

## LICENSING COMMITTEE

THURSDAY 18 OCTOBER 2018

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**

To approve the minutes of the meetings and hearings held:

3.1	<b>Licensing Committee - 12 October 2017</b>	<b>3 - 4</b>
3.2	<b>Licensing Act 2003 Sub-Committee - 18 October 2017</b>	<b>5 - 8</b>
3.3	<b>Licensing Act 2003 Sub-Committee - 8 December 2017</b>	<b>9 - 12</b>
3.4	<b>Licensing Act 2003 Sub-Committee - 10 January 2018</b>	<b>13 - 22</b>
3.5	<b>Licensing Act 2003 Sub-Committee - 23 January 2018</b>	<b>23 - 28</b>
3.6	<b>Licensing Act 2003 Sub-Committee - 1 March 2018</b>	<b>29 - 34</b>
3.7	<b>Licensing Act 2003 Sub-Committee - 9 May 2018</b>	<b>35 - 40</b>
3.8	<b>Licensing Act 2003 Sub-Committee - 13 July 2018</b>	<b>41 - 48</b>
3.9	<b>Licensing Act 2003 Sub-Committee - 1 August 2018</b>	<b>49 - 54</b>

4. **Cumulative Impact Policy** **55 - 106**

5. **Gambling Statement of Principles** **107 - 156**



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

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#### **Committee Members:**

Councillors: Ayres (Chair), G Nawaz (Vice Chairman), Allen, Fuller, P Hiller, G Elsey, Hussain, Joseph, Hogg, B Saltmarsh and J R Fox

Substitutes: Councillors: Brown and S Lane

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)



**MINUTES OF THE LICENSING COMMITTEE MEETING  
HELD AT 7.00PM, ON  
12 OCTOBER 2017  
BOURGES/VIERSEN, TOWN HALL, PETERBOROUGH**

**Committee Members Present:** Ayres (Chair), Councillors Allen, Brown, Fuller, Hiller, Amjad Iqbal, Hussain, Dowson, Saltmarsh and Okonkowski

**Officers Present:**

Terri Martin	Regulatory Officer
Kerry Leishman	Licensing & Business Manager
Colin Miles	Litigation Lawyer
Dan Kalley	Senior Democratic Services Officer

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Davidson and Councillor G Nawaz.

Councillor Brown was in attendance as substitute for Councillor G Nawaz.

**2. DECLARATIONS OF INTEREST**

No declarations of interest were received.

**3. MINUTES OF THE MEETING:**

**3.1 Held on 6 July 2017**

The minutes of the meeting held on 6 July 2017 were agreed as a true and accurate record.

**3.2 Sub Committee Held on 28 September 2017**

The minutes of the meeting held on 28 September 2017 were agreed as a true and accurate record.

**4. DRAFT BYELAWS FOR HACKNEY CARRIAGES - RESPONSES TO CONSULTATION AND RECOMMEND ADOPTION TO FULL COUNCIL**

The Licensing Committee received a report in relation to responses to the consultation on the draft byelaws for Hackney Carriages.

The purpose of the report was to advise members of the consultation process carried out and for members to properly consider the responses received. Members were asked to recommend the adoption of the draft byelaws to full Council.

The Regulatory Officer introduced the report and stated that the full policy was adopted in July. The byelaws prior to consultation had to have approval from

Secretary of State. Fines of up to £500 could be issued by the Magistrates Court for breaking the byelaws.

The Committee were informed that there were no proposed amendments to the byelaws, in total six responses had been received during the consultation period. The report sought the approval to Full Council for the adoption of the Hackney Carriage byelaws.

The Licensing Committee debated the report and in summary, key points raised and responses to questions included:

- The number of responses received was immaterial. It was important to show that the process of consultation had been followed.
- Meetings had taken place with the Hackney Carriage Drivers Association who had agreed to the byelaws..
- Byelaws had been drafted from the model circulated from the Department of Transport, most local authorities had similar byelaws and structures with some deviations.

The Licensing Committee considered the report and **RESOLVED** (Unanimously) that:

The Licensing Committee:

1. Noted the responses and response table and agreed that no amendments to the byelaws as drafted are required.
2. Recommend the adoption of the draft Hackney Carriage byelaws to Full Council.

Chairman  
7.00pm – 7.08pm  
12 October 2017

# Public Document Pack



Meeting of the Licensing Act 2003 Sub-Committee  
held at the Town Hall, Peterborough on 18 October 2017

## RECORD OF PROCEEDINGS

1. Election of Chairman	Following a nomination which was seconded, Councillor Hiller was appointed as Chairman for this hearing.
2. Apologies for Absence	Apologies for absence were received from Councillor Ayres, Councillor Allen was in attendance as a substitute.
3. Declarations of Interest	There were no declarations of interest.
4. Application	Review of Premises Licence - Europe Plus, 77 Mayors Walk, PE3 6EX.
4.1 Application Reference	075842
4.2 Sub-Committee Members	Councillor Hiller (Chairman) Councillor Allen Councillor Saltmarsh
4.3 Officers	Simon Andrews, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
4.4 Applicant	Trading Standards – Karen Woods
4.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a premises licence review.</p> <p><b><u>Summary of Premises Licence Review</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 Europe Plus, 77 Mayors Walk, PE3 6EX.</p> <p>A summary of the issues raised by the applicant included:</p> <ul style="list-style-type: none"> <li>• On the 12th of June 2017 a Trading Standards test purchase proved positive in the sale of Lithuanian branded tobacco.</li> <li>• On the 28th of June 2017 a joint enforcement visit between Trading Standards and HM Revenue and Customs resulted in a seizure of (non-duty paid) 225 packets of cigarettes and two pouches of hand rolling tobacco.</li> </ul>
4.6 Licensing Objective(s) under which representations were made	Prevention of Crime and Disorder
4.7 Parties/Representatives and witnesses present	<b><u>The Licensing Authority</u></b>

	<p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Applicant</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of Trading Standards.</p>
4.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.
4.9 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:</p> <ul style="list-style-type: none"> <li>• Number of items of tobacco were seized during a test purchasing exercise.</li> <li>• There were nine offences committed in regards to the position of the Lithuanian tobacco that could not be sold in the United Kingdom.</li> <li>• A propensity test was undertaken on the seized tobacco and failed which posed a significant risk of causing house fires.</li> <li>• Criminal activity in relation to the sale of illicit tobacco had taken place at the premises.</li> </ul>
4.10 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 Review, attached to the Sub-Committee report.</p> <p><b><u>Responsible Authority</u></b></p> <p>Consideration was given to the representation made by Cambridgeshire Constabulary in support of the Premises Licence Review.</p>
3.11 Facts/Issues in dispute	<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>
5. 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 Sub-Committee considered the representations made today and in writing from:</p> <ul style="list-style-type: none"> <li>• The Trading Standards Officer in person.</li> <li>• The Cambridge Constabulary, who supported the review.</li> <li>• The licensee was not present and was not represented in his absence.</li> </ul> <p>The Sub-Committee considered:</p> <ul style="list-style-type: none"> <li>• On the 12th of June 2017 a Trading Standards test purchase proved positive in the sale of illicit Lithuanian branded tobacco.</li> </ul>

- On the 28th of June 2017 a joint enforcement visit between Trading Standards and HM Revenue and Customs resulted in a seizure of (non-duty paid) 225 packets of cigarettes and two pouches of hand rolling tobacco.

The Sub-Committee was reminded of the provisions within the Government Guidance issued under the Act, at paragraphs 11.24, 11.26, 11.27 and 11.28.

The Sub-Committee believed that criminal activity was associated with the premises and that this premises was not promoting the licence objective of crime prevention, therefore the Committee considered revocation in the first instance, in line with paragraph 11.28 of the Guidance.

Members of the Sub Committee, were concerned with the serious health and other risks associated with illegal importation and unregulated sales of such tobacco products. Such sales deprive Her Majesty's Revenue Customs, allow an unfair business advantage and pose a risk to unsuspecting members of the public.

The Sub-Committee considered other options available but believed these would not promote the licensing objective of the Prevention of Crime and Disorder.

It was the Committee's decision to **REVOKE** the Premises Licence for the premises, known as Europe Plus, and situated at 77 Mayors Walk, Peterborough, PE3 6EX, in its entirety.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.

Chairman  
Start 1:30pm – 2:00pm End.

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## Meeting of the Licensing Act 2003 Sub-Committee held at the Town Hall, Peterborough on 8 December 2017

### RECORD OF PROCEEDINGS

1. Election of Chairman	Following a nomination which was seconded, Councillor Hiller was appointed as Chairman for this hearing.
2. Apologies for Absence	There were apologies for absence received from Councillor Davidson. Councillor Okonkowski was in attendance as a substitute.
3. Declarations of Interest	There were no declarations of interest.
4. Application	New Application - Co-Op, Eagle Way, Hampton Vale Peterborough, PE7 8GS
4.1 Application Reference	076214
3.2 Sub-Committee Members	Councillor Hiller (Chairman) Councillor A Iqbal Councillor Okonkowski
3.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Co-Op, Eagle Way, Hampton Vale Peterborough, PE7 8GS
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 <u>off</u> the premises</b> Monday to Sunday 07.00 to 23.00.</li> <li>● <b>Hours premises are open to the public</b> Not stated on the application.</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 Co-Op, Eagle Way, Hampton Vale Peterborough, PE7 8GS, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> <li>● The local resident believed that granting an alcohol licence in the residential area which contained an extra care unit would have a detrimental effect on the local residents.</li> </ul>

	<ul style="list-style-type: none"> <li>• The local resident believed that the premises would lead to street drinking in the area and associated anti-social behaviour.</li> <li>• If a licence was granted there would be an increase in alcohol related incidents.</li> <li>• An increase in littering in the vicinity of the premises.</li> <li>• Increased traffic in the area with an increase vehicular noise and of car headlights shining in residents properties.</li> </ul>
3.6	<p>Licensing Objective(s) under which representations were made</p> <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	<p>Parties/Representatives and witnesses present</p> <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's Representative</u></b></p> <p>The Applicant and the Applicant's Representatives, Co-Op, Eagle Way, Hampton Vale.</p>
3.8	<p>Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p> <p>There were no pre-hearing considerations.</p>
3.9	<p>Oral representations</p> <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 representation submitted against the application by local residents.</p> <p><b><u>Applicant's Representative</u></b></p> <p>Richard Arnott, the Applicant's representative addressed the Sub-Committee. The key points raised during their address, and responses following questions from the Sub-Committee were as follows:</p> <p>The open and closing hours for the Co-operative at Eagle Way, Hampton would be the same time as the proposed times on the sale of alcohol licence application and would be between 7 - 11pm.</p> <p><b><u>Summing Up</u></b></p> <p>All parties were given the opportunity to summarise their submissions.</p> <p>No further information was provided.</p>
3.10	<p>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 New 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 one local resident.</p>

3.11 Facts/Issues in dispute	<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 ‘Prevention of Public Nuisance’ Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the ‘Protection of Children from Harm’ Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the ‘Public Safety’ 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>The Sub-Committee considered the representations made at the meeting and in writing in relation to the application:</p> <ul style="list-style-type: none"> <li>• From the Applicant’s representative Richard Arnott; and</li> <li>• Two residents who were not present.</li> </ul> <p>The Sub-Committee considered the information put before it and took into account the following facts:</p> <ul style="list-style-type: none"> <li>• The local resident believed that granting an alcohol licence in the residential area which contained an extra care unit would have a detrimental effect on the local residents.</li> <li>• The local resident believed that the premises would lead to street drinking in the area and associated anti-social behaviour.</li> <li>• If a licence was granted there would be an increase in alcohol related incidents</li> <li>• An increase in littering in the vicinity of the premises.</li> <li>• Increased traffic in the area with an increase vehicular noise and of car headlights shining in residents properties.</li> </ul> <p>The Sub-Committee were reminded of the provisions within the Government Guidance when considering granting a licence where representations had been received.</p> <p>The Sub-Committee had not been presented with any information which caused them concern. The Committee also noted that there were no other representations from any other regulatory authority</p> <p>The Sub-Committee therefore <b>GRANTED</b> the licence as applied, for the</p>

	licence for the premises, known as Co-Op, Eagle Way, Hampton Vale Peterborough, PE7 8GS.
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Chairman  
1:30pm pm – 1:55 pm

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**Meeting of the Licensing Act 2003 Sub-Committee  
held at the Town Hall, Peterborough on 10 January 2018, 1:30PM**

## RECORD OF PROCEEDINGS

1. Election of Chairman	Following a nomination which was seconded, Councillor Hiller was appointed as the Chairman for this meeting.																										
2. Apologies for Absence	There were no apologies for absence received.																										
3. Declarations of Interest	There were no declarations of interest.																										
4. Application	New Premises Licence - Temptation Taste of Portugal Limited, 309 Lincoln Road, Peterborough PE1 2PH																										
4.1 Application Reference	076406																										
4.2 Sub-Committee Members	Councillor Hiller Councillor Saltmarsh Councillor Amjad Iqbal																										
4.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee																										
4.4 Applicant	<b>Temptation taste of Portugal Limited</b>																										
4.5 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 <u>on &amp; off</u> the premises</b></li> </ul> <table> <tr><td>Monday</td><td>Noon to 03.00</td></tr> <tr><td>Tuesday</td><td>Noon to 02.00</td></tr> <tr><td>Wednesday</td><td>Noon to 03.00</td></tr> <tr><td>Thursday</td><td>Noon to 03.00</td></tr> <tr><td>Friday</td><td>Noon to 04.00</td></tr> <tr><td>Saturday</td><td>Noon to 04.00</td></tr> <tr><td>Sunday</td><td>Noon to 02.00</td></tr> </table> <p>New Year's Eve Noon on 31st December to Noon on 1st January</p> <ul style="list-style-type: none"> <li>● <b>Late Night refreshment</b></li> </ul> <table> <tr><td>Monday</td><td>23.00 to 03.00</td></tr> <tr><td>Tuesday</td><td>23.00 to 02.00</td></tr> <tr><td>Wednesday</td><td>23.00 to 03.00</td></tr> <tr><td>Thursday</td><td>23.00 to 03.00</td></tr> <tr><td>Friday</td><td>23.00 to 04.00</td></tr> <tr><td>Saturday</td><td>23.00 to 04.00</td></tr> </table>	Monday	Noon to 03.00	Tuesday	Noon to 02.00	Wednesday	Noon to 03.00	Thursday	Noon to 03.00	Friday	Noon to 04.00	Saturday	Noon to 04.00	Sunday	Noon to 02.00	Monday	23.00 to 03.00	Tuesday	23.00 to 02.00	Wednesday	23.00 to 03.00	Thursday	23.00 to 03.00	Friday	23.00 to 04.00	Saturday	23.00 to 04.00
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	<p>Sunday 23.00 to 02.00</p> <p>New Year's Eve 23.00 on 31st December to 05.00 on 1st January</p> <ul style="list-style-type: none"> <li>• <b>Hours premises are open to the public:</b></li> </ul> <p>Monday Noon to 03.00  Tuesday Noon to 02.00  Wednesday Noon to 03.00  Thursday Noon to 03.00  Friday Noon to 04.00  Saturday Noon to 04.00  Sunday Noon to 02.00</p> <p>New Year's Eve Noon on 31st December to Noon on 1st January</p> <p><b>Authorisations And Times Applied For After Mediation</b></p> <ul style="list-style-type: none"> <li>• The provision of 'off sales' from the scope of the application had been withdrawn and would be changed to 'on sales' only;</li> <li>• The applicant had agreed to end all licensable activities at the premises at 2am, Monday to Sunday; and</li> <li>• The applicant had agreed to conditions, attached to these minutes at appendix 1, to be placed on the licence in lieu of those initially offered on the application.</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 Temptation taste of Portugal Limited; 309 Lincoln Road, Peterborough PE1 2PH, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> <li>• The premises was in an 'Op Can-do' area which was subject to a special 'cumulative impact policy; and</li> <li>• The 'Off Sales' of alcohol would lead to an increase in anti-social behaviour in the vicinity.</li> </ul>
<p>4.6 Licensing Objective(s) under which representations were made</p>	<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; and</li> <li>4. Public Safety.</li> </ol>
<p>4.7 Parties/Representatives and witnesses present</p>	<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's Representative</u></b></p> <p>The Applicant Mr Alfredo Corriea, and the Applicant's Representatives, Mr Heeler of Hegarty LLP who presented their case.</p> <p><b><u>Responsible Authority</u></b></p>

	PC Grahame Robinson, who presented the case on behalf of the Cambridgeshire Constabulary.
4.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.
4.9 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 representation submitted against the application by other people a Ward Councillor and the responsible authority, Cambridgeshire Police. In summary the key points raised included:</p> <ul style="list-style-type: none"> <li>● An application for new premises licence for had been received for the Temptation Taste of Portugal Limited; 309 Lincoln Road, Peterborough PE1 2PH</li> <li>● Representations had been received from Cambridgeshire Constabulary, MANERP and Councillor Ferris as ward Councillor</li> <li>● The application had been for the sale of alcohol in a premises that was located within the Cumulative Impact Area (CIA) which was subject to consideration under a special policy.</li> <li>● Mediation had been reached by all parties to remove off sale of alcohol and change the on sale of alcohol from 4:00am to 2:00am.</li> </ul> <p><b><u>Applicant's Representative</u></b></p> <p>Mr Heeler and Mr Correia addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>● There had been a change to the sale and conditions with the two representation parties following mediation.</li> <li>● The applicant was concerned about alcohol consumption in the area and took on board his responsibility to ensure that conditions were adhered to in order to uphold the Authority's CIA policy.</li> <li>● The premises was to become a high-end delicatessen with the intention to sell specialist Portuguese alcohol accompany the food purchase, which was why an off sale had been originally applied for.</li> <li>● It was difficult for the applicant to prove that his application would affect the alcohol issues in the area as per the CIA policy.</li> <li>● There was a demand for provision of this type of business in the local area and not just from the local Portuguese residents.</li> <li>● The restaurant would be the best way to describe the premises.</li> <li>● There would be chargrill foods and a variety of meats which had been very popular in the area, however, other businesses had quit their businesses as they had just provided food.</li> <li>● The premises would mainly be known to provide food, however, it was felt that it could not survive without the alcohol sales.</li> <li>● Other shops in the area had just provided the typical alcohol drinks within the CIA area, whereas the Temptation Taste of Portugal would offer specialist drinks.</li> <li>● There would be a small amount of tables and chairs, within the premises where customers could order food sit and drink.</li> <li>● The applicant was keen to sell food with the alcohol.</li> <li>● Customers would not be able to walk out with alcohol they had purchased with food as that would constitute as an off sale.</li> </ul>

	<p><b><u>Responsible Authority</u></b></p> <p>PC Grahame Robison addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>● The main object to the application was the proposed sale of alcohol until 4:00am in the CIA zone.</li> <li>● the previous establishment had gone into liquidation and therefore the licence been surrendered.</li> <li>● Cambridgeshire Constabulary were satisfied that the other representatives were in agreement with the change in no off sales of alcohol and the time change to 2:00am as a result of mediation.</li> <li>● It was felt that to grant a premises licence for the sale of alcohol in a CIA until 4:00am would increase domestic violence.</li> <li>● The conditions had been made clear and changed in particular to the wording at point 10 of the attached conditions.</li> <li>● There would be a referral to the Licensing Act 2003 Sub-Committee for review, should any issues arising as a result of granting the premises licence.</li> </ul> <p><b><u>Summing Up</u></b></p> <p>All parties were given the opportunity to summarise their submissions.</p> <p><b><u>Responsible Authority</u></b></p> <p>There had been no issues with the mediated conditions proposed in regards to the off sale and sale of alcohol.</p> <p><b><u>Applicant's Representative</u></b></p> <p>The applicant was aware of his responsibilities and would uphold his duty when operating under his premises licence in regards to the sale of alcohol within a CIA zone.</p>
<p>4.10 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 Authority</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from Cambridgeshire Police.</p> <p><b><u>Ward Councillor</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from Local Ward Councillor Ferris.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from 1 local resident on behalf of MANERP.</p>



<p>4.11 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 'Prevention of Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the 'Public Safety' Licensing Objective.</p>
<p>5. 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 considered the representations made today and in writing from:</p> <ul style="list-style-type: none"> <li>● Councillor Ferris</li> <li>● Cambridgeshire Constabulary</li> <li>● MANERP</li> </ul> <p>The Sub-Committee considered:</p> <ul style="list-style-type: none"> <li>● The application was In 'Op Can-do' area which is now subject to a special 'cumulative impact policy.</li> <li>● 'Off Sales' of alcohol would lead to an increase in anti-social behaviour in the vicinity.</li> <li>● There were no representations in support of the application.</li> </ul> <p>The Sub-Committee considered the mediated conditions to the original application submitted by the applicant in that:</p> <ul style="list-style-type: none"> <li>● The provision of 'off sales' from the scope of the application has been withdrawn and would be changed to 'on sales' only;</li> <li>● The applicant has agreed to end all licensable activities at the premises at 2am, Monday to Sunday; and</li> <li>● The applicant has agreed to conditions, attached to this at appendix 1 of this decision notice, to be placed on the licence in lieu of those initially offered on the application.</li> </ul> <p>The Sub-Committee therefore <b>GRANTED</b> the licence for the premises, known as Temptation Taste Of Portugal Limited, 309 Lincoln Road, Peterborough PE1 2PH.</p> <p>Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.</p>

Chairman  
Start 1:30pm – 2:10pm End

**Prevention of Crime**

1. The Premises License Holder and/or Designated premises supervisor will maintain an 'Incident report register' in a bound book, in which full details of all incidents are recorded, and all staff have access to. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to a Police Officer or an authorized Officer when requested. The records should be retained for a minimum of 12 months.
2. The premises licence holder will ensure that a digital CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document ([www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)) regarding installation of CCTV is provided at the premises.
3. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of at least 2 hours afterwards.
4. A digital CCTV system shall cover all areas of the premises to which the public have access including any outside areas; and shall be retained for a minimum of 31 days; and should be produced to a Police Officer or authorised officer immediately upon request.
5. The CCTV system shall be capable of downloading images to a recognizable viewable format and will offer an unrestricted identifiable facial image of each person that enters the property in all light conditions.
6. At all times the premises are open for business a member of staff shall be present who is capable of operating the digital CCTV system and downloading images at the request of a Police Officer or authorised officer.
7. If the CCTV equipment (including any mobile units in use at the premises) breaks down the premises licence holder or the designated premises supervisor shall ensure that they verbally inform both the Police & Licensing Authority as soon as is reasonably practicable. This information should be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Police and Licensing Authority shall be informed when faults are rectified.

8. Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.
9. Written staff training records will be documented and updated on at least a 6 monthly basis, or where there is a change of staff. These training records will be produced to a Police Officer or authorised officer on demand.
10. Food and non-intoxicating beverages, including drinking water, shall be available at the premises where alcohol is sold or supplied for consumption on the premises.

### **Public Nuisance**

11. The premise license holder shall not participate or encourage flyposting of events or the venue and any leaflet distribution shall be managed in such a way as to prevent litter.
12. The holder of the premises licence shall ensure that noise caused by persons using, arriving at or departing from the premises shall not cause nuisance or unreasonable disturbance to the occupiers of residential properties.
13. Prominent, clear notices shall be displayed at all exits requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly.
14. The holder of the premises license shall ensure that no music or amplified speech originating from the premises shall be audible inside any residential property at any time.
15. All external doors and windows must be kept closed, other than for access and egress.
16. Disposal of waste bottles into external receptacles where noise will be audible to neighbouring properties must not occur between 23:00 and 07:00 hours.
17. The premises license holder will ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

### **Public Safety**

18. A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorized officer.
19. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.

20. Valid public liability insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request.

**Protection of children from harm**

21. The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises and signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 25' initiative.
22. Signage will be prominently placed within the premises advertising the fact that the premises operate the 'Challenge 25' initiative.
23. Any person selling or supplying alcoholic drink must do so under the authority of a personal licence holder and must ask for a photo ID proof of age where they have reason to believe that the individual may be less than 25 years of age.
24. A refusal log will be accurately maintained on every refusal made in relation to the attempted purchase of alcohol by a juvenile or intoxicated person.

