the vicinity of the premises                    | <input type="checkbox"/>            |
| c) | a person involved in business in the vicinity of the premises                         | <input type="checkbox"/>            |
| d) | a body representing persons involved in business in the vicinity of the premises      | <input type="checkbox"/>            |
| 2) | a responsible authority (please complete (C) below)                                   | <input checked="" type="checkbox"/> |
| 3) | a member of the club to which this application relates<br>(please complete (A) below) | <input type="checkbox"/>            |

### (A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title   
(for example, Rev)

**Surname**

**First names**

I am 18 years old or over

Please tick ✓ yes

**Current address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address  
(optional)**

### (B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)
E-mail (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Cambridgeshire Constabulary Hinchingsbrooke Park Huntingdon Cambridgeshire PE29 6NP
Telephone number (if any) 01733 424438
E-mail (optional) grahame.robinson@cambs.pnn.police.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

<p><b>Please state the ground(s) for review</b> (please read guidance note1)</p> <p>This application to review the premises license for Prior Road Store is based on evidence which shows breaches to the licensing objective of:</p> <ul style="list-style-type: none"> <li>• Crime &amp; Disorder – failure to uphold the crime prevention objective.</li> </ul>
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**Please provide as much information as possible to support the application** (please read guidance note 2)

Re: License Review Priory Road Store, 44 Priory Road, Peterborough, PE1 9ED.

'Priory Road Store', 44 Priory Road, Peterborough, PE1 9ED is an off license / convenience store operating under a premises license (PL No: 062411) issued by Peterborough City Council (PCC). The premises license holder is Mr. Rashad Mahmood of 210 Cromwell Road, Peterborough, PE1 2HG.

The premises license allows for the sale of alcohol between 08:00hrs and 23:00hrs Monday to Saturday and 10:00hrs and 22:30hrs on a Sunday, and has no realistic conditions attached that would help uphold the licensing objectives.

On Sunday 09<sup>th</sup> July 2017 at about 19:00pm a serious violent incident occurred in the park off Nicholls Road at the rear of, and a short walk from Priory Road Store.

At 20:30pm on the same day a serious violent disorder took place immediately outside Priory Road Store involving a large number of males. The Police believe this was a reprisal for the previous incident.

The Premises License Holder did not allow the Police to view the shop CCTV.

Police Officers attended Priory Road Store and seized the CCTV hard drive and other items.

It is the Constabulary's opinion that the Licensing objective to preventing crime and disorder is not being upheld by the license holder.

Cambridgeshire Constabulary recommend the Premises License is revoked with immediate effect.

**Please tick**

Have you made an application for review relating to this premises before

 No

If yes please state the date of that application

Day      Month      Year

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**Suggested Recommendation:**

Cambridgeshire Constabulary recommend that the premises license for Priory Road Store off license is revoked with immediate effect.

**Please tick ✓ yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

- I understand that if I do not comply with the above requirements my application will be rejected



**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature: GRAHAME PAUL ROBINSON.....

Date: 18<sup>th</sup> August 2017

Capacity: Police Licensing Officer, Northern District, Cambridgeshire Constabulary.

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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