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## Meeting of the Licensing Act 2003 Sub-Committee held at the Town Hall, Peterborough on 23 January 2018

### 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	Premises Licence Review
3.1 Application Reference	075045
3.2 Sub-Committee Members	Councillor Ayres (Chairman) Councillor Hiller Councillor Saltmarsh
3.3 Officers	Simon Andrews, Regulatory Officer – Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Trading Standards
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a premises licence review.</p> <p><b><u>Summary of Premises Licence Review 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 London Road Late Night Store, 64 London Road, Peterborough, PE2 9BA</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> <li>● On the 21st of August 2017 a seizure of 560 foreign labelled cigarettes was made by Cambridgeshire Constabulary from Mr Azad Mohammed that were found under the counter.</li> <li>● On the 28th September 2017 a joint initiative by Trading Standards, HMRC and Cambridgeshire Police was carried out to clamp down on the illicit tobacco and alcohol trade.</li> <li>● A seizure of 2200 cigarettes and 400g of hand rolling tobacco and 1200 litres of Polish beer was made. Mr Mohammed had 30 days to provide HM Revenue &amp; Customs documentation to establish the duty liability of the alcohol and evidence of the alcohol and evidence of duty payment. This time scale has passed since the seizure and the alcohol was therefore deemed as condemned as forfeit to the crown.</li> </ul>

3.6 Licensing Objective(s) under which representations were made	Prevention of Crime and Disorder
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 Regulatory Officer, Trading Standards, who presented the case on behalf of the Licensing Authority.</p> <p>Police Constable Grahame Robinson, who presented the case on behalf of Cambridgeshire Constabulary.</p> <p><b><u>The Premises Licence Holder</u></b></p> <p>Mr Mohammed the premises licence holder who presented his case.</p> <p><b><u>Other Persons</u></b></p> <p>Ms Gutane Simkeviciute and George Adrian who presented their cases.</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 representation submitted against the application by local residents.</p> <p><b><u>Applicant - Trading Standards</u></b></p> <p>The Regulatory Officer, Trading Standards addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>● The key reasons for review had been outlined within the report.</li> <li>● There had been two seizures of alcohol and tobacco in the shop. The illicit tobacco seized was found under the counter.</li> </ul> <p><b><u>Responsible Authority - Cambridgeshire Constabulary</u></b></p> <p>PC Robinson 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>● Cambridgeshire Constabulary supported Trading Standards in relation to the review due to the seizure of tobacco and alcohol and for all points raised within the report.</li> <li>● The premises holder had been in attendance at one of the seizures.</li> </ul> <p><b><u>Premises Licence Holder</u></b></p>



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

- The premises licence holder for London Road Late Store, had been in Hillingdon hospital with his wife when the inspection was carried out, but in attendance on one of the occasions when the inspection had taken place.
- The premises licence holder confirmed that he knew he was ultimately responsible for the business conducted in the shop.
- The premises licence holder claimed to hold no knowledge of where the cigarettes seized in the shop had come from.
- The employee that had been involved in the sale of the illicit goods was no longer employed at the shop.

#### **Other Persons – Gutane Simkevicuite**

Gutane Simkevicuite addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:

- The Licence should not be revoked due to one mistake in her opinion.
- Local residents views should be listened to.
- Ms Simkevicuite had lived in the area for three years and had not liked the previous shop owner.
- Previously children were not permitted to enter the shop when it had been in control of the previous shop owner.
- The premises licence holder for London Road Late Shop had operated a good shop and if he was to lose his licence, there were fears that the shop would close. However, Members of the panel confirmed to Ms Simkevicuite that the shop would still operate even if the premises licence was revoked.
- The premises licence holder sold a good range of continental products and it had been convenient in the mornings to buy non-alcoholic drinks for children before school.
- It was surprising that there had not been a larger number of representations made against the licence review from neighbours of the London Road Late Stores. Members advised that there were other premises in the area that provided alcohol sales.

#### **Other Persons - George Adrian**

Mr George Adrian addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- Mr Adrian had purchased goods from the London Road Late store a few times a week and alcohol once or twice a year.
- The premises licence holder always appeared to be good humoured and had stocked good quality products.
- PC Robinson confirmed that removal of the premises licence for the London Road Late store would not close the shop and that it would remain as a convenience store, without being able to sell alcohol.

#### **Premises Licence Holder**

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

- All customers were upset to learn that the London Road Late Store licence was being reviewed and had expressed concerns about it being revoked.
- There were not many shops in the area that had sold alcohol.
- The premises licence holder, London Road Late Store was aware that there had been other shops that could sell alcohol within one hundred mile radius. However, stated that 60% of customers purchased alcohol in the London Road Late Store.
- There were customers that had returned to the London Road Late Store after a 12 year period.
- The Regulatory Officer confirmed that there were a number of shops selling alcohol within a one mile radius of the London Road Late Store.
- The premises licence holder confirmed that he had not seen the illegal cigarettes under the counter when the inspection was taking place and would have removed them if he had known they were illegal.
- The premises licence holder confirmed that he was experiencing lot of personal issues which were ongoing, such as family member commitments, illnesses and deaths to cope with.
- The premises licence holder had tried to find invoices for the 400g tobacco, 2200 cigarettes and 1200 litres of beer seized. He had not known about the stock and asked the staff for the information.
- The premises licence holder confirmed that he had a further 20 cases of beer including all the beer from the freezer that had been seized despite being in possession of the invoice.
- The premises licence holder confirmed that he was trying to sell the shop due to his residence in London and difficulty in commitment to manage the operation of the shop.
- The premises licence holder confirmed that he had a couple of members of staff running the shop with one of the members holding a personal licence.
- The premises licence holder confirmed that he was ultimately responsible for the day to day operation of the shop.
- The premises licence holder confirmed to the Regulatory Officer Trading Standards that he was not aware of the illicit goods that were on display under the counter despite being present at the first inspection. The second time he was not in attendance and would have taken responsibility for what was found.
- Rizgar Ahmed, an employee at the London Road Late Store had been working in the shop for two months.
- The Regulatory Officer, Trading Standards confirmed that Mr Ahmed had been interviewed under caution and had confirmed that he had been employed at the London Road Late Store, since 11 September 2017 as the Personal Licence Holder, including before and during the seizures made. It had appeared that Mr Mohammed, the premises licence holder and Mr Ahmed had been working in work split shifts at the London Road Late Store.
- The premises licence holder confirmed that he had provided the Police with the full name and address of the member of staff that had placed the illicit cigarettes in the shop.
- The premises licence holder confirmed that he had rectified the issues raised following a Police compliance inspection such the

	<p>insufficient CCTV, incomplete fire assessments and insufficient staff training on file.</p> <p><b><u>Summing Up</u></b></p> <p>All parties were given the opportunity to summarise their submissions.</p> <p><b><u>Premises Licence Holder</u></b></p> <p>The premises licence holder addressed the Sub-Committee and a summary of the key points raised included:</p> <ul style="list-style-type: none"> <li>● Every single person made mistakes and was, in his opinion, entitled to a second chance.</li> <li>● That he was responsible as the premises licence holder for London Road Late Store.</li> <li>● That he was sorry about the illicit goods found in his shop, the London Road Late Store.</li> </ul> <p><b><u>Applicant</u></b></p> <p>The Regulatory Officer Trading Standards addressed the Sub-Committee and a summary of the key points raised included:</p> <ul style="list-style-type: none"> <li>● The premises licence holder was interviewed under caution and that at the time of the inspection the illicit polish beer had been on display in the fridge at the London Road Late Store plus an extra 80 cases stored at the back of the premises.</li> <li>● There were concerns about the day to day running of the business and a gentleman present in the shop at the time of inspection was not employed by the Premises Licence Holder. It had transpired that the gentleman was just helping out for a few hours and had not been trained to sell alcohol.</li> </ul>
<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 Review, attached to the Sub-Committee report.</p> <p>Consideration was given to the Responsible Authorities written submission 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 21 local residents.</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>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>

The Sub-Committee considered the representations made at this hearing and in writing from:

- Trading Standards;
- Cambridgeshire Constabulary; and
- Twenty one letters in support of the premises and licence holder.

The Sub-Committee considered:

- On the 21st of August 2017 a seizure of 560 foreign labelled cigarettes was made by Cambridgeshire Constabulary from Mr Azad Mohammed that were found under the counter.
- On the 28th September 2017 a joint initiative by Trading Standards, HMRC and Cambridgeshire Police was carried out to clamp down on the illicit tobacco and alcohol trade.
- A seizure of 2200 cigarettes and 400g of hand rolling tobacco and 1200 litres of Polish beer was made. Mr Mohammed had 30 days to provide HM Revenue & Customs documentation to establish the duty liability of the alcohol and evidence of the alcohol and evidence of duty payment. This timescale had passed since the seizure and alcohol was therefore deemed as condemned as forfeit to the Crown.

The Sub-Committee heard from the licence holder who denied any knowledge of the illicit items. He stated that he was not always in the shop and other persons were selling the items without his knowledge. He accepted that he was responsible for the business.

Two other persons, who made valid representations, spoke in support of the premises licence holder.

The Licensing Authority considered that such sales of illicit tobacco and alcohol a serious breach of the promotion of the licensing objective of prevention of crime and disorder.

The original seizure of 21st August 2017 was further aggravated by a second seizure which took place on 28th September 2017. This second seizure was for more illicit goods than the first.

Such sales undermined legitimate shopkeepers, deprived Her Majesty's Customs and Exercise of legitimate revenue and may pose a risk to the public.

The Sub-Committee therefore **REVOKED** the licence for the premises, known as London Road Late Night Store, 64 London Road, Peterborough, PE2 9BA.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.

Chairman  
Start 1:30pm – End 2:48 pm

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## Meeting of the Licensing Act 2003 Sub-Committee held at the Town Hall, Peterborough on Thursday, 1 March 2018

### RECORD OF PROCEEDINGS

1. Election of Chairman	Following a nomination which was seconded, Councillor Hiller was appointed as the Chairman for this meeting.
2. Apologies for Absence	There were no apologies for absence received.
3. Declarations of Interest	There were no declarations of interest.
4. Application	New Premises Licence
4.1 Application Reference	076652
4.2 Sub-Committee Members	Councillor Hiller Councillor Allen Councillor Okonkowski
4.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
4.4 Applicant	International Food Centre - Unit 1 & 2, 41 Lincoln Road, Peterborough, PE1 2RH
4.5 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 only</b></li> </ul> <p style="padding-left: 40px;">Monday to Sunday 7am to 10pm</p> <ul style="list-style-type: none"> <li>● <b>Hours premises are open to the public</b></li> </ul> <p style="padding-left: 40px;">Monday to Sunday 7am to 10pm</p> <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 International Food Centre - Unit 1 &amp; 2, 41 Lincoln Road, Peterborough, PE1 2RH, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> <li>● In 'Op Can-do' area which was subject to a special 'cumulative</li> </ul>

		<p>impact policy.</p> <ul style="list-style-type: none"> <li>• Another premises offering 'Off Sales' of alcohol would lead to an increase in anti-social behaviour in the vicinity.</li> </ul>
4.6	Licensing Objective(s) under which representations were made	<p>Prevention of Crime and Disorder Prevention of Public Nuisance Protection of Children from Harm Public Safety</p>
4.7	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 Raziq Karim</p> <p>The applicant's representative, Mr Jamil Ismal</p> <p><b><u>Other Persons</u></b></p> <p>Emanuel Di'Natale represented by Sarah Search</p> <p>Mohammed Hussain</p>
4.8	Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.
4.9	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 representation submitted against the application by local residents. In addition Members were advised that the premises was located on the corner of Lincoln Road and Geneva Street.</p> <p><b><u>Applicant</u></b></p> <p>Mr Raziq Karim addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>• The applicant advised that he had operated another shop located at 52 to 54 Oundle Road, which had experienced no issues.</li> <li>• The applicant advised that the International Food Centre, was being operated as a good clean shop.</li> <li>• The International Food Store would be reliant on the sale of alcohol as well as international food.</li> <li>• The applicant confirmed that he intended to sell alternative items that were not on offer at similar neighbouring shops.</li> <li>• The applicant confirmed that the sale of alcohol would make a more profitable business.</li> <li>• The Lincoln Road location was closer to the City Centre than the store located at Oundle Road and was anticipated to provide a larger profit.</li> </ul> <p><b><u>Other Persons – Emanuel Di'Natale and Sarah Search</u></b></p>

Emanuel Di’Natale and Sarah Search addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- There were already five businesses in the Cumulative Impact Area (CIA) that sold alcohol.
- Some of the clients of Headmasters had felt very intimidated by the street drinkers in the area and it was felt that another off licence would exacerbate the issue.
- Street cleaning had to be requested on a regular basis.
- Incidents which involved the street drinkers had been reported to the Police on a regular basis.
- Headmasters had requested an increase in Police Community Support Officer (PCSO) presence for the area.
- There was an off licence opposite Headmasters hairdressers, that had attracted many issues such as litter, methadone patients and street drinkers loitering and behaving in an antisocial manner.
- Headmasters provided hair and beauty services to their clients in the salon and customers continued to use the business only because they were loyal.
- Crime was a significant issue in the area, which had increased over the past 30 years due to the number alcohol off sales premises.
- Members of staff at Headmasters regularly collected and disposed of the rubbish build up in the area from other neighbouring establishments that had sold alcohol.
- For the reasons outlined in the representations, other persons felt that there would be no requirement for the Sub-Committee to issue a further premises licence to an already saturated area.
- There were four off licensed stores and the Geneva Bar which was an on licence providing the sale of alcohol in the area.

#### **Other Persons – Mohammed Hussain**

Mohammed Hussain addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- There had been ongoing alcohol related issues at no 41 and 57 Lincoln Road. There had also been a Council order that prohibited drinking outside these establishments and other antisocial behaviour.
- Settys was a newsagents located on Lincoln Road that had not offered alcohol sales and was established seventeen years ago.

#### **Applicant’s Representative Mr Jamil Ismal**

Mr Jamil Ismal, the Applicant’s representative and business partner addressed the Sub-Committee, and following questions from the Sub-Committee were as follows:

- The Applicant was not sure why other shops had experienced the issues outlined within the representations, however felt that he could operate a shop that would not attract the behaviours referred to.
- The applicant kept a clean and well operated shop on Oundle Road for two years.
- The applicant had installed CCTV and had conformed to other Licensing Act measures such as challenge 25. Members commented

	<p>that the measures adopted were standard practice and would be expected.</p> <ul style="list-style-type: none"> <li>• The applicant would follow the rules and cooperate with the Authority should a premises licence be granted.</li> </ul>
<p>4.10 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>Other Persons</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from for local businesses.</p>
<p>4.11 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 ‘Prevention of Public Nuisance’ Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the ‘Protection of Children from Harm’ Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the ‘Public Safety’ Licensing Objective.</p>
<p>5. 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 considered the representations made today and in writing from Other Persons.</p> <p>The Sub-Committee considered the points raised in objection to the application by other persons (three local businesses), and a summary of the issues raised included:</p> <ul style="list-style-type: none"> <li>• Premises were within the ‘Op Can-do’ area which was subject to a special ‘cumulative impact policy and had been since April 2013;</li> <li>• Other like businesses catered for alcohol off sales in the vicinity;</li> <li>• Another premises offering ‘Off Sales’ of alcohol would lead to an increase in anti-social behaviour in the vicinity, as detailed in the representations;</li> <li>• If a premises licence was granted, it would add to the cumulative impact in the area;</li> <li>• There were no representations from the Police or other Responsible Authorities; and</li> </ul>



- There were no representations in support of the Application.

The Applicant stated that he operated another shop and had experienced no issues. The International Food Centre would be a larger shop selling international food. The off sales of alcohol would help to make the business more profitable.

The Sub Committee referred to:

- The Licensing Authority's Statement of Licensing Policy; and
- The Government Guidance issued under section 182 of the Licensing Act 2003

The Sub-Committee therefore **REFUSED** the premises licence as applied for, relating to the premises known as International Food Centre, Unit 1&2, 41 Lincoln Road, PE1 2RH.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.

Chairman  
Start 1:30pm – End 2:23pm

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Meeting of the Licensing Act 2003 Sub-Committee  
held at the Town Hall, Peterborough on 9 May 2018

## 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
3.1 Application Reference	076843
3.2 Sub-Committee Members	Councillor Ayres Councillor Allen Councillor Saltmarsh
3.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Sumeet Odedra
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></li> </ul> <p style="padding-left: 40px;">Monday to Thursday 07.00 to 21.00 Friday and Saturday 07.00 to 22.00 Sunday 08.00 to 21.00</p> <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 Werrington Green Post Office, 2 The Green, Werrington Village, Peterborough, PE4 6RU, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> <li>● The local residents believed that the sale of alcohol from the Post Office until late at night would encourage and increase vulnerability to crime.</li> <li>● Sufficient numbers of other premises in the local area were authorised to sell alcohol to meet demand.</li> <li>● Parking issues would increase due to the Post Office being open late and their customers would be trying to park in the same area</li> </ul>

	<p>as customers of other licensed premises in the immediate vicinity.</p> <ul style="list-style-type: none"> <li>● If a licence was granted there would be an increase in alcohol related incidents including disturbances from customers purchasing alcohol.</li> <li>● An increase in littering in the vicinity of the premises.</li> <li>● An increase in access of alcohol to young persons either through theft from the store or through 'proxy buying' (where an under 18 year old persuades an over 18 year old to purchase alcohol on their behalf).</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>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 Sumeet Odedra</p> <p>The applicant's representative Councillor Julia Davidson.</p> <p><b><u>Other Persons</u></b></p> <p>Mr Toates, Mr and Mrs Williams, Mr Coxon and Mr Biddle.</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	<p>There were no pre-hearing considerations.</p>
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 representation submitted against the application by local residents.</p> <p><b><u>Applicant</u></b></p> <p>Councillor Davidson, the applicant's representative addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>● The applicant had installed 12 closed CCTV cameras inside and outside of the premises.</li> <li>● Security to the lower windows, metal grills and shutters had been installed.</li> <li>● There was also an external door and frame made from solid steel for extra security. These extra measures had been implemented due to burglary issues experienced by the previous premises owner. This was also to provide assurances to the business owners and local residents in regards to security measures.</li> <li>● Two panic buttons had been installed to the Post Office and shop,</li> </ul>

which linked directly to the police. This installation had been undertaken by a highly reputable business.

- The applicant's Criminal Records Bureau check was up to date and had been undertaken annually.
- The Odera family had operated successful businesses in Peterborough in the last nine years at Mountsteven Avenue and had no conviction activity associated to them, or with any authority, which included the police.
- The Post Office was now a commissioned based business. Granting the premises licence would help with the retail side of the business.
- Sales of alcohol had often been offered in these types of businesses with a wide variety of wine and beer. The business would serve to supply convenience products to local residents including the elderly.
- The nearest convenience store was Tesco, Cooperative and Morrisons nearest to the Werrington Green Post Office.
- There nearest Post Office was the Hodgson and the Lime Tree Post Offices, which were located over a mile away.
- Granting the premises licence would retain a much needed Post Office in the area.
- There had been a Werrington noticeboard on Facebook with over 2000 members. A majority of members offered support to the business and the Odedra family.
- Members of the Werrington noticeboard on Facebook had also posted updates about anti social behaviour, crime and other issues being experienced in the area.
- The Papyrus Road Post Office had not facilitated the administration of large parcels and these had to be submitted in the traditional way, which was a service that Werrington Green Post Office currently offered.

#### **Other Persons – Mr Toates**

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

- Mr Toates was representing the residents that had made representation, which included all signatories of the petition in objection to the application for a premises licence for the Werrington Green Post Office.
- The timing of the hearing had precluded many people that wished to attend.
- It had not been the residents aim to promote a temperance society.
- The Werrington Facebook site had sometimes posted miss information.
- The representations had been made against the principle of selling alcohol in the shop and the associated late opening hours of 10pm.
- Werrington village had been a conservation area for decades and residents wished for it to remain so.
- Another retail outlet within the Werrington Green area would be unacceptable and detrimental.
- There were around 11 retail outlets within a one mile radius selling alcohol. One more would likely create a nuisance and crime in the Werrington Green area.
- There were over 50 outlets within a small area of Milfield and issues within the area had been fuelled by the ease of purchase of alcohol.
- Local residents of the Werrington Green area had reported that they been offered money by young people to purchase alcohol both at

	<p>Werrington Centre and village area.</p> <ul style="list-style-type: none"> <li>● The CCTV installed at the Post Office would help to prevent damage and pilfering, however it was felt that the visibility range would only be bound by the restrictions of the shop ownership.</li> <li>● The CCTV installed at the Post Office would not provide information on any damage and nuisance caused to properties in the surrounding area.</li> <li>● The challenge 25 initiative would only work if the number of outlets selling alcohol were restricted to a reasonable number, otherwise owners would not be vigilant to underage drinkers.</li> <li>● Local residents felt that the shop should not be permitted to sell alcohol or to stay open until 10pm.</li> <li>● Local residents to Werrington Green Post Office would not be in agreement to a reduction in hours of alcohol sales.</li> <li>● It was felt that action needed to be taken to reduce the number of outlets being granted a premises licence to sell alcohol within the Werrington Green area, regardless of any reduction in the time of sales.</li> <li>● There was no judgement on the ability of the applicant operating the shop as it had looked well kept since the refurbishment.</li> <li>● The Werrington Green Post Office shop had closed at 5:30pm in the past.</li> <li>● There were two other shops within half a mile of Werrington Green that had offered the sale of alcohol.</li> </ul> <p><b><u>Summing Up</u></b></p> <p>All parties were given the opportunity to summarise their submissions.</p> <p>The applicant's representative Cllr Davidson addressed the Sub-Committee and the key points highlighted:</p> <ul style="list-style-type: none"> <li>● Concerns raised by residents had been appreciated.</li> <li>● The new proprietor had updated the Werrington Post Office shop.</li> <li>● The other Post Offices located at Lime Tree and Hodgsons lane also sold alcohol.</li> <li>● Mr Sumeet made improvements to building and security.</li> <li>● There was parking outside of the building and access rights to the side. There was also additional land at back of Werrington Green Post Office which had potential to develop into a car park. In addition parking was also available at the Bluebell public house on Werrington Green which had been made available.</li> <li>● Mr Sumeet had closed his shop in order to attend this hearing.</li> </ul>
<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>Other Persons</u></b></p> <p>Consideration was given to the written submission and petition attached to the Sub-Committee report from one local resident.</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</p>

	<p>'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 'Prevention of Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the 'Public Safety' 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>The Sub-Committee considered the representations made at the hearing and in writing from one local resident and the Petition signed by 72 local residents.</p> <p>The Sub-Committee considered:</p> <p>The objections raised at the hearing and in the papers and acknowledge that there were a number of signatories to the petition whom had concerns.</p> <p>The Sub-Committee was content that the conditions within the application should addressed those concerns.</p> <p>Therefore, the application for a licence for the premises, known as Werrington Green Post Office, 2 The Green, Werrington Village, Peterborough, PE4 6RU, was <b>GRANTED</b>.</p> <p>Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.</p>

Chairman  
Start 1:30pm – End 2:30pm

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**Meeting of the Licensing Act 2003 Sub-Committee  
held at the Town Hall, Peterborough on Friday, 13 July 2018**

**RECORD OF PROCEEDINGS**

1. Election of Chairman	Following a nomination which was seconded, Councillor Hiller was appointed as the Chairman for this meeting.
2. Apologies for Absence	There were no apologies for absence received.
3. Declarations of Interest	There were no declarations of interest.
4. Application	New Premises Licence
4.1 Application Reference	077274
4.2 Sub-Committee Members	Councillor Hiller (Chairman) Councillor Allen Councillor Hogg
4.3 Officers	Simon Andrews, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
4.4 Applicant	Mr Karim International Food Centre - Unit 1 & 2, 41 Lincoln Road, Peterborough, PE1 2RH
4.5 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 only</b> Monday to Sunday 7am to 10pm</li> <li>● <b>Hours premises are open to the public</b> Monday to Sunday 7am 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 International Food Centre - Unit 1 &amp; 2, 41 Lincoln Road, Peterborough, PE1 2RH, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p>

	<ul style="list-style-type: none"> <li>• There was a history of anti-social behaviour fuelled by alcohol and drug abuse in the area.</li> <li>• The area was situated within the boundary of the “Can-Do” initiative.</li> <li>• The area was made a Cumulative Impact Zone whereby the applicant needed to prove that there was a need for selling alcohol “off sales”.</li> <li>• The area was very sensitive and volatile because of the ease of access to the purchase of alcohol often sold at a low prices.</li> <li>• The Millfield and New England and Can-Do areas had a phenomenal number of outlets selling alcohol “off-sales”.</li> </ul>
4.6 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>
4.7 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 Raziq Karim</p> <p>The applicant’s representative, Mr Cave</p> <p><b><u>Other Persons</u></b></p> <p>Brian Gascoyne, Member of MANERP</p>
4.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.
4.9 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 representation submitted against the application by Mr Gascoyne - Millfield and New England Regeneration Partnership (MANERP). In addition Members were advised that the premises was located on the corner of Lincoln Road and Geneva Street.</p> <p><b><u>Applicant</u></b></p> <p>Mr Cave, the applicant’s representative addressed the Sub-Committee. The key points raised during the address and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>• The applicant was fully aware that the premises was located in an area with a special licensing policy, namely Operation Can Do.</li> <li>• The Cumulative Impact Area Policy (CIA) was relevant at the time of implementation 10 years ago, however, it now requires updating to take into account the improvements which had been made as a result of the policy.</li> <li>• The city was constantly evolving.</li> </ul>

- There had been much development within this area which had been ongoing and due to longer working hours the need for convenience stores of this type was increasing.
- It had not been the intention of the applicant to sell alcohol to those under 18 and he would operate within the Challenge 25 initiative.
- The International Food Centre was located on the edge of the CIA zone.
- There had previously been issues within the central part of the CIA zone however, not in the area relevant to this application.
- The Police and other authorities had not made any representations against the application for the International Food Centre although there had been another similar store in this area where problems had been reported.
- The CIA area needed a premises which operated efficiently to demonstrate a good example to other traders in the area to help raise standards.
- There was no evidence to suggest that the International Food Store would attract anti-social behaviour or crime and disorder should the premises be successfully awarded a premises licence.
- The applicant had offered to place refuse bins outside the premises and maintain them himself, which would address local residents concerns about littering.
- No alcohol would be sold as a sole purchase, alcohol would always be sold with an ancillary product.
- The applicant had operated another shop for three years on Oundle Road which had experienced no issues with the licensing authorities or the police, which demonstrated his ability to operate a successful business within the law.
- As the applicant was currently unable to sell alcohol prospective customers were shopping in outlets where alcohol was for sale and the longevity of the business could be at risk should the license not be granted.
- The shop had been developed to a high standard with the hope of attracting a higher class of customers who would not stand outside the shop drinking.
- The representative asked the committee if they could be sure that granting the licence would cause a problem in for the city as there was no evidence to suggest otherwise.
- The local authority could put a licence in place for a 12 month period with the option to reconsider a longer term dependant on any issues during that period.
- The applicant had considered the impact of selling alcohol in a CIA area and felt that there was a lesser concentration of premises compared to others within the central area of Lincoln Road, such as the Triangle.
- Mr Karim conducted a survey himself which indicated many of his customers wished to purchase alcohol from his premises, namely International Food Centre.
- The applicant intended to display notices in the store advising clients that they could not purchase alcohol without a non-alcoholic product being purchased. The applicant wanted to stress that this demonstrated his commitment to operating within the legal system however, it would be difficult to prevent a purchase of alcohol with a small item of confectionary.
- The applicant was aware of the responsibilities as a premises licence holder and that the licensing officer could visit his

premises and test the system at any time.

- One neighbouring business contested the previous application as they considered the granting of a licence would put their own business at risk however, they have not raised an objection for this application.
- The only objection was from the local residents association, MANERP.
- The residents could be assured there would be no impact on people's enjoyment of the city.
- The applicant did not realise he would not get a licence on his previous application and, had spent time and money renovating his premises there had been a financial implication on his business..
- Similar premises were located near the International Food Centre and were had been at a distance of 100mtres. The premises had sold alcohol and closed at 10pm. There was also a late licenced premises at a distance of 600 yards away that had operated until 2am.

### **Other Persons – Mr Gascoyne**

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

- Mr Gascoyne was no longer the Chair of MANERP however, he had remained their representative.
- There was no suggestion of doubt on Mr Karim's character, however it was felt that the Op Can Do and CIA policy was implemented to deal with excessive alcohol consumption in the area of New England and Millfield and at the time of its implementation, the Police felt it necessary to extend the scheme to the bottom of Lincoln Road.
- The International Food Centre, was in close proximity to other premises selling alcohol so the need for an additional premises had not been justified.
- Whilst there was sympathy for Mr Karim's losing business the CIA policy should not be compromised to accommodate the need to make money.
- The condition to purchases ancillary products alongside alcohol was open to abuse.
- It was assumed that most customers who purchased alcohol were street drinkers.
- The Police had not recorded instances of street drinking.
- The Op Can Do Policy was formed by the Local Authority, the Police, the NHS and the local residents associations. The only interested party to attend the meetings seemed to be MANERP.
- The bin condition offered by the application seemed pointless and there location had been irrelevant as people should not be drinking on or outside the premises.
- The size of the vessel was irrelevant, as 330ml had not been the standard size to sell beer.
- Members commented that antisocial behaviour had reduced in the area since the introduction of Op Can Do which was the objective.
- The Police had made no representations to the application and Mr Gascoyne questioned their understanding and support of the

	<p>Op Can Do area.</p> <ul style="list-style-type: none"> <li>• The fact that the premises was located on the edge of the CIA area should be a relevant consideration, as the policy had applied to all areas.</li> </ul> <p><b>Summing Up</b></p> <p>All parties were given the opportunity to summarise their submissions.</p> <p>The Applicant's Representative:</p> <ul style="list-style-type: none"> <li>• The suggestion of the bins were for the residents in the area to use to address a previous comment regarding rubbish on the street and were offered by the applicant as a gesture of goodwill.</li> <li>• Op Can Do was implemented by the Council eight years ago. There had been a trading nightclub in the area close to the International Food Centre. The night club had closed and the area had become less polluted with noise as a result, which demonstrated the intensity of the problem had changed and was no longer experienced the same issues.</li> <li>• The area was being redeveloped and offices converted into flats where people were likely walk to purchase their provisions, including alcohol from local convenience stores such as the International Food Centre.</li> </ul>
<p>4.10 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>Other Persons</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from Mr Gascoyne.</p>
<p>4.11 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 'Prevention of Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the 'Public Safety' Licensing Objective.</p>

5. 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:-**

- The Applicant, Mr Razaq Karim, applied for a new premises licence for the premises known as International Food Centre, 41 Lincoln Road, Peterborough.
- The premises was open from 7am to 10pm on a daily basis. The applicant has applied to sell alcohol on the same basis.
- The premises was located within an area designated as a cumulative impact area and a special policy applied pursuant to the Government Guidance issued under Section 182 of the Act. The policy was designed to restrict the numbers of premises selling alcohol and other licensable activities, within the area.

The Special Policy was introduced to help combat alcohol induced anti-social behaviour and minor criminality, noise disturbance and other such matters associated with the consumption of alcohol. The policy was not a blanket ban on granting licences, however there was a 'rebuttable presumption' that a licence should not be granted in the area as the Licensing Authority had deemed that area was at saturation point for such licences, and to grant further licences may add to the alcohol induced anti-social behaviour and minor criminality associated with the density of licensed premises in the area.

The policy had not removed the Licensing Authority's discretion to grant applications for licences where it considered them to be appropriate based on the individual circumstances of the case. It was for the Applicant to show that the operating schedule, in particular the conditions attached to the licence were sufficient as not to add to the negative cumulative impact.

There were no representations from any Responsible Authority. There was a representation from one 'other person', being the representative on behalf of Millfield and New England Regeneration Partnership (MANERP).

The concerns raised were linked by MANERP to the four licensing objectives.

MANERP were concerned with:

- The number of 'off-sales' premises in the area that added to the anti-social behaviour
- The area was sensitive and volatile due to the ease of access to alcohol, often sold at low prices
- The premises lay within a special policy zone
- There was no evidence of need (the Committee recognises that 'need' was not a material consideration under the Act)

The representative acting for the Applicant, informed the Sub-Committee:

- That his client wished to work with the Local Authority to uphold the licensing objectives.
- His client recognised the reasons why the Authority had such a

- special policy in place.
- His client was a responsible and trusted individual

The Applicant supplied five character references in support of his application. These were noted by the Sub-Committee.

The Sub Committee referred to:

- The Government Guidance issued under section 182 of the Act.
- The Licensing Authority's Statement of Licensing Policy, in particular the Special Policy.
- The proposed Operating Schedule and conditions therein.

The Sub-Committee noted that the Police had been working with the Applicant regarding the conditions.

The Applicant operated another such business and there was no information provided to suggest that he had not been running this business, not in accordance with his licence.

The Sub-Committee disregarded irrelevant matters such as 'need' and the profitable viability of the premises. These matters were not relevant under the Licensing Act 2003.

The Sub-Committee noted that there were a few similar premises within the vicinity with like licences and no information had been provided that if the application was granted, there would be additional issues that offend the Special Policy.

The Sub-Committee therefore **GRANTED** the premises licence as applied for, relating to the premises known as International Food Centre, Unit 1&2, 41 Lincoln Road, PE1 2RH.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.

Chairman  
Start 1:30pm – End 3:26pm

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# Public Document Pack



## Meeting of the Licensing Act 2003 Sub-Committee held at the Town Hall, Peterborough on 1 AUGUST 2018

### RECORD OF PROCEEDINGS

1. Election of Chairman	Following a nomination which was seconded, Councillor Hiller was appointed as the Chairman for this meeting.
1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Review of Premises Licence
3.1 Application Reference	Review: 077399 Premises Licence: 074451
3.2 Sub-Committee Members	Councillor Hiller Councillor Allen Councillor Hussain
3.3 Officers	Simon Andrews, Regulatory Officer Andrew Burton, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Trading Standards
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a review of the premises licence.</p> <p><b><u>Summary of Premises Licence Review</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a review of the premises licence for Lifestyle Convenience Store, 29 London Road, Peterborough, PE2 8AN, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by the applicant were as follows:</p> <p>On 18 December 2017 Trading Standards Officers visited the Lifestyle Convenience Store following complaints of the shop selling foreign labelled cigarettes. The shopkeeper Mr Ahmed Mustafa picked up a black holdall that was behind the till and immediately walked out of the rear of the shop to his car. He returned without the holdall. The owner of the shop was telephoned and the designated premises supervisor Mr Ahmed Ghafoor arrived shortly after. Whilst waiting for Mr Ghafoor, several customers came into the shop asking for cheap cigarettes. Mr Ghafoor advised that the shop do not sell foreign labelled cigarettes and advice was given.</p> <p>Following further complaints on 19 January 2018, a test purchase exercise</p>

	<p>was carried out by Trading Standards Officers on the sale of foreign labelled cigarettes. A purchase was made of a Lithuanian packet of Marlboro Gold for £5.50 at the Lifestyle Convenience Store.</p> <p>On 29 January 2018 Trading Standards Officers visited Lifestyle Convenience Store and a seizure was made of 6000 cigarettes (300 packets) and 1600g of hand rolling tobacco (32 pouches) that were found at the rear of the shop in plastic bags, bin liners and a black holdall. The tobacco was believed to be counterfeit and the cigarettes were suspected to fail safety requirements.</p> <p>Following an interview with the owner Mr Ardalan Mahmood, handed over a letter from his friend admitting that they were his cigarettes and that he had left them in the shop.</p> <p>Following further complaints, Trading Standards Officers visited the Lifestyle Convenience Store on 9 March 2018 and spoke to the shopkeeper Mr Mustafa. Foreign cigarettes were not being stored in the shop, however, a plastic bag hanging behind the counter was full of foreign labelled Amber Leaf and Marlboro Gold sleeves and outer wrapping which could not be explained other than 'they must have been there from the night before as the employer Mr Ahmed (DPS) was working.</p> <p>Four more complaints were received regarding the sales of cheap foreign labelled cigarettes.</p> <p>On 21 May 2018 a test purchase was made of a foreign labelled packet of Marlboro Gold and £5.50 was paid. The male shopkeeper walked out of the back door and retrieved cigarettes from a white van parked outside the door.</p>
3.5.1.1 Licensing Objective(s) under which representations were made	Prevention of Crime and Disorder
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>The Applicant</u></b></p> <p>The applicant was Trading Standards.</p> <p><b><u>The Licence Holder</u></b></p> <p>The Licence Holder Mr Ardalan Mahmood.</p> <p>The Designated Premises Supervisor, Ahmed Gafoor.</p> <p>A Member of Staff from the Lifestyle Store Miss Cherie Cornock.</p>
3.8 Pre-hearing considerations	There were no pre-hearing considerations.

<p>and any decisions taken by the Sub-Committee relating to ancillary matters</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>The Regulatory Officer, Karen Woods addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in her address included:</p> <ul style="list-style-type: none"> <li>● Test purchasing visits had been made on 19 January 2018, then another on 29 January 2018.</li> <li>● Bags containing tobacco and tobacco products were found on the premises where Mr Mahmood lived above the shop.</li> <li>● Following further complaints the premises was visited again on 21 May 2018.</li> </ul> <p><b><u>Responsible Authority</u></b></p> <p>PC Robinson, Cambridgeshire Police, 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>● Information was provided to the police on a number of occasions regarding the sale of illicit tobacco which was passed to Trading Standards.</li> <li>● The applicant enquired as to the name of who was working in the shop at the time of the test purchases and the Committee was advised this was not known and it would have been a question for the owner.</li> </ul> <p><b><u>Licence Holder</u></b></p> <p>The representation on behalf of the licence holder, Mr Ardalan Mahmood was made by an employee Cherie Cornock who addressed the Sub-Committee. The key points raised during the address and a summary of questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>● The owner was not aware that illicit cigarettes were being sold in the shop on 21 May 2018.</li> <li>● A gentleman known as Mr Mustafa, who wanted to purchase the shop had asked to work in the shop beforehand to obtain an understanding of the day to day business; and</li> <li>● Mr Mustafa was working in the shop between January 2018 to June 2018.</li> <li>● Cherie Cornock commenced working in the shop from 10th June 2018, although was a customer before that and had not witnessed the sale of illicit tobacco.</li> <li>● A phone call had been received by the licence holder from Commercial House to state that the lease of the shop had been transferred to Mr Mustafa. The Licence holder Mr Mustafa, was unclear who the current leaseholder was.</li> <li>● The licence holder had a responsibility to ensure legitimate trading took place on the premises and apologised for not understanding this.</li> </ul>

The licence holder stated that he knew nothing about the sale of illicit tobacco and stated that it would not happen again.

- There had been a catalogue of events within a six month period surrounding the sale of illicit tobacco, however, staff and CCTV were not replaced until May 2018.
- The licence holder explained that the delay in staff replacement was due to the fact that Mr Mustafa had intended to take over the operation of the business, although it was also confirmed that the lease negotiations had failed in March 2018.
- It was confirmed that a member of staff had not been replaced following the illicit tobacco offences and had continued to be employed at the business after May 2018. The licence holder also confirmed that the member of staff, which had not been replaced in May 2018, had not been involved in the sale of illicit tobacco.
- The van parked directly outside the shop where the illicit tobacco had been stored, was registered to the shop's address. The licence holder's representative advised that the van was currently empty of stock.
- The van was also currently off the road, however, was driven usually by the licence holder to collect stock when it was on the road.
- Stock of low value, such as sweets, crisps and alcohol which could not be accommodated in the stockroom, was stored in the back of the van.
- The illicit tobacco had been discovered in the van in question.
- Mr Mustafa had commenced employment in the shop in January 2018, however the licence holder, confirmed that the Regulatory Officer had spoken to Mr Mustafa at the Lifestyle convenience premises, in December 2017.
- It was confirmed that the licence holder had received a letter on the morning of the hearing, 1 August 2018, from Commercial Office stating that Mr Mustafa was appointed as the leaseholder.

### **Summing Up**

All parties were given the opportunity to summarise their submissions.

### **Applicant**

#### **Trading Standards**

- A letter received from Hunt and Coombs Solicitors on behalf of the licence holder had not disputed that there had been sale of illicit tobacco on the premises known as Lifestyle convenience store.
- The review was not to establish the guilt or innocence of any individual but to ensure the crime prevention objective was being promoted.
- There were concerns of who was currently in control of the business as Mr Mustafa was involved in the illicit tobacco seizures.
- There were concerns that the licence holder had not known what events had taken place in his own business whilst residing above and working in the premises.
- The illicit tobacco that had been smuggled, were unlicensed and unregulated.

### **Responsible Authority**

- A revocation of the premises licence was endorsed and supported.

	<p><b>Licence Holder</b></p> <p>The Sub-committee was advised that the licence holder considered Mr Mustafa to be the current owner of the Lifestyle Convenience Store.</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 review, attached to the Sub-Committee report.</p> <p><b><u>Responsible Authority</u></b></p> <p>Consideration was given to the representation in support of the review to the Sub-Committee report.</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>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 considered the information found as follows:-</b></p> <p>After receipt of a number of complaints, Trading Standards undertook several test purchases over a period of time and seized significant quantities of illicit tobacco.</p> <p>An interview was undertaken with the Licence Holder Mr Mahmood, who denied knowledge of the items being in the premises.</p> <p>The Sub-Committee were told that the tobacco had been handled by a person - a Mr Mustafa - who was working in the business in order to assess its viability with a view to purchasing it.</p> <p>The Sub-Committee were informed that the sale of the premises to Mr Mustafa had been unsuccessful in April 2018.</p> <p>The Sub-Committee were advised that, Mr Mohammed was informed on the morning of the hearing that the lease was currently owned by the same Mr Mustafa.</p> <p>The Sub-Committee noted the concerns raised by Trading Standards regarding who was in fact said to be running the business.</p> <p>The Sub-Committee were reminded of the provisions within the Government Guidance issued under the Act, at paragraphs 11.24, 11.26, 11.27 and 11.28.</p> <p>The Sub-Committee believed that criminal activity was associated with the premises and that these premises were not promoting the licence objective of crime prevention, therefore the Sub-Committee considered revocation in the first instance, in line with paragraph 11.28 of the Guidance.</p>

The Sub Committee, were concerned with the serious health and other risks associated with illegal importation and unregulated sales of such tobacco products. Such sales deprived Her Majesty's Revenue Customs, allowed an unfair business advantage, and posed a risk to unsuspecting members of the public.

The Sub-Committee considered other options available but believed that these would not promote the licensing objective of the Prevention of Crime and Disorder.

Therefore, the premises licence for the premises, known as Lifestyle Convenience Store 29 London Road Peterborough SPE2 8AN, was **REVOKED**.

Attendees were advised that if any party was in objection to the decision made, they may appeal to the Peterborough Magistrates Court within 21 days.

Chairman  
Start 1:30pm – End 2:33pm

<b>LICENSING COMMITTEE</b>	<b>AGENDA ITEM No. 4</b>
<b>18 OCTOBER 2018</b>	<b>PUBLIC REPORT</b>

Report of:	Annette Joyce, Service Director	
Cabinet Member(s) responsible:	Councillor Walsh, Cabinet member for Communities	
Contact Officer(s):	Terri Martin - Regulatory Officer - Licensing Kerry Leishman - Licensing and Business Manager Peter Gell - Head of Regulatory Services	Tel. 453561 Tel. 453502 Tel. 453419

## **LICENSING ACT 2003 - CUMULATIVE IMPACT - REVIEW, CONSULTATION AND RESPONSES**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> Peter Gell, Head of Regulatory Services	<b>Deadline date:</b> 18 October 2018
<p>Members are asked to:</p> <ol style="list-style-type: none"> <li>1. Note the contents of the report and responses received to the consultation on the Cumulative Impact Policy (CIP).</li> <li>2. Determine the future of the current CIP considering the following options available: <ol style="list-style-type: none"> <li>(i) Retain the status quo</li> <li>(ii) Modify current CIP (ie. types of premises and/or area)</li> <li>(iii) Resolve that the CIP no longer applies</li> </ol> </li> </ol>	

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

- 1.1 This report is as a result of the consultation carried out between 6 August 2018 to 23 September 2018, on the council's Cumulative Impact Policy (CIP) which forms Section 11 of the council's Statement of Licensing Policy.

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

- 2.1 To consider and note the contents of the report including due consideration of the responses and evidence received following the public consultation of the councils Cumulative Impact Policy (CIP).
- 2.2 To also note changes in legislation which have the effect of putting Cumulative Impact Assessments (CIA) on a statutory footing under Section 5A of the Licensing Act 2003.
- 2.3 This report is for the Licensing Committee to consider under its Terms of Reference No. 2.5.2.7, whereby the licensing committee recommend it's decision to full council for formal adoption under its terms of reference 1.1.4(e).

### 3. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>	If yes, date for Cabinet meeting	N/A
Date for Full Council meeting	12 December 2018	Date for submission to Government Dept ( <i>please specify which Government Dept</i> )	N/A

### 4. BACKGROUND AND KEY ISSUES

- 4.1 Under Section 5 of the Licensing Act 2003 (The Act), it is a requirement for each council to produce, adopt and publish a statement of licensing policy. The policy governs the way decisions are made by the council and how it will administer its duties under the Act. The Cumulative Impact policy (CIP) forms Section 11 of the overarching statement of licensing policy.
- 4.2 The CIP was adopted by Full Council on 17 April 2013. It was introduced in the Millfield New England area (known as Can-Do) following a consultation and consideration of evidence submitted, as it was considered that the saturation of licensed premises in this area, was having a negative impact on the licensing objectives.
- 4.3 The statement of licensing policy was subject to review and consultation in 2015. The evidence and responses were re-evaluated and the committee remained of the opinion that the CIP was still required following consideration and evaluation of the evidence and responses received, as it perceived that the saturation of licensed premises was still negatively impacting the licensing objectives.
- 4.4 Cumulative impact was only ever described in section 182 guidance, however, with effect from 6 April 2018, cumulative impact is now incorporated within section 5A of the Licensing Act 2003, following commencement of Section 141 of the Policing and Crime Act 2017 which amended the Licensing Act 2003. This puts Cumulative Impact Assessments (CIA) on a statutory footing and requires authorities to set out the evidence as to why the authority is of the opinion that a CIP is required for those types of premises and that defined boundary area.
- 4.5 Section 5A of the Licensing Act 2003, requires CIPs to be reviewed and re-evaluated every three years, in order to establish if the CIA is still relevant to current problems in the CI area. As the last review was in 2015, the policy was due for review and consultation.

#### Licensed Premises information 2015 and 2018

##### 2015 licensed premises data

- 4.6 In 2015, (the time of the last review) the following data was made available: Peterborough overall had approximately 615 premises licensed under the Licensing Act 2003, of these 615, there were approximately:
- 97 premises licensed for the consumption of alcohol on the premises
  - 183 premises licensed for off sales of alcohol
  - 199 premises licensed for on and off sales of alcohol
  - 136 premises licensed with no alcohol provision

Within the Can-Do area in 2015, there were approximately 73 premises licensed under the Licensing Act 2003, of these 73 there were approximately:

- 12 premises licensed for consumption of alcohol on the premises
- 29 premises licensed for off sales of alcohol
- 16 premises licensed for on and off sales of alcohol
- 16 premises licensed with no alcohol provision

##### 2018 licensed premises data



- 4.7 There are currently approximately 571 premises licensed under the Licensing Act 2003, in Peterborough overall. Of these 571 there are approximately:
- 83 premises licensed for the consumption of alcohol on the premises
  - 195 premises licensed for off sales of alcohol
  - 194 premises licensed for on and off sales of alcohol
  - 99 premises licensed with no alcohol provision

Within the Can-Do area there are currently approximately 100 premises licensed under the Licensing Act 2003, of these 100 there are approximately:

- 14 premises licensed for consumption of alcohol on the premises
- 35 premises licensed for off sales of alcohol
- 24 premises licensed for on and off sales of alcohol
- 27 premises licensed with no alcohol provision

#### **Applications received in the CI area since the last review in 2015**

- 4.8 There have been 17 (seventeen) applications for premises licences in the Can-Do area since the last review in 2015. Of these:
- 14 were granted
  - 1 refused by licensing sub committee
  - 1 granted by licensing sub committee
  - 1 was withdrawn by the applicant

Of those 17 applications:

- 3 were for consumption of alcohol on the premises
- 6 were for off sales of alcohol
- 2 were for on and off sales
- 6 were for licenses with no alcohol provision

## **5. CONSULTATION**

- 5.1 A consultation was carried out between 6 August 2018 to 23 September 2018, with those identified under Section 5(3) of the Act. Those being:
- the chief officer of the police for the area
  - the fire authority for the area
  - the Director of Public Health
  - representatives of holders of premises licences
  - representatives of holders of club premises certificates
  - representatives of holders of personal licenses
  - representatives of businesses and residents

- 5.2 For information purposes a list of consultees is attached at **Appendix A**  
For information purposes the consultation document is attached at **Appendix B**

- 5.3 The consultation document was also made available on the council's website, main council buildings, central library and was also advertised in the local newspaper on 9 August 2018 and is attached at **Appendix C**

#### **Responses to the Consultation**

- 5.4 A total of four responses were received during the consultation period, as well as a Cumulative Impact Assessment Review September 2018 document, produced by a Public Health analyst which contains public health data and also includes some limited data provided by Cambridgeshire Constabulary.

The four responses were from the following:

- Dr Liz Robin Director of Public Health - in support of continuation of the current CIP
- MANERP and Community First, representing businesses and residents in the CIP area - in support of continuation of the current CIP

- Cllr Ferris (and on behalf of Cllr Nawaz, Cllr Joseph, Cllr Jamil, Cllr Iqbal, Cllr Hussain and Cllr Ali) - in support of continuation of the current CIP
- British Beer and Pub Association (BBPA) - expressing concerns about the evidential basis for the CIP and if there is none, objecting to the renewal of the CIP.

5.5 A further four responses were received after the end of the consultation period, but have been included as they are in the public interest.

The three responses were from the following:

- Jawaid Khan Head of Community Resilience and Integration - in support of continuation of the current CIP
- Peterborough Enforcement Services (PES) - in support of continuation of the current CIP
- Cate Harding Capacity Manager and Programme Lead for the CAN Do Regeneration Programme - in support of the continuation of the current CIP
- Cambridgeshire Constabulary - Neutral

5.6 The Peterborough Cumulative Impact Assessment Review September 2018, document produced by a Public Health Analyst containing public health data and limited alcohol related crime and incident data from Cambridgeshire Constabulary, can be found at **Appendix D**

5.7 All of the eight responses have been attached in full and can be found at **Appendix E**

### **Matters for consideration**

5.8 It is for members of the committee to determine if there is sufficient evidence available which is suitably robust to withstand scrutiny and relevant to the current problems in the CIP area, as described in the current CIP.

If members are no longer of the opinion that the CIP is relevant then the authority must publish a statement to that effect.

If members remain of the opinion that the CIP is relevant and have sufficient evidence to withstand robust scrutiny, then it must revise the CIP so that it includes a statement to that effect and set out the evidence (CIA) as to why the authority remains of that opinion.

In both cases, the authority is required to publish its decision and any revision.

5.9 Members attention is drawn to paragraph 14.29 of section 182 guidance which states:

*'As noted above, there must be an evidential basis for the decision to publish a CIA. Local Community Safety Partnerships and responsible authorities, such as the police and the environmental health authority, may hold relevant information which would inform licensing authorities when establishing the evidence base for publishing a CIA. Evidence of cumulative impact on the promotion of the licensing objectives needs to relate to the relevant problems identified in the specific area to be covered by the CIA. Information which licensing authorities may be able to draw on includes;*

- *local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;*
- *statistics on local anti-social behaviour offences;*
- *health-related statistics such as alcohol-related emergency attendances and hospital admissions;*
- *environmental health complaints, particularly in relation to litter and noise;*
- *complaints recorded by the local authority, which may include complaints raised by local residents or residents' associations;*
- *residents' questionnaires;*
- *evidence from local and parish councillors; and*
- *evidence obtained through local consultation*

5.10 In respect of Cambridgeshire Constabulary, analytical resources were not available to produce

the detailed statistical alcohol crime and incident data which was previously provided to the committee to assist its determination. Cambridgeshire Constabulary have been part of a CIA working group and have provided limited data available which has been included in the Cumulative Impact Assessment Review September 2018 document. The data is limited due to resources and a change in computer software.

**6. ANTICIPATED OUTCOMES OR IMPACT**

6.1 Members will review the Cumulative Impact Assessment Review document, attached as **Appendix D** and all responses received, attached as **Appendix E** and determine the outcome of the current CIP, and set out its reasons and evidence for that opinion, then make their recommendation to Full Council, when it meets on 12 December 2018.

**7. REASON FOR THE RECOMMENDATION**

7.1 To comply with statutory requirements of the Licensing Act 2003 as amended by the Policing and Crime Act 2017

**8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 Retain the existing policy and be in breach of statutory requirements. Any decisions based on the existing Cumulative impact policy could be easily challenged if the policy is not reviewed.

**9. IMPLICATIONS**

**Financial Implications**

9.1 None foreseen.

In accordance with Cabinet policy, information provided below is the overall financial position for the Licensing budget is shown below, however, as stated above is not directly relevant to the subject of the report:

£'000	2017/18	2018/19	2019/20
Budget	(35)	(38)	(40) (2) additional budget via fees & charges increase
Actual / forecast	(35)	(32)	

**Legal Implications**

9.2 Legal Services will be required to provide legal representation in the event of any appeals to the Magistrates Court against decisions of the council, prosecutions being instigated or enforcement action being undertaken by the authority.

**Equalities Implications**

9.3 None foreseen.

**Community Implications**

9.4 The Licensing Act 2003 and the Guidance issued under s.182 have a significant impact on the community both in terms of its protection and the furtherance of the provisions of entertainment and economic growth.

**10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 Licensing Act 2003  
Revised Guidance issued under Section 182 - April 2018

**11. APPENDICES**

- 11.1 Appendix A - List of consultees
- Appendix B - The consultation document
- Appendix C - Public Notice in local newspaper
- Appendix D - Peterborough Cumulative Impact Assessment Review, September 2018
- Appendix E - All of the responses to the CIP consultation in full

**List of persons/bodies consulted**

All responsible Authorities  
Ward and Parish Councillors  
Police and Crime Commissioner  
Community Associations  
Residents Associations  
Portman Group  
Institute of Licensing  
Both local MP's  
ACRE (Action with communities in Rural England)  
Association of Licensed Multiple Retailers  
British Beer and Pub Association  
Drink Aware  
Drink Sense  
Peterborough Prevention & Enforcement Services  
Peterborough Chamber of Commerce

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## Consultation on the Licensing Cumulative Impact Policy

Peterborough City Council are consulting on the current Cumulative Impact Policy in place for Millfield New England area known as 'Op Can Do' and invite your comments.

The consultation will run from 6 August 2018 to 23 September 2018. Should you wish to respond and make comment, please ensure that you do so prior to the end of the consultation period, to ensure your comments can be properly considered, prior to determination.

Any person who wishes to respond to the consultation may do so in the following manner:

In writing to: Peterborough City Council, Licensing Team Consultation Officer, Sand Martin House, Bittern Way, Fletton Quays, Peterborough, PE2 8TY

Or by email to: [lpc@peterborough.gov.uk](mailto:lpc@peterborough.gov.uk)

Please note: We are unable to accept verbal responses, however, should any person require any further information or clarification on the Cumulative Impact policy or the consultation process, please call 01733 747474.

Your comments will assist the council in determining if the current cumulative impact policy is still relevant to the present day situation in the Op Can Do area. A cumulative impact policy must be evidence based, therefore if the evidence no longer supports the policy, the policy must be removed from the overarching Statement of Licensing Policy, or amended in line with the evidence provided to address the current situation and problems identified.

Comments must relate to the effect that licensed premises are having, positive and/or negative and must relate to at least one of the four licensing objectives, which are:

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

Please be aware that comments which just state '*we do not need any more licensed premises in this area*' are not considered valid under the Licensing Act 2003. 'Need' concerns commercial demand and is a matter for the planning authority and market to determine.

The current cumulative impact policy including plan and named streets affected, can be found within section 11 of the overarching Statement of Licensing policy at the end of the link below.

<https://www.peterborough.gov.uk/business/licences-and-permits/licensing-act/>

The council determined to introduce the Cumulative Impact policy in the Op Can Do area in 2013, (following a consultation and review of the evidence received), as it could no longer be satisfied that the granting of further licenses in this area, would be consistent with the authority's duty to promote the licensing objectives. (See link below for further information)

<http://democracy.peterborough.gov.uk/ieListDocuments.aspx?CId=142&MId=2936&Ver=4>

A Cumulative Impact policy helps to limit the number or types of licence applications granted in areas where there is evidence to show that the number or density of licensed premises in the area, is having a cumulative impact and leading to problems which are undermining the licensing objectives. It creates a rebuttable presumption, meaning that applications which receive valid objection(s) are unlikely to be granted, unless the applicant can demonstrate that the granting of the application will not further add to the issues identified.

A review of the Statement of Licensing Policy, including the Cumulative Impact policy took place in 2015. Sufficient evidence existed at that time to indicate that the cumulative impact policy was still required and the policy remained in place. (See link below for further information)

<http://democracy.peterborough.gov.uk/ieListDocuments.aspx?CId=142&MId=3528&Ver=4>

Following the introduction of the Policing and Crime Act 2017, the council is required to review the cumulative impact policy every three years, to ensure it remains relevant to the current situation in the identified area.

(Continued over)

Your views and comments are invited, to enable the council to determine if the current cumulative impact policy is still relevant to the present day situation in the Millfield New England area known as Op Can Do. This is your opportunity to inform the council about how you are affected positively or negatively, by licensed premises in this area.

You may be of the opinion that the policy should remain in place as you continue to experience problems relevant to the accumulation of licensed premises in this area. If so, it would be helpful if you could include details of what you experienced, including if and who you reported the problem to, including any reference number you were given.

Or, you may have the opinion that licensed premises have a beneficial effect on the area and in general. That the issues previously raised to implement the policy no longer exist, therefore, the cumulative impact policy should no longer apply. This would mean that applications in the Op Can Do area would be subject to the same determination process as applications elsewhere in Peterborough.

You may have the opinion that a cumulative impact policy is still required, but is currently too wide and should not apply to a type of premises. For example, premises which provide licensable activities on the premises, as they can promote community cohesion and are under the control of the licence holder. So the policy should be amended and targeted to only apply to applications which provide off sales of alcohol and late night refreshment off the premises, or that it should only apply to new applications which include the sale of alcohol, etc. as they will exacerbate existing issues.

All responses will be properly considered along with any supporting statistical and evidential data, prior to determination of the policy.

Please note:

- Cumulative Impact policies relate to new and variation applications and cannot be used to revoke existing authorisations.
- Each application is determined on its own merits.
- Section 14.39 of Section 182 guidance states:  
*'When publishing a CIA a licensing authority is required to set out evidence of problems that are being caused or exacerbated by the cumulative impact of licensed premises in the area described. The evidence is used to justify the statement in the CIA that it is likely that granting further premises licences and/or club premises certificates in that area (limited to a kind described in the assessment), would be inconsistent with the authority's duty to promote the licensing objectives.'*

Please read the consultation document and respond prior to 23 September 2018 with your comments.



## **11. CUMULATIVE IMPACT**

- 11.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Council can consider within its licensing policy statement. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises, e.g. a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement.
- 11.2 The licensing authority can only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is causing a cumulative impact on one or more of the licensing objectives.
- 11.3 Following concerns as to the perceived saturation of licensed premises in the area known as Op Can Do attached as Appendix 1 with a list of streets attached as Appendix 2, the licensing committee approved the consultation of a review of the Statement of Licensing Policy to include a special policy in that area.
- 11.4 The following steps were undertaken by the licensing authority in considering whether to adopt a special policy on cumulative impact for the Op Can Do area:
- Identified concern about the negative impact on the licensing objectives
  - Considered whether there is evidence to support the concerns identified that crime and disorder and nuisance is occurring and is associated with licensed premises
  - Consulted with those specified in section 5(3) of the Licensing Act 2003, on the proposal for a special policy in relation to new applications and variations to existing premises licences and club premises certificates and considered the outcome of the consultation
  - Having considered the available evidence and undertaken consultation, the licensing authority determined that it is appropriate to control cumulative impact.

### **Special Policy on Cumulative Effect**

- 11.5 The Licensing Authority has adopted (following a meeting of the full council on 17 April 2013) a special policy relating to cumulative impact in respect to all licensed premises for the Op Can Do area. The special policy took effect on 18 April 2013.
- 11.6 This special policy creates a rebuttable presumption that applications within the Op Can Do area for new premises or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.
- 11.7 Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.
- 11.8 Despite the presumption against grant, responsible authorities and/or other persons will still need to make a relevant representation before the licensing authority may lawfully consider giving effect to its special policy i.e. if no representation is received, the application must be granted (subject to such conditions as are consistent with the Licensing Act 2003). Responsible authorities and other persons can make a written representation referring to information, which had been before the licensing authority when it developed its statement of licensing policy.
- 11.9 This licensing authority recognises that a special policy should never be absolute. The circumstances of each application will be considered properly and applications for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence or certificate, the licensing authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.
- 11.10 A special policy will not be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises.

- 11.11 The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered.
- 11.12 A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.
- 11.13 A special policy relating to cumulative impact cannot justify, and will not include provisions for a terminal hour in a particular area or impose quotas - based on either the number of premises or the capacity of those premises.
- 11.14 This special policy will be reviewed regularly in line with the statutory requirements to review the Statement of Licensing Policy unless the licensing authority deems it appropriate to review in the interim period. Consultation will take place with those identified in 5.2 of the policy, responses can be based on intelligence such as;
- Health data including wider public health and local alcohol profiles for England (LAPE) data [www.lape.org.uk](http://www.lape.org.uk)
  - Data on alcohol related and alcohol specific hospital admissions, alcohol related deaths in the local area and the number of people in a structured alcohol treatment service.
  - Data about crime and disorder or nuisance occurring, or whether activities are a threat to public safety or children from harm.
  - If problems are occurring, to identify whether these problems are being caused by customers of licensed premises, or that the risk of cumulative impact is imminent.
  - Complaints and calls for service from residents or businesses
- 11.15 The absence of a special policy however, does not prevent any responsible authority or other persons making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 11.16 Once away from licensed premises, a minority of consumers will behave badly and unlawfully. The licensing policy is part of a much wider strategy for addressing these problems. Other mechanisms both within and outside the licensing regime are available for addressing such issues. For example:
- Planning controls
  - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
  - The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
  - Powers of local authorities to designate parts of the local authority area as Public Spaces Protection Orders. Confiscation of alcohol from adults and children in designated areas.
  - Police enforcement of the general law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices.
  - Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale).
  - Powers to close down instantly premises or temporary events to prevent a nuisance or disorder from continuing, recurring or occurring.
  - The power for responsible authorities and other persons to seek a review of a premises licence or club premises certificate.
- 11.17 The above may be supplemented by other local initiatives that seek to address these problems, for example through Safer Peterborough Partnership, in line with the strategic objectives for crime and disorder reduction in the city.

Map Showing Current CI Policy Area in Green

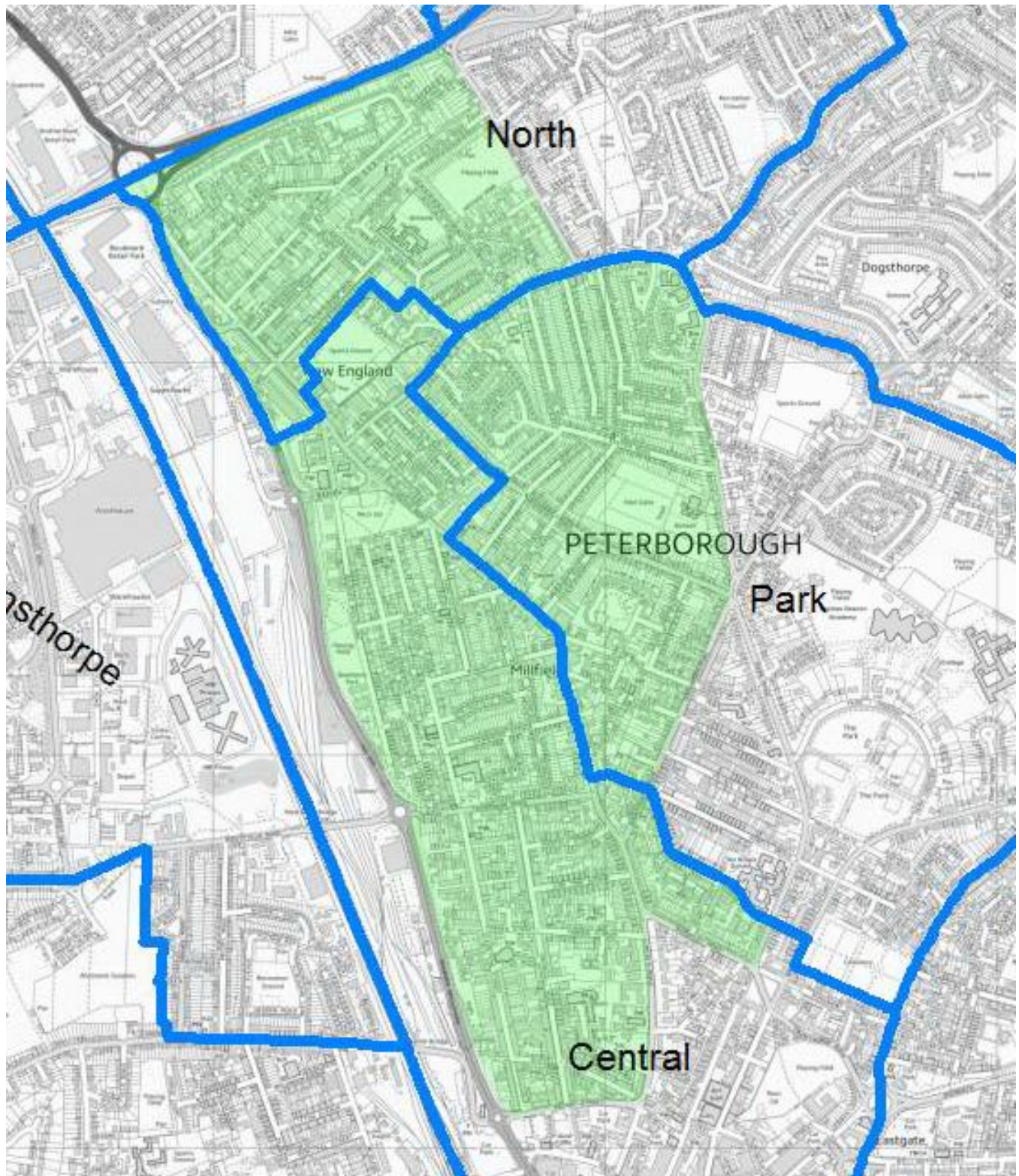


Table of Street Names Within the Current CI Area

Streets in the Op Can Do area		
Alexandra Road	Keats Way	1-359 Dogsthorpe Road
Allen Road	Keeton Road	40 - 50 Bright Street
Alma Road	Kipling Court	Beckets Close
Bamber Street	Lammas Road	Berry Court
Beech Avenue	Lawn Avenue	Boswell Close
Belham Road	Lime Tree Avenue	Burghley Mansions
Bourges Boulevard	Lincoln Road	Burns Close
Brassey Close	Link Road	Burrows Court
Brownlow Road	Lister Road	Carl Hall Court
Burghley Road	Lynton Road	Caroline Court
Burmer Road	Maskew Avenue	Cecil Pacey Court
Cambridge Avenue	Norfolk Street	Century Square
Cecil Road	North Street	Claridge Court
Chantry Close	Northfield Road	Coleridge Place
Chaucer Road	Norton Road	Connaught Mews
Church Walk	Nursery Close	Cromwell Court
Clare Road	Occupation Road	Dogsthorpe Grove
Clarence Road	Park Road	Dyson Close
Cobden Avenue	Parliament Street	Gillwell Mews
Cobden Street	Peveril Road	Gray Court
Cowper Road	Pope Way	Hamilton Court
Craig Street	Portland Avenue	Ingleborough
Cromwell Road	Russell Street	Johnson Walk
Crown Street	Scotney Street	Kimbolton Court
Dryden Road	Searjeant Street	Lincoln Gate
Eaglesthorpe	Shakespeare Avenue	Loire Court
English Street	Sheridan Road	Manor House Street
Exeter Road	Silverwood Road	Old Court Mews
Fitzwilliam Street	Springfield Road	Oxford Road
Foxdale	St James' Avenue	Parkodi Court
Fulbridge Road	St Mark's Street	Popley Court
Geneva Street	St Martins Street	'Raedwald Court
Gilpin Street	St Paul's Road	Rock Road
Gladstone Street	Stone Lane	Rosehall Court
Granville Street	Summerfield Road	Russell Mews
Green Lane	Taverners Road	Salaam Court
Hankey Street	Tennyson Road	Shelley Close
Harris Street	Thistle Moor Road	St Marks Apartments
Henry Court	Towler Street	St Marks Court
Henry Street	Vere Road	St Martins Mews
Herrick Close	Victoria street	The New Haven
Highbury Street	Warbon Avenue	Tom Lock Court
Windmill Street	Waterloo Road	up to 135 Park Road
Bamber Court	Wilberforce Road	Victoria Place
Walpole Court	York Road	

**PUBLISHED NOTICES**

**Peterborough City Council**

Notice is given that the Council of the City of Peterborough has made Orders pursuant to section 14 of the Road Traffic Regulations Act 1984:

**The City of Peterborough Through Traffic Order 2018**  
 Temporary Prohibition of Through Traffic Order 2018  
 The effect of which is to stop any vehicle from proceeding along the road known as Peterborough Road, Castor as between The Green and Manor Farm Lane.  
 The Council is satisfied that traffic should be prohibited due to proposed works being executed on the above road, the alternative route for vehicles affected by this order is via Peterborough Road, Love's Hill, Castor Road, Stamford Road, Helpston Road, Main Street, Peterborough Road and visa versa.  
 The proposed Order will come into force on the 13 August 2018 and will continue until the reinstatement works have been completed or until the 12 August 2019, whichever is the earlier. Closure dates will be confirmed locally on site.  
 It is anticipated that the works will take place between the 13 August 2018 and the 14 August 2018.  
 For further information please contact Auna Carr on 01522 341598

**The City of Peterborough School Road Order 2018**  
 Temporary Prohibition of Through Traffic Order 2018  
 The effect of which is to stop any vehicle from proceeding along the road known as School Road, Barnack as between Stamford Road and Millstone Lane.  
 The Council is satisfied that traffic should be prohibited due to proposed works being executed on the above road, the alternative route for vehicles affected by this order is via Stamford Road, Bainton Road, Jack Haws Lane and visa versa.  
 The proposed Order will come into force on the 13 August 2018 and will continue until the Stop Tap Repair works have been completed or until the 12 August 2019, whichever is the earlier. Closure dates will be confirmed locally on site.  
 It is anticipated that the works will take place between the 13 August 2018 and the 15 August 2018.  
 For further information please contact Karen Thompson on 01522 341600.

**The City of Peterborough West End Lane Order 2018**  
 Temporary Prohibition of Through Traffic Order 2018  
 The effect of which is to stop any vehicle from proceeding along the road known as School Lane, Masey as between West End Road and High Street.  
 The Council is satisfied that traffic should be prohibited due to proposed works being executed on the above road, the alternative route for vehicles affected by this order is via West End Road, Castle End Road, High Street and visa versa.  
 The proposed Order will come into force on the 13 August 2018 and will continue until the Patching works works have been completed or until the 12 August 2019, whichever is the earlier. Closure dates will be confirmed locally on site.  
 It is anticipated that the works will take place between the 13 August 2018 and the 14 August 2018.  
 For further information please contact Martin Benn on 01733 453531.

**The City of Peterborough West End Lane Order 2018**  
 Temporary Prohibition of Through Traffic Order 2018  
 The effect of which is to stop any vehicle from proceeding along the road known as West End Lane, Masey as between Tuckers Nook and Castle End Road.  
 The Council is satisfied that traffic should be prohibited due to proposed works being executed on the above road, the alternative route for vehicles affected by this order is via Tuckers Nook, High Street, Castle End Road and visa versa.  
 The proposed Order will come into force on the 15 August 2018 and will continue until the Patching works works have been completed or until the 14 August 2019, whichever is the earlier. Closure dates will be confirmed locally on site.  
 It is anticipated that the works will take place between the 15 August 2018 and the 17 August 2018.  
 For further information please contact Martin Benn on 01733 453531.

A copy of the Orders can be inspected at the following locations:  
 Town Hall, Bridge Street, during normal office hours.  
 Destination Centre, Bridge Street or Central Library, Broadway, during normal opening times.  
 Simon Machen Director of Growth and Regeneration, 9 August 2018  
 RC2

**Peterborough City Council**

**NOTICE OF REVIEW AND CONSULTATION OF PETERBOROUGH CITY COUNCIL LICENSING ACT 2003 CUMULATIVE IMPACT POLICY**

NOTICE is hereby given that Peterborough City Council, in accordance with the Licensing Act 2003 and the Home Office amended guidance issued under section 182 of the Licensing Act 2003, is currently reviewing its Cumulative Impact Policy (CIP) within the Statement of Licensing Policy.  
 We are undertaking a six week public consultation on the above between 06 August and 23 September 2018. We welcome any comments that you may have on the current CIP. A copy of the current CIP can be viewed and or downloaded on the council website [www.peterborough.gov.uk](http://www.peterborough.gov.uk). Alternatively a copy can be viewed at any of the Council's main offices during opening hours.  
 Any person wishing to comment on the review of the CIP may do so by writing to:  
 Peterborough City Council, Licensing Team  
 Consultation Officer, Sand Martin House, Bitten Way, Felton Quays, Peterborough, PE2 8TY or email to [ipc@peterborough.gov.uk](mailto:ipc@peterborough.gov.uk). Responses must be received by Sunday 23 September 2018.



**ROAD TRAFFIC REGULATION ACT 1984 - SECTION 14(1)(b) THE A1 TRUNK ROAD (CARPENTER'S LODGE JUNCTION, CITY OF PETERBOROUGH) TEMPORARY PROHIBITION OF TRAFFIC ORDER 201**

NOTICE IS HEREBY GIVEN that Highways England Company Limited (a) intends to make an Order on the A1 Trunk Road near Wothorpe to allow for traffic to travel in safety during the Burnhley Horse Trials.

The traffic safety measures would require slip road closures which would be implemented any time between the hours of 7am and 12 midday, and from 1pm to 8.30pm between Thursday 30 August and Sunday 2 September 2018.  
 The effect of the Order would be to close the A1 northbound and southbound exit slip roads leading to the B1081 Lordon Road, at Carpenter's Lodge Junction during the times specified above.  
 The slip road closures would only be implemented to relieve traffic flow on the A1 and would be monitored and removed as soon as traffic flows reach an acceptable level. Northbound traffic wishing to use the slip road would continue north to exit the A1 at its junction with the A6121, then continue their journey using the A6121. Southbound traffic would be diverted via Barnack Drift and the B1443.

When traffic volumes are high, nearside lane closures would be in operation to allow the unrestricted access for traffic wishing to join the A1, except for at its junction with Withering Ford Road, Barnack, where access to the southbound carriageway of the A1 would be prohibited.  
 Any vehicle being used for police, fire and rescue authority, ambulance purposes and for traffic officer purposes would be exempt from the closures.  
 The slip road closures and diversion routes would be clearly signposted throughout the event.  
 The Order would come into force on 28 August 2018 and may continue in force for a maximum duration of eighteen months or until the event detailed above has ended, whichever is the earlier.

**Mrs V Tomkins, Highways England Company Limited**  
 (a) Registered in England and Wales under company no. 9346363. Registered office Bridge House, Walnut Tree Close, Guildford, Surrey, GU1 4LZ.  
**General enquiries** relating to this notice may be made in writing to Antony Rogers at Highways England Company Limited, Woodlands, Manton Lane, Bedford, MK41 7LW, by email to [antony.rogers@highwaysengland.co.uk](mailto:antony.rogers@highwaysengland.co.uk) or by telephoning 0300 470 4690.

**Peterborough City Council**

**The City of Peterborough Frank Perkins Parkway Temporary Prohibition of Through Traffic Order 2018**

Notice is given that the Council of the City of Peterborough intends in not less than seven days to make an Order pursuant to section 14 of the Road Traffic Regulations Act 1984, the effect of which is to stop any vehicle from proceeding along the roads as outlined in the Frank Perkins Parkway (LED) schedule below.  
 The Council is satisfied that traffic should be prohibited due to proposed works being executed on the above road, the alternative routes for vehicles affected by this order are outlined in the schedule below.

Scheme Location	Diversion Route	Working Hours	Expected Works duration
A1139 Frank Perkins Parkway Junction 7 Off slip	Parwell Way, Oney Road and Eastfield Road	2000 -0600	From 20/8/18 for 70 nights
A1139 Frank Perkins Parkway Junction 7 On slip	Oney Road, Eastfield Road and Beongale	2000 -0600	From 20/8/18 for 70 nights
A1139 Frank Perkins Parkway from J5 to J8 northbound	A1260 Nene Parkway, A47 Soke Parkway and A15 Paston Parkway	2000 -0600	From 20/8/18 for 70 nights
A1139 Frank Perkins Parkway from J8 to J5 Southbound	A15 Paston Parkway, A47 Soke Parkway, A1260 Nene Parkway	2000 -0600	From 20/8/18 for 70 nights

The proposed Order will come into force on the 20 August 2018 and will continue until the works have been completed or until the 19 August 2019, whichever is the earlier. Closure dates will be confirmed locally on site. It is anticipated that the works will take place between the 20 August 2018 and the 26 October 2018.  
 A copy of the Order can be inspected at the following locations:  
 Town Hall, Bridge Street, during normal office hours.  
 Destination Centre, Bridge Street or Central Library, Broadway, during normal opening times.  
 For further information please contact Martin Brooker on 01733 452691  
 Simon Machen Director of Growth and Regeneration 19-077 RC1 09 August 2018

**NETWORK RAIL INFRASTRUCTURE LIMITED TRANSPORT AND WORKS ACT 1992**

Notice is hereby given under section 14(4) of the Transport and Works Act 1992 (the Act) that the Secretary of State for Transport has determined under section 13(1) of the Act to make with modifications the Network Rail (Werrington, Grade Separation) Order (the Order). The Order was applied for by Network Rail Infrastructure Limited (Network Rail) of 1 Eversholt Street, London, NW1 2DN.

The Order will authorise Network Rail to construct, maintain and operate a grade separated junction in the form of a "dive under" beneath the East Coast Main Line at Werrington Junction. The scheme would allow trains to transfer between the Stamford Lines and the Great Northern Great Eastern Line without crossing the East Coast Main Line on the level. The scheme is required to increase capacity on the East Coast Main Line. The Order will also authorise the compulsory acquisition and temporary use of land for the purposes of the scheme. Copies of the Order, once made, may be obtained from the Stationery Office or through booksellers.  
 The Secretary of State has, pursuant to section 14(1)(a) of the Act, given notice of this determination by way of a decision letter dated 24 July 2018, copies of which may be obtained from the TWA Orders Unit, Department for Transport, General Counsel's Office, Zone 1/18, Great Minister House, 33 Horseley Road, London SW1P 4DR. That letter gives the reasons for the determination and the considerations upon which it is based; information about the public participation process; and information regarding the right to challenge the validity of the determination and the procedures for doing so. It also describes the main adverse environmental effects possible, remedy any major adverse environmental effects.  
 Winckworth Sherwood LLP, Solicitors and Parliamentary Agents, Minerva House, 5 Montague Close, London SE1 9BB, on behalf of Network Rail Infrastructure Limited.  
 9 August 2018

**Goods Vehicle Operator's Licence**

ANDREW WALKER trading as HARRY YEARSLEY LTD of YEARSLEY GOLD STORE, UNIT 7, FARADAY AVENUE, HAMS HALL, BIRMINGHAM, B46 1AL is applying for a licence to use HARRY YEARSLEY LTD, FELTON PARKWAY, PETERBOROUGH, PE7 3AG as an operating centre for 10 goods vehicles and 20 trailers. Owners or occupiers of land (including buildings) near the operating centre(s) who believe that their use or enjoyment of that land would be affected, should make written representations to the Traffic Commissioner at Hillcrest House, 386 Harehills Lane, Leeds, LS9 6NF, stating their reasons, within 21 days of this notice. Representatives must at the same time send a copy of their representations to the applicant at the address given at the top of this notice. A Guide to Making Representations is available from the Traffic Commissioner's office.

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 D.O.B. \_\_\_\_\_

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Peterborough  
Cumulative Impact  
Assessment Review,  
September 2018

## 1. Introduction & Purpose

The Licensing Act 2003 and associated revised guidance issued under section 182<sup>1</sup> provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken in relation to licensable activities, which are defined by the Act as:

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the other of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment

The statutory objectives, each of which are of equal importance, are:

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

The Act allows for licensing authorities to undertake a Cumulative Impact Assessment (CIA) to help it to limit the number or types of license applications granted in areas where there is evidence to show that the number or density of licensed premises in the area is having a cumulative impact and leading to problems which are undermining the licensing objectives. CIAs relate to applications for new premises licences and club premises certificates in a specified area. It is noted within the Act that, in some areas, the type or density of premises licensed to sell alcohol can lead to problems of nuisance and/or disorder, anti-social behaviour and higher rates of crime. Licensing authorities may therefore undertake a CIA in order to adopt a Cumulative Impact Policy (CIP) for a given area, creating a rebuttable presumption that applications for new premises licenses or major variations of existing licenses will be refused if representations are made about the likely impact of the proposals on the licensing objectives. This effectively requires the applicant to demonstrate that the operation of the premises will not add to the cumulative impact already prevalent within the area.

With reference to the aforementioned legislation, Peterborough City Council adopted on 18/04/2013 a CIP to cover the geographical area of 'Op CanDo', an area within the centre of Peterborough known to have a number of socio-economic issues including relatively high rates of relative deprivation and high rates of crime. The 'Op CanDo' project commenced in 2011, with an aim to facilitate work between a number of agencies and voluntary bodies to improve living conditions within the area.

The first CIA relating to the CanDo area was in 2013 and an update was produced in 2015. This report constitutes a third CIA relating to this area, in response to the aforementioned revised guidance to the Licensing Act 2003 published in April 2018.

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<sup>1</sup> Home Office 'Revised Guidance issued under section 182 of the Licensing Act 2003, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003__April_2018_.pdf)



This report contains data in relation to:

- Relative socio-economic deprivation
- Types and locations of licensed premises
- Alcohol-related police incidents and crime statistics
- Alcohol-related hospital admissions
- Additional health-related alcohol indicators

It should be noted within this report that data in relation to the consumption of alcohol and alcohol related incidents/crimes are known to be imperfect for a number of reasons. For example, reported alcohol consumption typically accounts for only 40-60% of total alcohol sales<sup>2</sup>, suggesting substantial under-reporting of true levels of alcohol consumption.

Accurate data relating to alcohol-related crime is also dependent on consistency of reporting and documenting across areas; evidence suggests that some groups are reticent to report alcohol related crime<sup>3</sup> and that reporting of incidents/crimes and accurate documentation pertaining to the involvement of alcohol where appropriate is not consistent<sup>4</sup>.

Alcohol misuse is the biggest risk factor for death, ill-health and disability among 15-49 year olds in the UK and the fifth biggest risk factor across ages<sup>5</sup>. Alcohol is a causal factor in more than 60 medical conditions including mouth, throat, stomach, liver and breast cancers, high blood pressure, cirrhosis of the liver and depression and accounts for over 1 million hospital admissions per year. In total, it is estimated that alcohol harms are estimated to the cost the NHS approximately £3.5 billion per year<sup>5</sup>.

With regards to crime, victims believe the offender to be under the influence of alcohol in approximately 53% of all violent incidents, with alcohol related crime in the UK estimated to cost between £8 billion and £13 billion per year<sup>5</sup>.

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<sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4320509/>

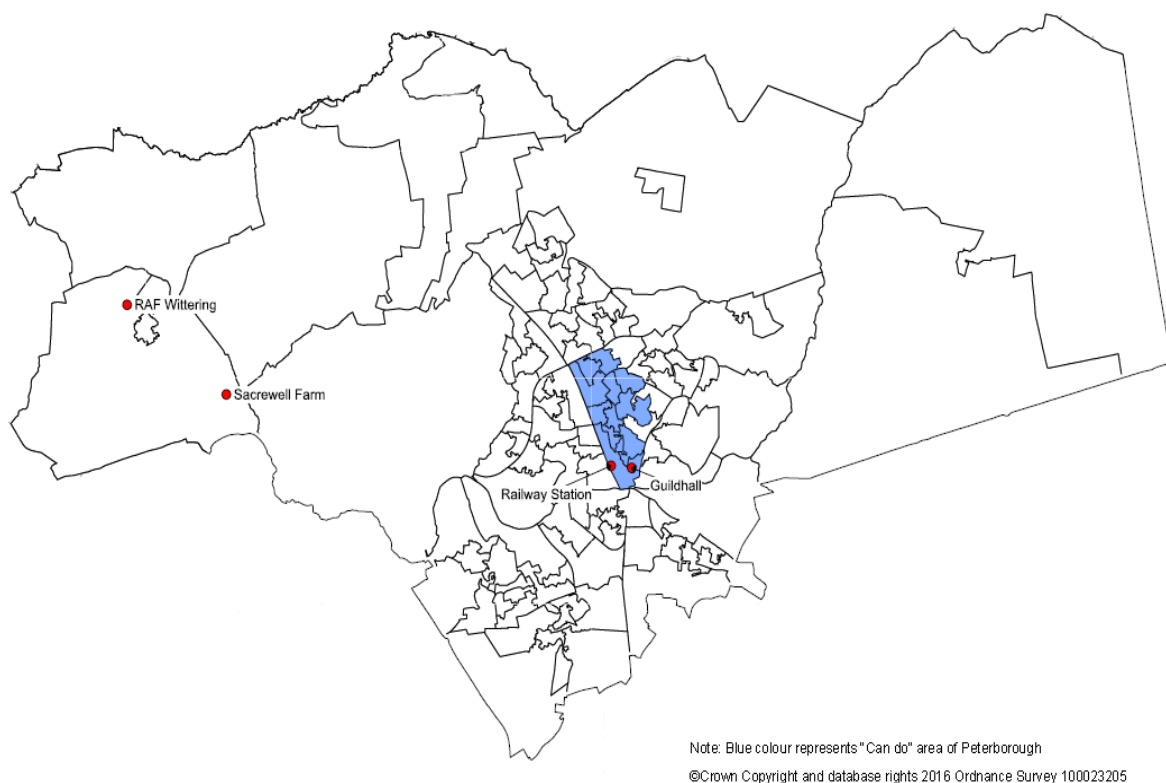
<sup>3</sup> <http://library.college.police.uk/docs/hoprbrf/brf701.pdf>

<sup>4</sup> <http://www.ias.org.uk/Alcohol-knowledge-centre/Crime-and-social-impacts/Factsheets/Alcohol-related-crime-in-the-UK-what-do-we-know.aspx>

<sup>5</sup> <https://www.alcoholconcern.org.uk/alcohol-statistics>

## 2. CanDo Area – Overview & Relative Deprivation

**Figure 1: Peterborough Lower Super Output Areas & CanDo Area**



**Source: Peterborough City Council Public Health Intelligence**

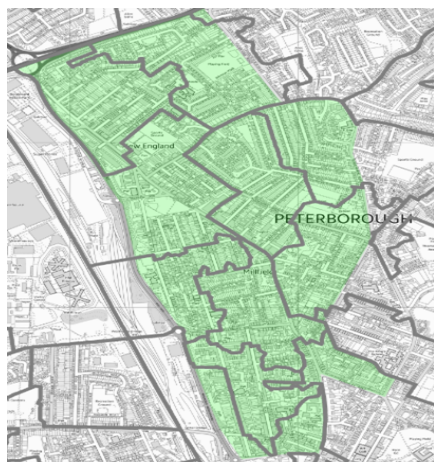
Lower Super Output Areas (LSOAs) are geographical areas with approximately 1,500 residents<sup>6</sup> that do not change over time and therefore allow for consistency of comparison across differing time periods. The majority of Peterborough's 112 LSOAs are within the urban, densely populated and relatively deprived centre of the city and of these, 11 overlap with the CanDo area, which encompasses elements of the Central, North and Park electoral wards. These 11 LSOAs are noted within the map above with blue shading and are mapped with a greater level of granularity in figure 2 below.

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6

[https://www.datadictionary.nhs.uk/data\\_dictionary/nhs\\_business\\_definitions/l/lower\\_layer\\_super\\_output\\_area\\_de.asp?shownav=1](https://www.datadictionary.nhs.uk/data_dictionary/nhs_business_definitions/l/lower_layer_super_output_area_de.asp?shownav=1)

**Figure 2: Peterborough CanDo Area LSOAs – Greater Granularity**



Source: Peterborough City Council Public Health Intelligence

**Figure 3: CanDo Area LSOAs – Index of Multiple Deprivation Rankings, 2015 - Overall**

LSOA code (2011)	Electoral Ward	IMD Score (Lower Score = Less Deprivation)	IMD Rank
E01015651	Park	17.6	40
E01015652	Park	31.0	67
E01015654	Park	39.7	82
E01015601	Central	41.1	85
E01015634	North	41.5	87
E01015599	Central	41.6	88
E01015632	North	43.4	92
E01015603	Central	47.8	99
E01015604	Central	47.9	100
E01015602	Central	47.9	101
E01015600	Central	48.1	102
<b>Peterborough Average</b>		<b>27.7</b>	-

Key: Peterborough LSOA Quintile Rankings

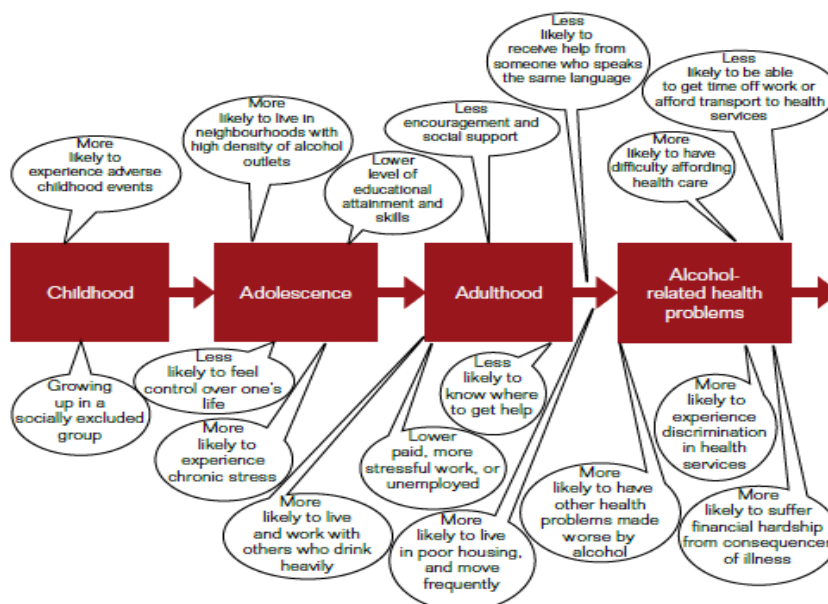
1-23 (In Least Deprived Quintile)	24-45	46-68	69-90	91-112 (In Most Deprived Quintile)
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Source: Index of Multiple Deprivation 2015

The Index of Multiple Deprivation (IMD), produced by the Department for Communities & Local Government in 2015<sup>7</sup> measure relative deprivation between small areas. Lower IMD scores indicate lower levels of relative deprivation whereas higher scores are indicative of higher levels of relative deprivation. As shown within figure 3, above, the CanDo area contains some of the most relatively deprived LSOAs in Peterborough, with 9 of 11 within the most deprived 40% of areas within the city.

The Institute of Alcohol Studies notes that the use of alcohol ‘can be seen as a contributing factor for almost 50% of the indicators within the Public Health Outcomes Framework for England. As such addressing alcohol-related harm could be a key route to improving public health and reducing general health inequalities’ and also that ‘lower socioeconomic status is associated with higher mortality for alcohol-attributable causes, despite lower socioeconomic groups often reporting lower levels of consumption’<sup>8</sup>. The figure below illustrates how inequities (differences in outcomes that are amenable through policy intervention and therefore deemed ‘unfair’) can compound over the course of a lifetime.

**Figure 4: The Compounding Effects of Inequities in Alcohol-related Harm over the Life Course**



Source: Alcohol and inequities, World Health Organization, [http://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0003/247629/Alcohol-and-Inequities.pdf](http://www.euro.who.int/__data/assets/pdf_file/0003/247629/Alcohol-and-Inequities.pdf)

De Vocht et al (2016)<sup>9</sup> tested the impact of local alcohol licencing policies on reported crime rates in England and concluded that ‘local areas in England with more intense alcohol licencing policies and enforcement had a stronger decline in rates of violent crimes, sexual crimes and public order offences, at least in the period up to 2013, of the order of 4-6% greater compared with areas where these policies were not in place’ and also that ‘the intensity of local licencing policies and enforcement, defined as willingness to implement cumulative impact policies and refusal of licence applications, [is] associated with a stronger reduction in alcohol-related hospital admissions over time’.

<sup>7</sup> <https://www.gov.uk/government/statistics/english-indices-of-deprivation-2015>

<sup>8</sup>

<http://www.ias.org.uk/uploads/pdf/IAS%20reports/IAS%20report%20Alcohol%20and%20health%20inequalities%20FULL.pdf>

<sup>9</sup> <https://jech.bmj.com/content/jech/71/2/137.full.pdf>

Figure 5: CanDo Area LSOAs – Index of Multiple Deprivation Rankings, 2015 – Individual Sub-Domains

LSOA code (2011)	LSOA name (2011)	Electoral Ward	Average of Ranks	Number of Ranks (of 16) in Worst	IMD	IDACI	IDAOP1	Income	Employment	Education, Skills & Training	Health Deprivation & Disability	Crime	Barriers to Housing & Services	Living Environment	Adult Skills Domain	CYP Sub-Domain	Geographical Barriers Sub-Domain	Wider Barriers Sub-Domain	Indoors Barriers Sub-Domain	Outdoors Barriers Sub-Domain
E01015651	Peterborough 012B	Park	48	1	40	33	39	39	44	50	19	64	11	86	69	27	20	59	79	95
E01015652	Peterborough 012C	Park	72	6	67	50	81	57	54	100	42	91	24	104	106	74	9	79	100	106
E01015654	Peterborough 012E	Park	78	5	82	78	86	76	74	66	101	110	34	107	70	58	7	90	108	104
E01015634	Peterborough 008E	North	80	7	87	93	98	91	84	101	76	105	55	59	102	90	27	91	56	68
E01015599	Peterborough 014A	Central	85	7	88	69	104	79	73	86	80	109	78	99	101	75	12	109	98	99
E01015632	Peterborough 010C	North	85	9	92	86	88	82	81	107	50	107	46	102	104	109	14	97	99	103
E01015601	Peterborough 012A	Central	86	8	85	67	111	84	67	102	75	97	74	106	109	73	2	110	103	105
E01015602	Peterborough 014C	Central	86	8	101	86	62	77	91	89	77	112	54	112	75	104	15	100	111	112
E01015604	Peterborough 010B	Central	91	9	100	76	112	95	83	112	79	88	82	95	112	111	3	112	89	102
E01015600	Peterborough 014B	Central	91	10	102	79	106	91	88	110	84	85	79	101	111	106	1	111	95	107
E01015603	Peterborough 010A	Central	93	10	99	89	102	90	77	108	78	103	75	110	107	107	18	107	110	108

Key: Peterborough LSOA Quintile Rankings

1-23 (In Least Deprived Quintile)	24-45	46-68	69-90	91-112 (In Most Deprived Quintile)
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Source: Index of Multiple Deprivation 2015

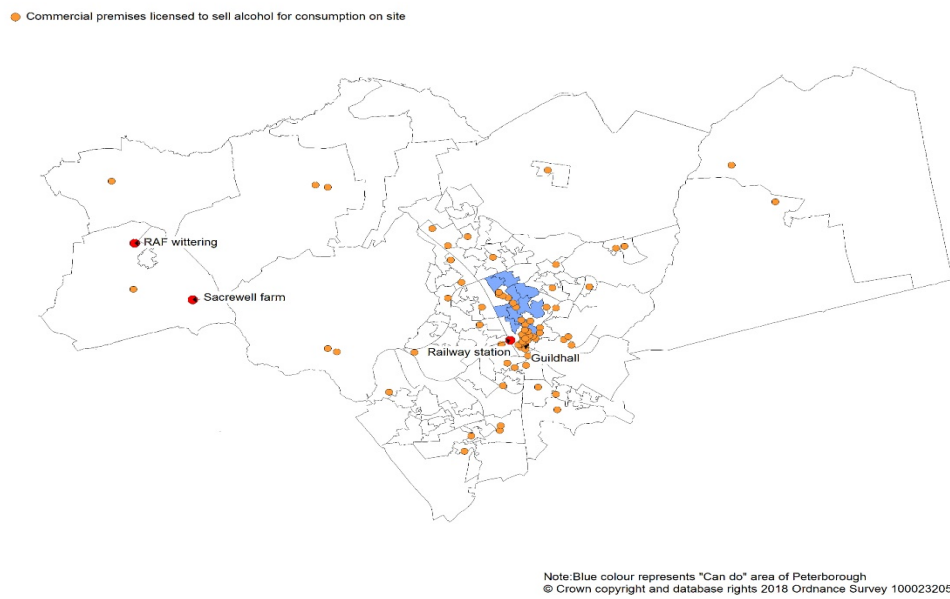
Overall IMD values are comprised of a number of sub-domains, which are listed within the figure above. Of note with reference to the licensing objectives within the Licensing Act 2003 is that all 11 LSOAs within this analysis are within the 40% of Peterborough LSOAs with worst outcomes for the ‘Crime’ IMD sub-domain, and 8 of 11 (72.7%) are within the worst 20% of Peterborough LSOAs for this sub-domain.

The figure above illustrates a wide level of relative deprivation within the CanDo area across a number of areas, the exception being the ‘geographical barriers’ sub-domain which measures proximity to local services such as GPs, schools, supermarkets and post offices, which are prevalent in large numbers within this area.

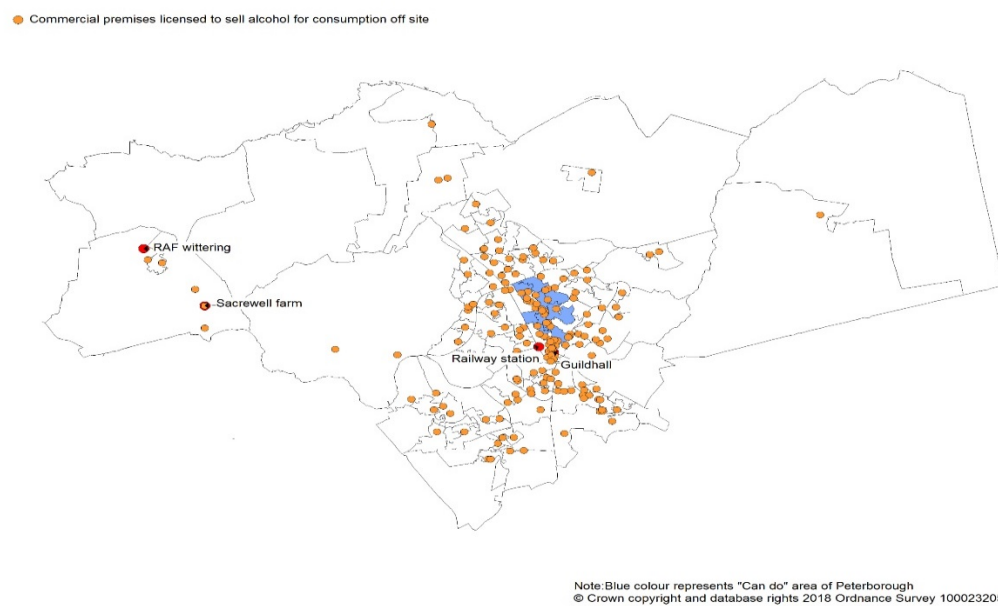
### 3. Overview of Licensed Premises

The four figures below show the locations of licensed premises in Peterborough (for sale for on-site consumption, off-site consumption, on-site and –offsite consumption and late night entertainment/refreshment license but no authorisation to sell alcohol).

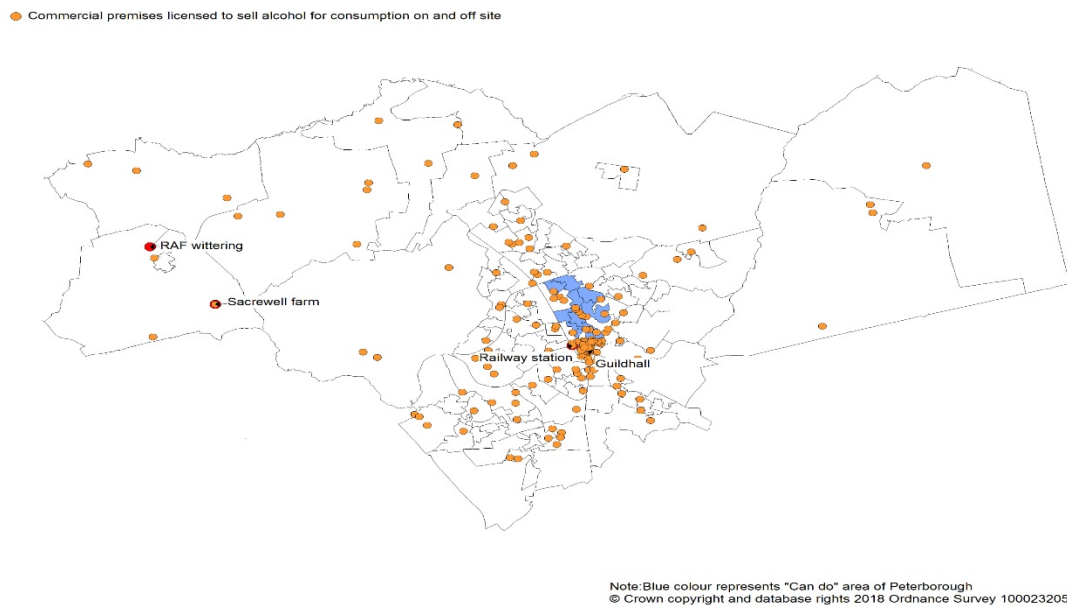
**Figure 6: Premises in Peterborough with a license to sell alcohol for on-site consumption**



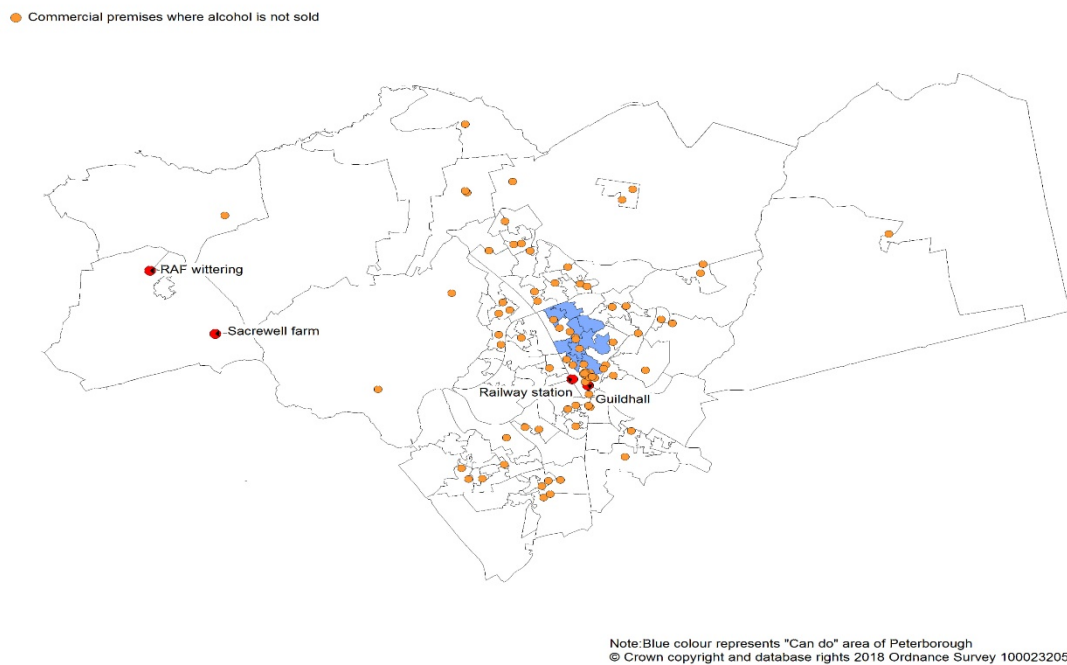
**Figure 7: Premises in Peterborough with a license to sell alcohol for off-site consumption**



**Figure 8: Premises in Peterborough with a license to sell alcohol for both on-site and off-site consumption**



**Figure 9: Premises in Peterborough with a late night entertainment/refreshment license but no authorisation to sell alcohol**



**Figure 10: CanDo Area Licensed Premises Data – 2015 – 2018 Comparison**

Type Of Premises	2015	2018	+/- Since CIA Renewal 2015 (Number)	+/- Since CIA Renewal 2015 (Percentage)
On License	12	14	2	16.7%
Off License	29	35	6	15.4%
On and Off Sales	16	24	8	25.8%
No Alcohol Sold	16	27	11	42.3%
Total	73	100	27	22.7%

Source: Peterborough City Council internal licensing data

Since the renewal of the last CIA in 2015, the number of premises licensed to sell alcohol in the CanDo area has increased from 73 to 100, an increase of 27 premises (22.7%). All types of license (license to sell alcohol for consumption on the premises, license to sell alcohol for consumption off the premises, license to sell alcohol both on and off the premises and no alcohol sold) have shown increases.

**Figure 11: CanDo Area LSOA Alcohol Licensing Data & Premises Selling Alcohol per Square Kilometre**

LSOA	LSOA Size (km/2)	License Type						All Premises Selling Alcohol per sq/km	Rank of All Premises Selling Alcohol per sq/km (1 = lowest, 112 = highest)
		On	Off	On and Off	Alcohol not sold	All Licences Held	All Premises Selling Alcohol		
E01015634	0.33	0	0	0	0	0	0	0	1=
E01015604	0.25	0	0	0	0	0	0	0	1=
E01015651	0.36	0	1	1	0	2	2	5.6	68
E01015654	0.59	1	2	4	0	7	7	11.9	98
E01015600	0.16	0	2	0	0	2	2	12.5	100
E01015632	0.29	0	2	2	1	5	4	13.8	102
E01015603	0.63	4	7	4	4	19	15	23.8	107
E01015652	0.26	1	5	2	3	11	8	30.8	108
E01015601	0.21	0	5	2	6	13	7	33.3	109
E01015599	0.9	13	11	33	9	66	57	63.3	111
E01015602	0.41	10	10	22	12	54	42	102.4	112
Total	4.39	29	45	70	35	179	144	32.8	-

Source: Peterborough City Council internal licensing data

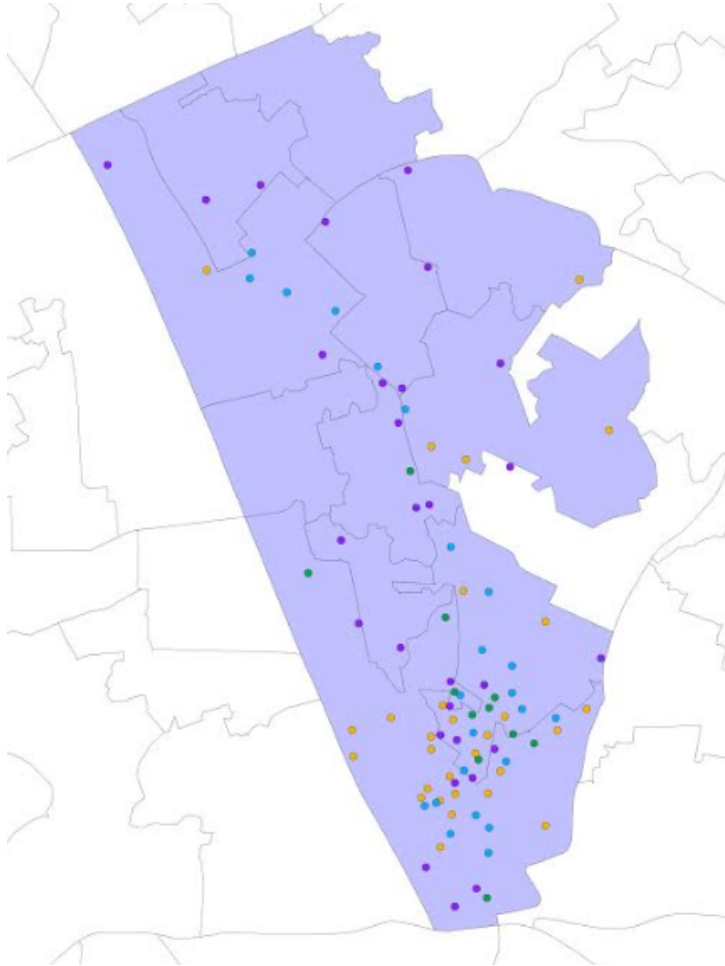
It should be noted that total licensing numbers within the figure above incorporate all licenses held within LSOAs that overlap with the CanDo area and therefore differ from values provided in figure 10, which refer specifically to the CanDo area.

Data show that five of the six LSOAs in Peterborough with the highest number of premises licensed to sell alcohol per square kilometre all overlap with the Cando area, as noted within the table above (LSOAs with ranks of 107, 108, 109, 111 & 112). LSOA E01015602 has 42 premises licensed to sell alcohol and a total area size of 0.41 sq/km, which equates to 102.4 premises licensed to sell alcohol per square kilometre.



There is clear evidence that levels of public violence and disorder are correlated with the density of licensed premises<sup>10</sup>, therefore the very high density of existing licensed premises in the CanDo area is directly relevant to the licensing objectives.

**Figure 12: CanDo Area LSOAs – Licensed Premises by Type**



Source: Peterborough Public Health Intelligence/Peterborough City Council Internal Licensing Data

The map above shows the location of all licensed premises within the CanDo area, illustrating the density of licensed premises within the area, particularly towards the south of the locality boundary.

**In total, there are 179 licensed premises within the CanDo area, comprised of:**

**29 premises licensed to sell alcohol for consumption on the premises (blue dots)**

**45 premises licensed to sell alcohol for consumption off the premises (purple dots)**

**70 premises licensed to sell alcohol for consumption both on and off the premises (yellow dots)**

**35 premises with a late night entertainment/refreshment license but no authorisation to sell alcohol (green dots)**

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<sup>10</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733108/alcohol\\_public\\_health\\_burden\\_evidence\\_review\\_update\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733108/alcohol_public_health_burden_evidence_review_update_2018.pdf)

#### 4. Alcohol-related Incidents & Crime

Caution is advised when interpreting alcohol-related crime data as analysis relies upon the robust and consistent application of ‘alcohol markers’ across differing areas. An alcohol marker is a flag applied to an incident where alcohol is noted to be involved. Consideration should also be given with regards to related offences which may show a duplicate alcohol presence - for example, if an offender is arrested for an offence and then found to be in possession of cannabis, this report would include two individual offences with an alcohol marker applied.

It should be noted that within the below data, ‘CanDo Area’ is used to denote the sum total of three areas used in Cambridgeshire Constabulary police reporting: ‘North’, ‘Park’ and ‘East Central North’. These three areas include the CanDo area but are not exactly coterminous to the CanDo area and therefore the true number of incidents/crimes noted as being within CanDo will be smaller than presented within this dataset.

Alcohol-related incidents refer to a request for police services where alcohol is noted to be a related cause, whereas alcohol-related crime refers to incidents where sufficient evidence is obtained to proceed with prosecution.

**Figure 13: Alcohol-related incidents reported in CanDo & Peterborough, 2013/14 – 2017/18**

Area						% Change 13/14 - 17/18
	13/14	14/15	15/16	16/17	17/18	
CanDo Area	788	702	753	742	625	-20.7%
Other Areas of Peterborough	2,978	2,587	2,755	3,237	3,017	1.3%
Total	3,766	3,289	3,508	3,979	3,642	-3.3%

Source: Cambridgeshire Constabulary internal data

The number of alcohol-related incidents in the CanDo area of Peterborough has reduced between 2013/14 and 2017/18 from 788 to 625, a reduction of 20.7%. Over the same time period, there was an increase in alcohol-related incidents reported in all other areas of Peterborough of 1.3% (from 2,978 to 3,017). The overall number of alcohol-related incidents in Peterborough has fallen over this period by 3.3% (from 3,766 to 3,642). In 2013/14, the CanDo area accounted for 20.9% of all alcohol-related incidents in Peterborough (788/3,766), whereas in 2017/18 this percentage has reduced to 17.2% of all alcohol-related incidents (625/3,642). This is due to the substantial decrease in incidents within the CanDo area whereas the number of incidents within other areas of Peterborough has remained relatively stable over this period.

**Figure 14: Alcohol-related crime reported in CanDo & Peterborough, 2013/14 – 2017/18**

Area						% Change 13/14 - 17/18
	13/14	14/15	15/16	16/17	17/18	
CanDo Area	71	246	301	324	270	280.3%
Other Areas of Peterborough	387	1,211	1,720	1,869	1,821	370.5%
Total	458	1,457	2,021	2,193	2,091	356.6%

Source: Cambridgeshire Constabulary internal data

Alcohol-related crime in Peterborough has increased between 2013/14 and 2017/18, both within the CanDo area and within other areas of Peterborough. Within the CanDo area, the observed increase is 280.3% (From 71 to 270 crimes), whereas in all other areas of Peterborough, the increase is larger (370.5%, from 387 to 1,821 crimes). The overall increase for Peterborough is therefore

356.6% (from 458 to 2,091 crimes). Although alcohol-related crime has increased in the CanDo area, the increase has been greater in other areas of Peterborough.

The centre of Peterborough, including the CanDo area, is the subject of a Public Space Protection Order (PSPO) as a result of observed high levels of anti-social behaviour within the area. The PSPO application made by Peterborough City Council specifically references a number of issues prevalent within the area that effect quality of life, health and wellbeing, including anti-social behaviour specifically caused by the use of alcohol, anti-social behaviour caused by groups, begging, urination/defecation in open spaces, unauthorised and unsafe cycling, littering and spitting.

It was noted within this PSPO application that between the dates of 01/01/2014 and 26/07/2016, there were 946 reported anti-social behaviour incidents reported to the police in relation to the city centre of Peterborough, of which 268 (28.3%) were related to alcohol.

## 5. Alcohol-related Hospital Admissions

**Figure 15: Alcohol-related hospital admissions, Greater Peterborough General Practices, 2016/17 – 2017/18**

General Practice	Ward - Geographically Located Within	Ward - Majority Population Registered Within	2016/17				2017/18			
			Number of admissions	Directly age-standardised rate per 100,000	Lower 95% Confidence Interval	Upper 95% Confidence Interval	Number of admissions	Directly age-standardised rate per 100,000	Lower 95% Confidence Interval	Upper 95% Confidence Interval
Ailsworth Medical Centre	Glington & Wittering	Glington & Wittering	14	332.9	180.9	560.1	9	198.0	89.9	376.6
Boroughbury Medical Centre	Central	Data not held	143	578.9	487.6	682.2	162	668.2	569.1	779.6
Botolph Bridge Community Health	Fletton	Fletton	14	251.5	129.7	433.5	17	271.0	141.6	457.1
Bretton Medical Practice	Bretton North	Bretton North	74	674.6	527.2	849.9	59	539.2	408.5	697.9
Central Medical Centre	Park	Data not held	47	536.7	366.1	748.9	47	656.5	444.3	920.3
Dogsthorpe Medical Centre	Welland	Welland	11	270.6	106.4	529.2	19	652.3	342.0	1,090.0
Hampton Health	Orton & Hampton	Orton & Hampton	37	913.0	583.8	1,333.7	19	302.7	160.3	503.4
Hodgson Medical Centre	Werrington North	Werrington North	<5	60.6	12.0	177.5	6	137.5	45.3	308.3
Huntly Grove Practice	Park	Park	8	407.0	173.2	805.6	8	371.2	150.7	747.1
Jenner Health Centre	N/A (Outside Peterborough UA)	N/A (Outside Peterborough UA)	23	300.9	189.4	453.2	19	245.2	147.2	383.6
Minster Practice	Park	Data not held	14	361.9	196.7	608.5	14	332.2	180.6	558.7
Nene Valley Medical Practice	Orton Longueville	Orton Longueville	42	349.7	250.6	474.6	43	371.1	267.0	501.9
Old Fletton Surgery	Fletton	Fletton	58	497.1	376.5	643.8	74	624.1	488.9	784.9

General Practice	Ward - Geographically Located Within	Ward - Majority Population Registered Within	2016/17				2017/18			
			Number of admissions	Directly age-standardised rate per 100,000	Lower 95% Confidence Interval	Upper 95% Confidence Interval	Number of admissions	Directly age-standardised rate per 100,000	Lower 95% Confidence Interval	Upper 95% Confidence Interval
Orton Bushfield Medical Practice	Orton Waterville	Orton Waterville	30	576.4	385.8	827.0	31	592.2	397.2	847.3
Oundle	N/A (Outside Peterborough UA)	N/A (Outside Peterborough UA)	33	302.9	203.7	431.6	35	305.4	208.7	430.0
Parnwell Medical Centre	East	East	43	483.0	348.5	651.9	41	506.5	361.5	689.6
Paston Health Centre	Paston	Paston	85	651.7	518.5	808.2	78	594.3	467.2	744.7
New Queen Street Surgery	N/A (Outside Peterborough UA)	N/A (Outside Peterborough UA)	75	424.5	333.5	532.5	79	437.8	346.3	545.9
The Grange Medical Centre	West	West	12	513.0	242.2	931.0	11	572.8	271.8	1,046.6
Thistlemoor Medical Centre	North	North	86	476.7	364.6	608.4	76	444.9	342.8	566.1
Thomas Walker	Park	Park	45	651.9	474.5	873.4	34	476.4	328.8	667.2
Thorney	Eye & Thorney	Eye & Thorney	22	260.7	162.9	395.2	25	315.7	203.7	466.7
Thorpe Road Surgery	West	West	19	350.3	208.0	551.1	22	346.5	214.2	528.6
Wansford Surgery	N/A (Outside Peterborough UA)	N/A (Outside Peterborough UA)	25	303.1	194.9	449.0	10	124.7	57.6	232.8
Welland Medical Practice	Dogsthorpe	Dogsthorpe	13	330.2	165.9	579.4	22	730.3	438.1	1,132.5
Westgate	Central	Central	31	276.0	181.4	399.9	54	477.2	351.2	631.4
Westwood Clinic	Ravensthorpe	Ravensthorpe	50	1,079.8	792.9	1,434.0	44	950.0	683.3	1,284.1
Yaxley Group Practice	N/A (Outside Peterborough UA)	N/A (Outside Peterborough UA)	57	364.6	275.8	472.7	40	257.4	183.7	350.9
Greater Peterborough	-	-	1,114	455.0	428.3	482.9	1,098	442.7	416.6	470.1

Source: Hospital Episode Statistics

Key:

Ward contains parts of CanDo Area
Statistically significantly lower (better) than Greater Peterborough average
Statistically similar to Greater Peterborough average
Statistically significantly higher (worse) than Greater Peterborough average

The figure above shows directly age-standardised alcohol-related hospital admission rates for patients registered with Greater Peterborough GPs for 2016/17 and 2017/18. Direct age-standardisation is a statistical process whereby the potentially confounding effects of age differences between populations are eradicated via reference to a standard population (in this case,

the European Standard Population<sup>11</sup>.) Green shading refers to a directly age-standardised rate that is statistically significantly lower (better) than the Greater Peterborough average, whereas conversely, red shading illustrates a directly age-standardised rate that is statistically significantly higher (worse) than the Greater Peterborough average.

An alcohol-specific admission is defined as an admission to hospital where the primary diagnosis or any of the secondary diagnoses are an alcohol-attributable code.

Orange shading illustrates that a GP is either geographically located within or has a majority population registered within a 'CanDo area' electoral ward (Central, Park or North).

Seven GPs are geographically located within either Central, Park or North: Boroughbury Medical Centre, Central Medical Centre, Huntly Grove Practice, Minster Practice, Thistlemoor Medical Centre, Thomas Walker and Westgate. Of these practices, we also hold data that indicate that four practices have a majority of their registered population living within either Central, Park or North: Huntly Grove, Thistlemoor, Thomas Walker and Westgate.

Of these practices, Westgate has a statistically significantly low directly age-standardised rate of admissions for 2016/17 and is statistically similar to the Greater Peterborough average for 2017/18. Boroughbury Medical Centre is statistically significantly higher than the Greater Peterborough average for both 2016/17 and 2017/18. Boroughbury Medical Centre also has the highest observed number of admissions of any practice within Greater Peterborough for each year, with 143 admissions in 2016/17 and 162 in 2017/18. The Institute for Economic Affairs estimated the average cost of an alcohol-related hospital admission in 2015 to be £2,525 in 2015<sup>12</sup>. Applying bank of England inflation rates of 1.7% between 2015 and 2016 and 5.4% between 2015 and 2017, this equates to a 2016/17 average cost of £2,567.93 and a 2017/18 average cost of £2,661.35.

Alcohol-related hospital admissions for Boroughbury Medical Centre therefore accounted for a cost of (£2,567.93 x 143) £367,213.99 in 2016/17 and (£2,661.35 x 162) £431,138.70 in 2017/18, an overall total of £798,352.69, illustrating the cost to the local economy of high levels of alcohol consumption in and around areas of Peterborough including the CanDo area.

It should be noted that caution should be exercised in drawing correlation between alcohol-related hospital admissions and issues relevant to the licensing objectives, as perpetrators of alcohol-related incidents/crimes, irrespective of location, may be registered with any GP within the area.

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<sup>11</sup> <https://www.causesofdeath.org/docs/standard.pdf>

<sup>12</sup>

[http://www.iea.org.uk/sites/default/files/publications/files/DP\\_Alcohol%20and%20the%20public%20purse\\_63\\_amended2\\_web.pdf](http://www.iea.org.uk/sites/default/files/publications/files/DP_Alcohol%20and%20the%20public%20purse_63_amended2_web.pdf)

## 6. Additional Public Health Data – Alcohol-related Health Outcomes in Peterborough

**Figure 16: Key Alcohol Indicators from Local Alcohol Profile, Peterborough**

Indicator	Time Period	Peterborough	England	Peterborough Status
10.06 - Hospital admission episodes for alcohol-related conditions (Narrow) - Under 40s, Persons, directly age-standardised rate per 100,000	2016/17	350	301	Statistically significantly higher (worse) than England
10.06 - Hospital admission episodes for alcohol-related conditions (Narrow) - Under 40s, Males, directly age-standardised rate per 100,000	2016/17	419	353	Statistically significantly higher (worse) than England
10.05 - Hospital admission episodes for intentional self-poisoning by and exposure to alcohol conditions (Narrow) - Persons, directly age-standardised rate per 100,000	2016/17	71	47	Statistically significantly higher (worse) than England
10.05 - Hospital admission episodes for intentional self-poisoning by and exposure to alcohol conditions (Narrow) - Males, directly age-standardised rate per 100,000	2016/17	55	40	Statistically significantly higher (worse) than England
10.05 - Hospital admission episodes for intentional self-poisoning by and exposure to alcohol conditions (Narrow) - Females, directly age-standardised rate per 100,000	2016/17	88	54	Statistically significantly higher (worse) than England
9.03 Hospital admission episodes for alcohol-related cardiovascular disease conditions (Broad) - Persons, directly age-standardised rate per 100,000	2016/17	1,211	1,127	Statistically significantly higher (worse) than England
9.03 Hospital admission episodes for alcohol-related cardiovascular disease conditions (Broad) - Males, directly age-standardised rate per 100,000	2016/17	1,747	1,633	Statistically significantly higher (worse) than England
9.03 Hospital admission episodes for alcohol-related cardiovascular disease conditions (Broad) - Females, directly age-standardised rate per 100,000	2016/17	778	718	Statistically significantly higher (worse) than England
12.01 - Alcohol related road traffic accidents, crude rate per 1,000	2014-16	46	27	Statistically significantly higher (worse) than England
17.01 - Volume of pure alcohol sold through the off-trade, crude rate (litres per adult)	2014	7.2	5.5	Statistically significantly higher (worse) than England

Source: Local Alcohol Profiles for England, Public Health England, <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

The table above outlines 10 indicators within Public Health England's 'Local Alcohol Profiles for England' where Peterborough's outcome is statistically significantly higher (therefore worse) than the England average. These data demonstrate that Peterborough currently has statistically significantly high rates of:

- Hospital admissions for alcohol-related conditions in under 40s (all persons and males only)
- Hospital admissions as a result of intentional self-poisoning by and exposure to alcohol conditions (all persons, males only and females only)
- Hospital admissions for alcohol-related cardiovascular disease conditions (all persons, males only and females only)
- Alcohol related road traffic accidents
- The volume of pure alcohol sold through 'the off-trade' (e.g. supermarkets, independent retailers rather than bars/restaurants) is statistically significantly higher in Peterborough than England

As noted within the two figures below, Peterborough is the only area within the East of England region to have a statistically significantly high directly age-standardised rate of hospital admission episodes for alcohol-related conditions (narrow) in under 40s for all persons and for males.

**Figure 17: Admission Episodes for Alcohol-related Conditions (Narrow) – Under 40 (Persons), 2016/17, East of England Local Authorities**

**10.06 - Admission episodes for alcohol-related conditions (Narrow) - Under 40s (Persons) 2016/17**

Directly standardised rate - per 100,000

Area	Recent Trend	Count	Value	95% Lower CI	95% Upper CI
England	–	81,162	301	299	303
East of England region	–	7,358	263	257	269
Thurrock	–	162	191	162	222
Hertfordshire	–	1,216	218	205	230
Central Bedfordshire	–	300	233	208	261
Southend-on-Sea	–	203	247	214	284
Essex	–	1,686	264	252	277
Cambridgeshire	–	873	275	257	294
Norfolk	–	1,053	281	264	299
Suffolk	–	886	289	270	308
Bedford	–	235	298	261	338
Luton	–	383	306	276	338
Peterborough	–	360	350	314	388

Source: Calculated by Public Health England: Risk Factors Intelligence (RFI) team using data from NHS Digital - Hospital Episode Statistics (HES) and Office for National Statistics (ONS) - Mid Year Population Estimates.

Source: Local Alcohol Profiles for England, Public Health England, <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

**Figure 18: Admission Episodes for Alcohol-related Conditions (Narrow) – Under 40 (Male), 2016/17, East of England Local Authorities**

**10.06 - Admission episodes for alcohol-related conditions (Narrow) - Under 40s (Male) 2016/17** Directly standardised rate - per 100,000

Area	Recent Trend	Count	Value	95% Lower CI	95% Upper CI
England	–	47,957	353	350	356
East of England region	–	4,227	300	291	309
Thurrock	–	104	254	207	308
Hertfordshire	–	738	268	249	288
Central Bedfordshire	–	169	263	224	306
Southend-on-Sea	–	108	266	218	322
Essex	–	926	291	272	310
Cambridgeshire	–	497	306	279	334
Norfolk	–	610	322	297	349
Suffolk	–	479	304	277	333
Bedford	–	148	381	322	447
Luton	–	227	352	307	401
Peterborough	–	221	419	365	478

Source: Calculated by Public Health England: Risk Factors Intelligence (RFI) team using data from NHS Digital - Hospital Episode Statistics (HES) and Office for National Statistics (ONS) - Mid Year Population Estimates.

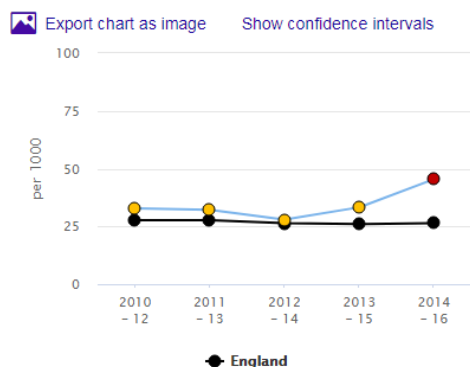
Source: Local Alcohol Profiles for England, Public Health England, <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

The table below illustrates that, for the 2014-16 pooled period, the crude rate per 1,000 accidents of alcohol-related road traffic accidents in Peterborough (defined as an accident in which at least one driver failed a breathalyser test) rose to be statistically significantly higher than the national average for the first time. The observed number of such instances fell between 2013-15 and 2014-16 from 55 to 23, but as a proportion of all accidents, the number defined as alcohol-related has risen in Peterborough.

**Figure 19: Alcohol Related Road Traffic Accidents, Peterborough Trend, 2010-12 – 2014-16**

**12.01 - Alcohol Related Road Traffic Accidents** Peterborough

Crude rate - per 1000



Recent trend: -

Period	Count	Value	Lower CI	Upper CI	East of England	England
2010 - 12	67	32.8	25.4	41.6	32.3	27.7
2011 - 13	62	32.1	24.6	41.2	32.0	27.6
2012 - 14	49	27.9	20.7	36.9	30.7	26.4
2013 - 15	55	33.3	25.1	43.3	30.0	26.0
2014 - 16	23	45.5	28.8	68.2	30.7	26.5

Source: Calculated by Public Health England: Risk Factor Intelligence (RFI) team from STATS19 data provided by the Department of Transport.

Source: Local Alcohol Profiles for England, Public Health England, <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

Peterborough is also the only area within the East of England region with a statistically significantly high volume of pure alcohol sold through the off-trade relative to England. In Peterborough, the crude rate of such sales is 7.2 litres per adult, compared to the national average of 5.5 litres.

**Figure 20: Volume of Pure Alcohol Sold through the Off-Trade: 2014, East of England Local Authorities**

**17.01 - Volume of pure alcohol sold through the off-trade: all alcohol sales** 2014

Crude rate - l/adult

Area	Recent Trend	Count	Value	95% Lower CI	95% Upper CI
England	-	235,990,169	5.5	5.5	5.6
East of England region	-	22,334,202	4.7	4.5	4.9
Central Bedfordshire	-	845,924	4.0	3.3	4.8
Essex	-	4,826,118	4.3	3.9	4.6
Hertfordshire	-	4,044,608	4.5	4.2	4.9
Thurrock	-	564,356	4.6	3.6	5.6
Southend-on-Sea	-	645,705	4.6	3.7	5.6
Suffolk	-	2,737,769	4.7	4.2	5.2
Cambridgeshire	-	2,418,271	4.8	4.2	5.3
Norfolk	-	3,547,532	5.0	4.5	5.5
Bedford	-	738,151	5.8	4.7	7.0
Luton	-	936,460	6.0	4.9	7.1
Peterborough	-	1,029,307	7.2	5.9	8.4

Source: Calculated by Public Health England: Risk Factors Intelligence (RFI) team using data from the CGA Strategy / Nielsen and Office for National Statistics (ONS) - Mid Year Population Estimates.

Source: Local Alcohol Profiles for England, Public Health England, <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

Report prepared by:  
**Public Health Intelligence**  
**Peterborough City Council**  
**September 2018**



**APPENDIX E**  
**29 All Saints Road**  
**Peterborough**  
**PE1 2QT**

**01733 352375**

**07572 463536**

Peterborough City Council  
Licensing Team Consultation Officer  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

17<sup>th</sup> September 2018

Dear Sir/Madam

As one of the Ward councillors for the Op Can Do Area (Park Ward), and on behalf of the Labour Councillors in Park, Central, and North Wards; I am writing to you to express my great concern about any relaxation of the Cumulative Impact Policy for this area.

I receive frequent complaints from local residents about the negative impact of the sale and consumption of cheap alcohol on the quality of life in the surrounding area, and how this contributes to anti-social behaviour and crime. Unfortunately, many of the incidents referred to have not been reported to the Police or have not been responded to by them. However, they are very real and are having a negative impact on the lives of local residents.

Of particular concern are off-sales of cheap alcohol, canned and bottled beers and spirits. The ease of availability means that people are able to buy large quantities of alcohol and consume these in the streets and local greenspaces. It is my understanding that there are 35 off licences and a further 24 on & off sales outlets. This is way in excess of what could be considered an appropriate density.

The presence of drunk individuals can be intimidating for people, particularly when their behaviour is aggressive and unpredictable. It is having a negative impact on the use of public spaces such as Victoria Gardens and Central Park, where groups of drinkers are now a common sight.

I have received a number of reports from local residents of street drinkers urinating in public (both in local streets in the Millfield area and in Central Park), and my own experience bears this out as being a growing problem.

In some cases those buying and/or drinking this alcohol are also drug users, and this is exacerbating the problem.

The associated littering is now a problem of epidemic proportions. Throughout the Ward, streets are full of discarded cans and bottles. Despite the best efforts of the Amey street cleansing team and litterpicks coordinated by Park Ward Labour Councillors and community associations including Community First; we are losing the battle.

I consider it essential that the Cumulative Impact Policy remains in place. Clearly, the bulk of the problems outlined above are associated with “off sales and late night refreshment”, as opposed to “licensable activities on the premises”, and so retaining controls over the former would be my red line. Local residents expect nothing less of their local councillor than to stand up for them on this issue.

Yours faithfully,

**Cllr Richard Ferris**

**Park Ward Labour Team**

**On behalf of the Labour councillors listed:**

**Councillor Shaz Nawaz, Park Ward**

**Councillor Aasiyah Joseph, Park Ward**

**Councillor Mohammed Jamil, Central Ward**

**Councillor Amjad Iqbal, Central Ward**

**Councillor Mahboob Hussain, Central Ward**

**Councillor Ansar Ali, North Ward**

A Cumulative Impact Policy (CIP) is defined within Section 182 Guidance to the Licensing Act 2003; Section 14 – Statement of Licensing Policy; Paragraphs 14.20 to 14.46.

A CIP has been adopted by the Local Authority since 2013 and covers the CAN-DO area. This is the second review of this Policy. The Constabulary has been consulted on this Policy and has worked with partners in formulating this review document.

Local Authority Licensing & Police Licensing along with other partners such as Trading Standards, UKBA and HMRC have worked together to improve standards within the CAN-DO area specifically around alcohol licensing, and enforced against the sale of counterfeit and illicit alcohol & cigarettes, forced labour or employing illegal immigrants and subsequent tax evasion.

Following the introduction of the CIP in 2013 Local Authority Licensing & Police Licensing carried out comprehensive compliance inspections of all licensed premises within the CAN-DO area offering advice and guidance, and taking action where necessary to deal with licensees not complying with the licensing objectives. This early intervention sent out a clear message that any sales of alcohol in contravention of the licensing objectives or condition set on the Premises License would be dealt with pro-actively in accordance with the Licensing Act 2003.

Progressively over the years a new standard was set within alcohol licensing within the CAN-DO area, which has been maintained by the partnership between responsible authorities and licensees. Mediation with prospective applicants has led to significant improvements in the standard of license applications such that conditions are being set that would suggest that the premises would not impact or contribute towards the cumulative impact in the area. Where applicants weren't so informed or co-operative, representations have been made and sent to the Licensing Sub-Committee for them to make the final determination.

It is clear from the introduction of the CIP that application submissions and operating standards have significantly improved. We now see that applicants are routinely adding a condition where beer, lager or cider above 6.5% Abv would not be sold at the premises, a reduction in operating hours and significant CCTV conditions.

The Police Licensing, Local Authority Licensing and partners continue to monitor and regulate licensing within the CAN-DO area amongst other areas. I believe this course of action, supported by the CIP has allowed us to define a set standard and maintain it, and as such we have seen a positive uptake from Licensees and their contracted representatives.

The CIP sets a rebuttable presumption that applications for the grant or variation of premises licenses or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations (following valid representation), unless the applicant can demonstrate within the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. A valid representation must be made before a Sub-Committee with adequate information or evidence so that they can make an informed decision around refusing or accepting the application.

Routinely Police Licensing will mediate with applicants, in partnership with other responsible authorities, and where the desired standards are met, such that it is believed that the applicant will not impact on the cumulative problems, will not make any representation.

Crime data submitted by the Police Licensing Officer is limited and may not reflect a true and accurate picture of how alcohol is impacting the area that is CAN-DO. CAN-DO fits within 3

larger Police sectors namely North, Park and Central North. The data provided is a percentage data picture for the combined sectors rather than CAN-DO alone. We can see that alcohol related incidents have significantly reduced, whereas alcohol related crime has increased, more so in other areas of Peterborough compared to CAN-DO.

This increase may be due in part to the Police Licensing drive internally to ensure crimes and incidents are accurately tagged with alcohol markers, and the improvement in Police Crime / Incident reporting standards.

Police Licensing has seen a marked decline in information and intelligence, incidents and crimes directly attributed to licensed premises. Whilst residents may be anecdotally informing other partners, this information is not being relayed back to the Licensing Authority and as such providing the valuable information / intelligence needed to proactively deal with problem premises. This may be because it is not being flagged in a specific way that would make it easier to find or that the general public are not routinely reporting problems directly to the Police. For example 'Street Drinking' reported to the Police between 01/04/2016 and 04/10/2018 amounts to 16 reports within Central North. We know that this is not an accurate figure. Similarly when we look at alcohol related violent crime the majority come back to residential or street addresses and do not directly correlate to a specific licensed premises.

Cambridgeshire Constabulary have been part of a CIP working group in relation to this review and have provided available data which has been included in the Cumulative Impact Assessment Review September 2018 document.

**Peterborough City Council  
Consultation on the Licensing  
Cumulative Impact Policy – August  
2018**



## Introduction

The British Beer & Pub Association is the UK's leading organisation representing the brewing and pub sector. Our members account for 90% of the beer sold in the UK and own around 20,000 of Britain's pubs.

The pub plays a vital role in community cohesion and social life in Britain. They remain one of the few places where communities can come together to socialise. The British pub has been part of people's lives for hundreds of years. First and foremost, they are businesses which serve their local communities and contribute much to the social life of each and every community. The pub sector has enormous potential to generate economic growth and create jobs. It can also play an important part in local regeneration projects and has been at the heart of the regeneration of many of our key towns and cities over the last fifteen years. A major study undertaken by Oxford Economics in 2018 clearly identifies the significant local impact of brewing and pubs. Currently over £1.5 billion is invested in the pub sector per annum. Indeed, pubs are labour-intensive businesses so this investment directly correlates to jobs. Pubs employ 600,000 people across the UK, often providing vital work in small towns and villages. Indeed, 45% of those employed in the sector are aged 16-24 providing a vital route to work and first career-step for many young people.

Across Britain, 30 million people visit Britain's pubs each month, with over 15 million people drinking beer.

## BBPA's Concerns and Objections to the Proposed Renewal of the Cumulative Impact Policy (CIP)

We are concerned that the proposal to renew the policy in place for the Millfield New England area without a proper examination of the statistical evidence for its continued existence and the impact of it on the late-night economy and, by direct link, the retail economy generally.

A licensing authority can only adopt, or continue to apply, a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is causing a cumulative impact on one or more of the licensing objectives.

The consultation document recognises that any decision to continue the CIP must be evidence-based, and that if the evidence no longer supports the CIP, it should be removed from the Statement of Licensing Policy. However, the consultation does not set out any evidence for the continuation, neither in terms of its impact to date nor any need for it to remain in place.

Instead the consultation invites opinion as to the effectiveness or otherwise of the CIP. Subjective, personal opinion in itself does not constitute evidence for the purposes of considering the renewal the CIP. If the purpose of the consultation is actually a call for evidence, that purpose has not been made clear. We note that the Council's intention is to present any evidence collected via this consultation to the Licensing Committee, but failure to present that evidence to a wider audience removes the opportunity for interested parties to comment upon or challenge that evidence.

In offering an opinion, the BBPA would confirm that as noted in the Introduction above, pubs have many beneficial effects, both societal and economic, for the communities in which they are located. Un-evidenced renewal of the CIP would limit these benefits and particularly investment potential and the associated job creation.

The consultation (paragraph 11.16) sets out a number of other mechanisms for ensuring that the Council's licensing policy objectives can be achieved. Again, in the absence of evidence that supports the renewal of the CIP, we would consider that the existing mechanisms are adequate without the need for the CIP.

In the absence of evidence and a case supported by that evidence, we feel that the Council can have no other option than to remove the CIP. On that basis the BBPA objects to the renewal of the CIP.

**BBPA contact re this response:**

**Andrew Green, Policy Manager – Pub Operations**

**[agreen@beerandpub.com](mailto:agreen@beerandpub.com) / 0207 627 9144**

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The area of Millfield and New England which is also known as the CanDo area has been an area prone to suffer from the effects of alcohol-related anti social behaviour for many years, with Designated Public Places Orders (DPPO) implemented initially in 2007 and then added to/extended up to 2011.

DPPOs were orders that were applied for by Local Authorities but enforced by the Police. Officers were authorised to instruct individuals to surrender or dispose of their alcohol or disperse from an area if they were consuming alcohol and their behaviour was having or was likely to cause harassment, alarm and distress. However in 2014 the ASB, Crime & Policing Act introduced Public Spaces Protection Orders which replaced DPPOs. This new tool has enabled local authorities to implement orders with restrictions that can be used to tackle a number of quality of life issues (alcohol still included) and also enables LAs to authorise council officers to enforce breaches of the orders. In early 2017 Peterborough City Council's Prevention & Enforcement Service consulted on proposals to implement a PSPO for the Millfield, New England, Eastfield and Embankment area of the city.

Research found that during 1/1/2014-26/7/16, there were 2,546 reported ASB incidents to the Police in relation to the proposed Millfield, New England, Eastfield and Embankment PSPO area, 537 of which were alcohol related incidents. Alcohol related anti-social behaviour can include (but is not limited to):

- Causing harassment, alarm and distress
- Urination and defecation
- Littering
- Noise
- Excessive consumption of alcohol can also be contributing factors to criminal damage, begging and public order offences.

Further research identified that Millfield and New England (Central and Park wards) were within the top 15 LSOA areas in Peterborough for anti-social behaviour in 2016 (the Special Policy on Cumulative Effect for Millfield and New England was implemented in April 2013).

In January 2017 a public consultation was launched to see if there was support to replace the previous DPPOs within the Millfield and New England areas with a PSPO that could tackle a wider range of quality of life issues including alcohol-related ASB. There were a total of 51 respondents to the PSPO consultation survey who were asked questions in relation to each specific proposed condition. Responses were received with the vast majority in favour of each of the proposed conditions. 96% of respondents were in favour of a PSPO to be used to deter people urinating and defecating in a public place and 92% were in favour of the proposal to allow officers to disperse groups causing harassment, alarm or distress. 90% of respondents were supportive of the proposed condition to tackle littering and spitting. 88% were in favour of the use of a PSPO to control anti-social behaviour from people who have been consuming alcohol. Following consultation the PSPO for Millfield, New England, Eastfield and Embankment was implemented in June 2017.

Since the implementation of the CIA in 2013, our service has responded to the following alcohol related ASB issues:

1. The historical Clock Tower near the Triangle was boarded up following complaints to ward councillors, Police and the Council concerning people congregating and drinking, urinating, defecating within the recesses of the clock tower.
2. Complaints have been received by the Salvation Army charity shop on Lincoln Road in relation to staff and customers being accosted by drunks congregating in the bus shelter outside the store, as well as entering the store being abusive and inappropriate in their behaviour towards female staff.
3. Residents and ward councillors regularly report that Gladstone Park is being misused by drinkers and drug users.
4. The impact of street drinking, drugs and prostitution is regularly experienced by residents in the Burghley Rd area.

Other factors to consider:

1. From anecdotal information we are aware that issues concerning alcohol-related ASB are still occurring within the Millfield and New England area, but there is significant under reporting.
2. The frequency of cleansing for streets and open spaces in the CIA area is significantly higher in comparison to other areas of the city. This is partly attributable to the amount of alcohol related litter (bottles, cans) which pose a safety risk and degrade the area.
3. There is the concern that if the CIA is not continued in this area, there will not be the Police resources to tackle any increase in anti-social behaviour or crime in this area. Policing in the CanDo area has reduced from a dedicated team comprising a Sgt, 4 PCs and a team of PCSOs to a team which now comprises a Sgt, 2 PCs and a team of PCSOs which are tasked to Police the City Centre and whole of the PE1 area. Policing priorities and tasking has also changed considerably since the implementation of the CIA.

It is the recommendation of the Prevention & Enforcement Services that the existing CIA continues in the Millfield and New England area.

Telephone: 01733 207176  
Facsimile: 01733 452680  
Please ask for: Mary Leen  
Our Ref:  
Email: liz.robin@peterborough.gov.uk

**Dr Liz Robin**  
**Director of Public Health**  
Peterborough City Council  
Ground Floor  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

*By Email*

21<sup>st</sup> September 2018

Dear Licensing Team,

Thank you for your recent communication regarding the consultation on the Licensing Cumulative Impact Policy. As you will be aware, since April 2013, Directors of Public Health (DPH) have been included as Responsible Authorities under the Licensing Act 2003. Although the protection of public health is not a discrete licensing objective, it can be pertinent to each of the licensing objectives. The role of the DPH is to help promote the health and wellbeing of the local populations they serve. Promotion of the licencing objectives, which collectively seek to protect the quality of life for those who live and work in the vicinity of licensed premises and those who socialise in licensed premises is an important contribution to this.

I am writing in support of the continuation of the Cumulative Impact Policy (CIP) in place for the 'Op Can-Do' area of Peterborough. These comments have been formulated using relevant data and evidence, and guidance from Public Health England.

### **The impact of alcohol on health and wellbeing of Peterborough residents:**

Public Health England's evidence of review of the impact of alcohol and the effectiveness of alcohol control policies<sup>1</sup> states that alcohol is now the leading risk factor for ill-health, premature death and disability in people aged between 15 and 49, the fifth leading risk factor for ill-health across all age groups. Alcohol is known to be a cause of over 200 health conditions and has a number of social negative impacts, including loss of earnings or unemployment, family or relationship problems and problems with the law. Many of these harms affect both the drinker and those around them, including families, friends and strangers.

These harmful effects place considerable economic burden on the government and health system, and individuals affected; the Cabinet Office estimate placed the economic costs of alcohol in England at around £21 billion in 2012.

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<sup>1</sup> Public Health England, 2016. The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies – an evidence review.

There are inequalities associated with alcohol-related harm, with children, women and people with lower socioeconomic status all experiencing higher levels of alcohol-related harm. In the English population, rates of alcohol-specific and related mortality increase as levels of deprivation increase and alcohol-related liver disease is strongly related to socioeconomic gradient. This is particularly important in Peterborough which is one of the 20% most deprived districts/unitary authorities in England and where approximately 19% (8,500) of children live in low income families<sup>2</sup>. Inequalities also exist within Peterborough, with men living on average 8.4 years longer in the least deprived areas than those in the most deprived areas, including those within the current CIP area.

### **The link between alcohol outlet density and alcohol-related harms:**

A considerable body of research examines the relationship between alcohol outlet density (AOD) and alcohol-related harms. This shows that areas with more deprivation tend to have greater AOD which means that regulating the local availability of alcohol has the potential to reduce health inequalities<sup>1</sup>, which supports the use of the CIP in the 'Op Can-Do' area which has high levels of deprivation.

There is strong evidence for a relationship between AOD and problems associated with social disorder<sup>1</sup>. Although the relationship between AOD and alcohol consumption and alcohol-related harm is more complex and largely obtained from other countries, a number of systematic reviews have identified that higher levels of AOD are associated with greater alcohol consumption, alcohol related violence, injuries, alcohol-related road traffic crashes, sexually transmitted infections, child abuse and neglect and suicide. This evidence supports the use of policies, such as cumulative impact policies, to limit AOD within areas, particularly those of high deprivation, such as the 'Op Can-Do' area.

In addition, the National Institute for Health and Care Excellence (NICE) public health guideline on the prevention of alcohol-use disorders<sup>3</sup>, concludes that reducing the number of outlets selling it in a given area and the days and hours when it can be sold, is an effective way of reducing alcohol-related harm. The guidelines recommend that a cumulative impact policy should be used where an area is saturated with licensed premises and the evidence suggests that additional premises may affect the licensing objectives.

### **The need for a cumulative impact policy in the 'Op Can-Do' area:**

I support the need for a CIP in the 'Op Can-Do' area in line with the following licensing objectives:

#### **(i) *The prevention of crime and disorder:***

There is a high density of premises selling alcohol in the 'Op Can-Do' area with five of the six LSOAs in Peterborough with the highest alcohol outlet density overlapping with the 'Op Can-Do' area. There is strong evidence for a relationship between AOD and problems associated with social disorder<sup>1</sup> which affects the

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<sup>2</sup> Public Health England, 2018. Local Authority Health Profile – Peterborough.

<sup>3</sup> National Institute for Health and Care Excellence, 2010. Public Health Guideline (PH24) – Alcohol-use disorders: prevention & National Institute for Health and Care Excellence, 2014. Evidence update 54 – a summary of selected new evidence relevant to NICE public health guidance 24.

health and wellbeing of a local population. The Index of Multiple Deprivation (2015) (IMD) shows that 8 out of the 11 LSOAs of the 'Op Can-Do' area are within the 20% worst in Peterborough for the crime sub-domain. In addition, the 'Op Can-Do' area is within an area subject to a Public Space Protection Order as a result of high levels of anti-social behaviour within the area. Minimising growth of AOD in this area is therefore important in preventing crime and disorder, and protecting the health and wellbeing of the local population.

**(ii) Public safety:**

Alcohol-related hospital admissions are a significant issue in Peterborough with many of the associated public health indicators being worse in Peterborough than the England average. This demonstrates that alcohol is affecting the health and safety of Peterborough residents. Alcohol related-road traffic accidents are statistically significantly worse than the England average indicating a clear public safety issue associated with alcohol in Peterborough. Minimising the availability of alcohol, especially in areas of high AOD such as the 'Op Can-Do' area, is therefore important to protect the health and safety of Peterborough residents and visitors.

**(iii) The protection of children from harm:**

Children and young people are more vulnerable to alcohol related harm. Families may be affected by alcohol in a variety of ways including violence, financial problems, absenteeism from school and disrupted relationships, and there is a strong relationship between alcohol misuse and child maltreatment<sup>1</sup>. A number of studies have identified that higher levels of AOD are associated with greater alcohol related consumption and alcohol-related harm, including those that affect children, such as violence. Minimising the growth of AOD in the 'Op Can-Do' area, an area of high deprivation in Peterborough, is therefore important to protect children from harm.

**Summary:**

Alcohol can have significant negative health, social and economic impacts on communities, many of which are heightened in areas of high alcohol outlet density, such as the 'Op Can-Do' area. In addition, there are inequalities associated with alcohol-related harm, with more deprived communities, such as those in the 'Op Can-Do' area experiencing greater levels of harms. In line with the licensing objectives outline above, I therefore support the continuation of the cumulative impact policy in this area and would urge the licensing authority to consider the use of cumulative impact policies in other areas where a need is identified, including areas with high alcohol outlet density and high levels of deprivation.



**Dr Liz Robin MBBS FFPH  
Director of Public Health  
Peterborough City Council**



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28th September 2018

Dear Licensing Committee/Team

My post is Head of Community Resilience and Integration, Cambridgeshire County Council and Peterborough City Council. I lead a team of Community Connectors whose main task is to keep close link with community groups with a view to improve community cohesion and prevent community tensions, where practicable.

I am making this submission as part of Cumulative Impact Policy review in Op Can-Do area.

The area has probably highest ratio of licensed premises selling alcohol in proximity of residential area in Peterborough. I understand the density is very high and in some context equates to 102.4 premises licensed to sell alcohol per square km (LSOA E1015602).

Bulk of Cohesion Team time which I lead is spent in engagement with community groups in Can-Do area as this area has disproportionate level of social challenges including fly tipping, drugs, substance abuse, alcohol abuse, overcrowdedness, domestic violence, hate crime and consequential community tensions. -

It is important to note that we work very closely with community and it is very clear that bulk of these issues go unreported for a variety of reasons including English language skills, lack of confidence in police or council capability to deal with the issues, frustrated acceptance of the undesirable situation etc. Some of these issues are directly linked to lack of available resources to deal or respond to the public complaints or given lower priority of response in comparison with other more serious issues.

I have attended resident meetings where residents openly commented about people urinating in their front gardens at night.

People in the area are fed up with the situation and those who can leave opt to move from the neighbourhood. Census figures are supportive of high level of 'White flight' which is referred to number of White British leaving certain areas.

The situation over the past years have relatively stabilised with the implementation of cumulative impact policy and the local residents are undoubtedly concerned that any relaxation will escalate the deterioration in their neighbourhood. Hence to my understanding, it is not surprising that 8 out of 9 Councillors in Can Do area have sent in their submission objecting to any such relaxation. Two of the most active resident groups in the area including Millfield and New England Regeneration Partnership (which works closely with Victoria Park Residents Association) and Community First have also raised objection to such relaxation.

Data can never tell the full story as it depends upon what is captured or what can be captured.

Qualitative evidence is crucial in making any decision in such matters and local councillors would be best in place to reflect such community concerns.

Should the Licensing Committee wish to have direct understanding of the residents' concerns, Cohesion Team would be happy to arrange a tour or community based event in Can-Do area.

One key factor which must be borne in mind is the impact of any such relaxation on the limited resources available to tackle social issues including policing, environment and road safety issues.

I am happy to attend Licensing Committee and share my views further.

Kind regards,

Jawaid Khan



The Licensing Team  
Peterborough City Council  
Bayard Place  
Peterborough

21<sup>st</sup> September 2018

Dear Sir/Madam

## **COMMULATIVE IMPACT CONSULTATION**

### **REPRESENTATION FROM MANERP AND COMMUNITY FIRST**

We represent the Millfield & New England Regeneration Partnership (MANERP) and also Community First on licensing matters. MANERP and Community First represents residents and businesses in the Millfield and New England areas of Peterborough.

The Millfield and New England area of Peterborough has had for several years a history of anti-social behaviour fuelled by alcohol and drug abuse. This has been exacerbated by the rapid growth of a number of outlets retailing alcohol by means of “off-sales.”

The area is also within the boundary of the “Can-Do” initiative which has brought together the city council, police, NHS, Resident Associations and other partner agencies to jointly combat the serious issues being faced in this area. The whole area is very sensitive and volatile because of the ease of access to the purchase of alcohol often sold at a low price in order to attract customers or to be competitive.

As the Millfield and New England area has a phenomenal number of outlets selling alcohol “off-sales” which has contributed significantly to anti-social behaviour in the area which impact on all the Licencing Objectives in one way or another. The current joint partnership between Peterborough City Council, Cambridgeshire Police and other partner agencies through the “Can-Do” initiative has highlighted the need to actually reduce the number of outlets and hours that alcohol can be freely purchased, if it is to make any headway towards the goals that it is striving to achieve. If the C.I. Policy is terminated, it is our view that this would have a seriously detrimental impact on everything that has been achieved over the past few years that the policy has been in force in the area.

The area has the highest density in terms of number of alcohol selling outlets in proximity of residential areas in Peterborough and the negative implications of street drinking and consequentially the area was designated a Public Spaces Protection Order.

The extent of frustration of long-time residents in the area is high as they have been deeply affected by alcohol related behaviour including dumped alcohol cans and bottles, people urinating in streets or in resident's front gardens, noise created by shouting and irrational behaviour and more. Children cannot play safely in front

gardens and the level of alcohol related noise impacts on children's sleeping patterns which has an impact on their studies in many cases.

These factors have had its impact resulting in a significant level of 'White flight' from this area as proven by the Census results. The remaining numbers of long term residents are deeply concerned but unable to seek help especially with drastically reduced policing resources. Hence there is very low confidence to report such matters to police, that is if they are able to wait for long time prior to someone answering calls on 101.

All these factors mean that there is a high level of fear of crime in the area and unless people have choice, they would avoid the vicinity of Lincoln Road at late night hour due to rowdy behaviour of drunk people in the street. Many local residents would avoid the area at any time unless they have to come or pass through.

With this and the current Cumulative Impact Policy in mind, we also make this representation under all of the Licensing Objectives set out in the Licensing Act 2003, namely;

- a) The prevention of crime and disorder
- b) Public safety
- c) The prevention of public nuisance
- d) Protection of children from harm

The MANERP's and Community Firsts' primary aim is to try to regenerate an area that has been sadly neglected for many years. The largest single problem of all revolves around the ease, low cost but above all, availability at which alcohol can be purchased and subsequently abused. The impact on the area is huge and is a cause of concern for all the statutory agencies and bodies.

Since its' introduction the Cumulative Impact Policy there has been a small but nonetheless noticeable improvement in the Millfield and New England area. However, if the policy is terminated there is every probability that the problems that were responsible for the C.I. Policy's' introduction in the first will return. This will place a higher burden on the police, the council and the NHS as well as the associated strain that residents and businesses will have to suffer.

We therefore ask that the Cumulative Impact Policy be renewed.

Yours Sincerely

**BRIAN W J GASCOYNE BEM**  
**On behalf of the Millfield and New England Regeneration Partnership**

**MOHAMMED SAEED**  
**On behalf of Community First**

<b>LICENSING COMMITTEE</b>	<b>AGENDA ITEM No. 5</b>
<b>18 OCTOBER 2018</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Cllr Irene Walsh, Cabinet Member for Communities	
Contact Officer(s):	Peter Gell – Head of Regulatory Services Kerry Leishman – Licensing & Business Manager	Tel. 01733 453419 Tel. 01733 453502

## STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

R E C O M M E N D A T I O N S	
<b>FROM :</b> Peter Gell, Head of Regulatory Services	<b>Deadline date :</b> 18 October 2018
1. Approve the revised Statement of Principles and recommend that it be adopted by Council on 12 December 2018.	

### 1. PURPOSE AND REASON FOR REPORT

- 1.1 The purpose of this report is to make members aware of any amendments to the Statement of Principles.
- 1.2 To ask Members to approve the revised Statement of Principles and agree to recommend approval by Full Council.

### 2. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>	If Yes, date for relevant Cabinet Meeting	N/A
Date for relevant Council meeting	12 December 2018	Date for submission to Government Dept <i>(please specify which Government Dept)</i>	N/A

### 3. BACKGROUND

- 3.1 Under Section 349 of the Gambling Act 2005, it is a requirement for each Council to produce, adopt and publish a Statement of Principles. This Statement will govern the way decisions are made by the Council and how it will administer its duties under the Act. Without a Statement of Principles the Council may be subject to Judicial Review for failing in its responsibilities to carry out a statutory duty.
- 3.2 The Act requires that the Statement of Principles is kept under continual review to incorporate where necessary any changes to the legislation and or Guidance as appropriate. In addition to this, the Act specifies that the Statement must be reviewed and revised on a three yearly basis.
- 3.3 The current three year period began on 31 January 2016 and therefore is due to expire on 30 January 2019. The revised Statement must be drafted and consulted upon prior to it being adopted.
- 3.4 In formulating the revised Statement, officers have given full consideration to the requirements of the Act and guidance issued by the Gambling Commission. We have also

liaised with colleagues from neighbouring authorities to ensure our Statements are consistent.

#### **4. CONSULTATION**

4.1 The following outlines the procedure taken, in providing the opportunity for members, statutory consultees and members of the public to be involved in the process of reviewing our Statement of Principles

4.2 Before determining its Statement for any three year period (as required under s.349 of the Act), the licensing authority must consult the persons listed in s349 (3) as follows:

- a. Chief Officer of Police for the area;
- b. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the area;
- c. One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

4.3 For information purposes a list of consultees is attached at **Appendix A**.

4.4 A consultation took place between 06 August 2018 and 23 September 2018. Advice was given on the following:

- i) Options on where to access and obtain copies of the draft revised Statement
- ii) Opportunity to make relevant representations, in writing, on the draft Statement
- iii) Notification that any comments must be received by 23 September 2018

4.5 The responses received during the consultation are attached at **Appendix C**

4.6 The revised Statement of Principles with track changes is attached at **Appendix B**.

#### **5. ANTICIPATED OUTCOMES**

5.1 Recommendation to Council to adopt the revised Statement of Principles.

#### **6. REASONS FOR RECOMMENDATIONS**

6.1 To comply with our statutory requirement under section 349 of the Gambling Act 2005 to produce, adopt and publish a Statement of Principles.

#### **7. ALTERNATIVE OPTIONS CONSIDERED**

7.1 The alternative option is to do nothing. This presents a risk to the council as failure to adopt a policy could result in a Judicial Review being sought.

#### **8. IMPLICATIONS**

Financial Implications – Any costs in relation to the production of the Statement of Principles will be met by income from fees.

In accordance with Cabinet policy, information provided below is the overall financial position for the Licensing budget is shown below, however, as stated above is not directly relevant to the subject of the report:

£'000	2017/18	2018/19	2019/20
-------	---------	---------	---------

Budget	(35)	(38)	(40) (2) additional budget via fees & charges increase
Actual / forecast	(35)	(32)	

Legal Implications – As a minimum, Licensing Authorities are required to prepare and publish, every three years, a Statement of the Principles it proposes to apply when exercising its functions under the Gambling Act 2005.

**9. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

9.1 Guidance issued to licensing authorities under s.25 of the Act.

**10. APPENDICES**

- 10.1 Appendix A - List of Consultees
- 10.2 Appendix B - Revised Statement of Principles
- 10.3 Appendix C - Consultation responses received

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**LIST OF CONSULTEE'S**

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

**Responsible Authorities**

- Cambridgeshire Constabulary – the chief officer of police
- Gambling Commission
- Cambridgeshire Fire & Rescue Service
- Peterborough City Council – Planning Control
- Local Safeguarding Children Board
- Environment Agency
- HM Revenue & Customs

**One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:**

- The Peterborough Greyhound Stadium
- British Greyhound Racing Board
- Gala Group Ltd
- British Beer and Pub Association
- British Bookmakers Trade Association
- British Casino Association
- All Gambling Act 2005 Licence/Permit/Registration Holders (through the Council website under heading consultation).

**One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005:**

- Peterborough City Council – Ward & Parish Councillors
- GamCare
- All residents and businesses within the Peterborough area (through the Council website under heading consultation)

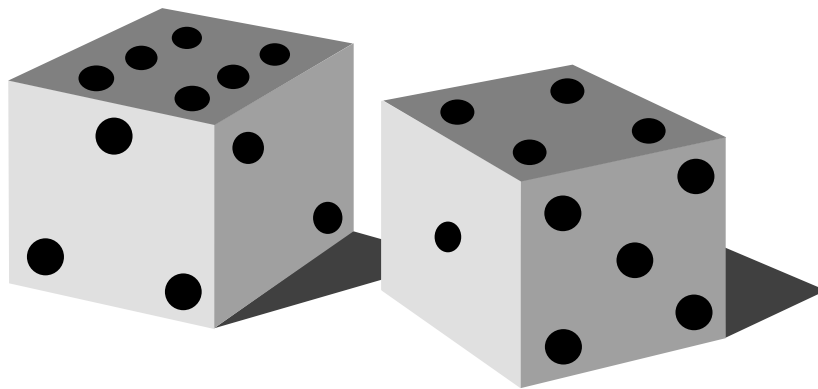
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# **PETERBOROUGH CITY COUNCIL**

## **GAMBLING ACT 2005**

### **DRAFT** **STATEMENT** **OF** **PRINCIPLES**



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## THE CITY OF PETERBOROUGH

Peterborough is a modern and progressive city with a strong historical character that makes it a stimulating environment in which to live, work and visit. Between 1971 and 1991, Peterborough's population grew by 46 per cent under the New Town expansion scheme.

In the 2011 Census Peterborough had a population of approximately 183,000. The wider sub-region, in which Peterborough is the economic centre, has a population of approximately 350,000 people in both the East of England and East Midlands' regions.

Neighbouring districts that look towards Peterborough as a key economic centre include Fenland, Huntingdonshire, South Holland, South Kesteven, East Northamptonshire and Rutland.

Today Peterborough is one of the fastest growing cities in the country with a vibrant private sector delivering record job growth in recent years. The city enjoys an unrivalled strategic location in the east of England.

It is only 45 minutes from central London and within striking distance of the region's other great cities - being well served as it is by airports, rail and road links.

The city owes much of its increasing fortunes in recent years to a city council that focuses on three key areas for its people – prosperity, education and quality of life.

When you visit Peterborough you will find a heritage city, an environment city, an event city and a modern exciting cosmopolitan city

Please refer to Appendix 1 for a map of Peterborough.

Our priorities:

- Drive growth, regeneration and economic development
- Improve education attainment and skills
- Safeguard vulnerable children and adults
- Implement the Environment Capital agenda
- Support Peterborough's culture and leisure trust Vivacity
- Keep all our communities safe, cohesive and healthy
- Achieve the best health and wellbeing for the city

## DEFINITIONS

The **Council** means Peterborough City Council

The **Licensing Authority** means the Council acting as defined by section 2 of the Gambling Act 2005.

The **Act** means the Gambling Act 2005.

**Members** means Peterborough City Councillors

The **Licensing Committee** means the full committee or a sub committee of no less than three Members.

**Guidance** means the guidance issued under part 2 section 25 of the Gambling Act 2005 by the Gambling Commission in April 2006

**Child** means an individual who is less than 16 years old, as defined in part 4 section 45(1) of the Act.

A **young person** means an individual who is not a child but who is less than 18 years old, as defined in part 4 section 45(2) of the Act.

**LA** means Local Authority.

## BACKGROUND

The Gambling Act 2005 (“the Act”) gives effect to the Government’s proposals for reform of the law on gambling. The Act contains a regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting. The Act received Royal Assent on 07 April 2005.

A draft bill was published in November 2003 following a publication of a Government White Paper “A Safe Bet for Success” published in March 2002. The White Paper was the Government’s response to the report of the Gambling Review Body published in July 2001.

The Act introduced a new unified regulator for gambling in Great Britain, the Gambling Commission and a new licensing regime for commercial gambling (to be conducted by the Gambling Commission or by licensing authorities, depending on the matter to be licensed). The Act removed from licensing justices all responsibility for granting gaming and betting permissions, which they exercised previously. Instead, the Gambling Commission and licensing authorities now share between them responsibility for all matters previously regulated by licensing justices.

## **PART A - INTRODUCTION**

### **1. THE LICENSING OBJECTIVES**

- 1.1 The Act sets out licensing functions to be exercised by licensing authorities in relation to the licensing of premises and the grant of certain permits. In exercising most of these functions licensing authorities must have regard to the licensing objectives, which underpin the regulatory regime.

The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime,
- Ensuring that gambling is being conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

### **2. STATEMENT OF PRINCIPLES**

- 2.1 The Act requires this licensing authority to publish a ‘Statement of Principles’ that it proposes to apply when exercising its functions. This statement must be published at least every three years and amended from time to time with any amended parts re-consulted upon and subsequently re-published.

### **3. CONSULTATION**

- 3.1 Peterborough City Council consulted widely upon this statement before finalising and publishing.

- 3.2 The Gambling Act requires that the following parties are consulted by licensing authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005

For a full list of persons this authority consulted please refer to Appendix 2.

- 3.3 The consultation took place between **06 August 2018** and **23 September 2018**.

This latest draft of the policy contains the minimum of amendments and no changes to the intent or direction of the policy.

## **4. APPROVAL OF POLICY STATEMENT**

- 4.1 This statement was approved at a meeting of the full council on (to be determined) and will be published via Peterborough City Council's website upon adoption.
- 4.2 It should be noted that this statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

## **5. DECLARATION**

- 5.1 Peterborough City Council would like to declare that in producing this Statement it has had regard to the licensing objectives of the Gambling Act 2005, the guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on the statement.

## **6. RESPONSIBLE AUTHORITIES**

- 6.1 As required by regulations licensing authorities are to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.

The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 6.2 In accordance with the suggestion in the Gambling Commission's guidance to local authorities this authority designates the Local Safeguarding Children Board for this purpose.

For a full list of the Responsible Authorities in relation to premises please refer to Appendix 3 or alternatively via the council website.

## **7. INTERESTED PARTIES**

- 7.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence.
- 7.2 For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence, if in the opinion of this licensing authority the person:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - Has business interests that might be affected by the authorised activities; or
  - Represents persons who satisfy the above.
- 7.3 Licensing authorities are required to state the principles they will apply in exercising their powers under the Act to determine whether a person is an interested party. The principles this authority will apply are:
- 7.4 Each case shall be decided upon its own merits. This authority will not apply a rigid rule to its decision making. It will however consider the following in accordance with the Gambling Commission’s guidance for local authorities.
- 7.5 When determining what “sufficiently close to the premises” means (in each case), this authority might include:
- The size of the premises
  - The nature of the premises
  - The distance of the premises from the location of the person making the representation
  - The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment), and
  - The circumstances of the complainant. This is not the personal characteristics of the complainant, but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults.
- 7.6 In relation to “persons with business interests that could be affected” it could be argued that any gambling business could be affected by another gambling business expanding into any part of Great Britain, however that is unlikely to satisfy the test of being “a person with business interests that could be affected by the premises” under consideration. It should be borne in mind however that the “demand test” in the 1963 and 1968 Acts have not been preserved in the Gambling Act 2005, therefore unmet demand is not a criterion for a licensing authority in considering an application.
- 7.7 Factors that this licensing authority is likely to include are:
- The size of the premises;
  - The ‘catchment’ area of the premises (i.e. how far people travel to visit); and
  - Whether the person making a representation has business interests in that catchment area that might be affected.
- 7.8 The Gambling Commission recommended in its guidance that licensing authorities should state that interested parties include trade associations, trade unions, residents’ and tenants’ associations. This authority however will not generally view these bodies as interested parties unless they have a member



who can be classed as an interested party under the terms of the Act e.g. lives sufficiently close to the premises to be likely to be affected by the activities applied for.

- 7.9 Interested parties can also be represented by other persons such as their local councillors and Members of Parliament (MP's). There is a burden on ward councillors who are also licensing committee members to avoid beyond doubt any conflict of interest; therefore care should be taken when seeking representation. If there are any doubts please contact the licensing department.

## 8. EXCHANGE OF INFORMATION

- 8.1 Licensing authorities are required to include in their statement, the principles to be applied under Section 29 and 30 of the Act with respect to the exchange of information between the licensing authority and the Gambling Commission, and the functions under section 350 of the Act with the respect of information between it and the other persons listed in schedule 6 of the Act:

- A Constable or Police Force
- An Enforcement Officer
- A Licensing Authority
- Her Majesty's Commissioners of Customs and Excise
- The Gambling Commission
- The National Lottery Commission
- The Secretary of State
- The Scottish Ministers

- 8.2 The principle that this licensing authority applies is that it will act in accordance with provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 **and any relevant regulations** will not be contravened. This licensing authority shall have regard to the guidance issued by the Gambling Commission as and when it is published on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

- 8.3 Details of applications and representations which are referred to the Licensing Sub-Committee for determination will be detailed reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

- 8.4 Should any protocols be established as regards information exchange with other bodies then they will be made available. Please contact the licensing team for further information on our protocols.

## 9. ENFORCEMENT

- 9.1 Licensing authorities are required to state the principles they propose to apply in exercising the functions under Part 15 of the Act with respect to the inspection of premises and the powers under Section 346 of the Act to instigate criminal proceedings in respect of the offences specified.
- 9.2 This licensing authority's principles are that it shall be guided by the Gambling Commission's guidance and will endeavour to be:
- proportionate – regulators should only intervene when necessary. Remedies should be appropriate to the risk posed and costs identified and minimised
  - accountable – authorities must be able to justify decisions and be subject to public scrutiny
  - consistent – rules and standards must be joined up and implemented fairly.
  - transparent – regulators should be open, and keep regulations simple and user friendly; and
  - targeted – enforcement should be focused on the problems and minimise side effects
- 9.3 This licensing authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible and adopt a risk based inspection programme.
- 9.4 The main enforcement and compliance role of the licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacturer, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.
- 9.5 The **council's enforcement policy** is available upon request to the licensing department.

## **10 PUBLIC REGISTER**

- 10.1 In accordance with section 156 of the Act, Peterborough City Council maintains an electronic public register which contains premises licences issued by the authority. The register is available to view at [www.peterborough.gov.uk](http://www.peterborough.gov.uk). This information is available for inspection by members of the public at all reasonable times. Further information such as fees can also be found on the website.

## **11. DECISION MAKING / DELEGATION**

- 11.1 When determining applications this licensing authority will have regard to the guidance issued by the Gambling Commission, any relevant code of practice, this policy and the licensing objectives. Determination of applications made to the licensing authority will be made either by the full council, the licensing committee, or a sub-committee of the licensing committee or by authorised officers, in accordance with section 153 of the Act.

- 11.2 Where relevant representations are raised which cannot be resolved by mediation, matters will either be referred to the licensing committee or the sub-committee of the licensing committee.

For a summary of this licensing authorities delegations permitted under the Gambling Act 2005 please refer to Appendix 4.

## 12. LICENSING AUTHORITY FUNCTIONS

- 12.1 Licensing authorities are required under the Act to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing **Premises Licences**
- issue **Provisional Statements**
- regulate members' clubs and miners welfare institutes who wish to undertake certain gaming activities via issuing **Club Gaming permits** and/or **Club Machine Permits**
- issue **Club Machine Permits to Commercial Clubs**
- grant permits for the use of certain lower stake gaming machines at **Unlicensed Family Entertainment Centres**
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue **Licensed Premises Gaming Machine Permits** for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register **Small Society Lotteries** below prescribed thresholds
- issue **Prize Gaming Permits**
- receive and endorse **Temporary Use Notices**
- receive **Occasional Use Notices**
- provide information to the Gambling Commission regarding details of licences issued
- maintain registers of the permits and licences that are issued under these functions
- the exercise of its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other relevant responsible authorities.

- 12.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

## PART B - PREMISES LICENCES

### 13. GENERAL PRINCIPLES

- 13.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where considered to be appropriate.
- 13.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
  - in accordance with any relevant guidance issued by the Gambling Commission
  - reasonably consistent with the licensing objectives, and
  - in accordance with the authority's Statement of Principles

#### 13.3 Definition of “premises”

- 13.3.1 In the Act, “premises” is defined as including “any place”. Section 152 of the Act prevents more than one premises licence applying to any one place. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can reasonably be regarded as being different premises. However, this licensing authority will pay particular attention if there are issues about subdivisions of a single building or plot and will ensure that mandatory conditions relating to access between premises are observed.
- 13.3.2 Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter of discussion between the operator and the licensing officer.
- 13.3.3 The **licensing** authority will consider the Gambling Commission's Guidance and all other circumstances of the case in making any decision as to what can properly be regarded as premises.

#### 13.4 Premises “ready for gambling”

- 13.4.1 The guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future,

consistent with the scale of building or alterations required before the premises are brought into use.

- 13.4.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have the right to occupy them, then an application for a provisional statement should be made instead.

### **13.5 Location**

Demand issues cannot be considered with regards to the location of premises but that considerations in terms of licensing objectives can. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

### **13.6 Duplication with Other Regulatory Regimes**

This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of any application. The licensing authority will listen to, and consider carefully, any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

### **13.7 Licensing Objectives**

Premises licences granted must be reasonably consistent with the licensing objectives, this licensing authority has considered the Gambling Commission's guidance to local authorities and some comments are made below.

- 13.7.1 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's guidance does however envisage that licensing authorities should pay particular attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located in such areas and whether conditions may be suitable such as the provision of door supervisors.
- 13.7.2 This licensing authority has noted the Gambling Commission's guidance where it states that licensing authorities should generally consider disorder as activity that is more serious and disruptive than mere nuisance.

**13.7.3 Ensuring that gambling is conducted in a fair and open way** – This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

Further guidance on this issue may be provided by the Gambling Commission and if so this authority will have regard to it, when available.

**13.7.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling** – This licensing authority has noted that Gambling Commission guidance states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children).

**13.7.5** There is no definition of ‘vulnerable person’ and it is noted that the Gambling Commission are not seeking to offer one, but this could include people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs. Should a practical definition prove possible in future then this statement will be updated with it, by way of a revision.

This licensing authority will consider this licensing objective on a case by case basis.

## **13.8 Conditions**

**13.8.1** Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects

**13.8.2** Decisions upon individual conditions will be made on a case by case basis, although there are a number of measures this licensing authority may consider using should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which they can meet the licensing objectives effectively.

**13.8.3** This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the

licensing objectives. These matters are in accordance with the Gambling Commission's guidance.

13.8.4 This authority will also ensure where necessary and deemed appropriate that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where these machines are located
- access to the area where the machines are located is supervised
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

13.8.5 As the licensing authority we note that there are conditions which we are unable to attach to premises licences, these are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition
- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that a membership of a club or body be required for casino and bingo clubs (the Act specifically removed the membership requirement)
- conditions in relation to stakes, fees, winning or prizes

13.8.6 This licensing authority may consider a need for door supervisors in terms of the licensing objectives for protection of children and vulnerable persons and preventing premises becoming a source of crime or disorder. Door supervisors at casinos or bingo premises are exempt from the requirements of the Private Security Industry Act 2001. Where this authority imposes door supervision requirements on such licences, the personnel will not need licensing under the 2001 Act. This authority may however consider imposing the requirement of a Criminal Record Bureau check on door supervisors, by way of a condition on a licence.

13.8.7 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these shall be SIA licensed or not. It will not be automatically assumed that they shall be.

## **13.9 Risk Assessments**

Under new social responsibility code provisions from April 2016 licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:

- When applying for a variation of a premises licence
- To take into account of significant changes in local circumstances, including those identified in a licensing authority's statement of policy
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

### **13.10 Local Area Profiles**

Such risk assessments can make reference to the council's Area Profile which may be compiled with respect to reported gambling-related problems in an area. At the time of preparing this edition of the Statement of Principles there has been no evidence presented to support the assertion that any part of Peterborough City Council had or is experiencing problems from gambling activities. This position will be kept under review.

## **14. ADULT GAMING CENTRES**

- 14.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to address these issues.
- 14.2 This licensing authority will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licence conditions may cover issues such as:
- proof of age schemes
  - CCTV
  - supervision of entrances / machine areas
  - physical separation
  - location of entry
  - notices / signage
  - self-barring schemes
  - provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 14.3 The question of sub-division of such premises has become an issue and been the subject of Gambling Commission Guidance. There must be no direct entry from one adult gaming centre into another. This Authority will take note of the guidance issued in respect of such applications.

## **15. LICENSED FAMILY ENTERTAINMENT CENTRES**



- 15.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, ensure that under 18 year olds do not have access to the adult only gaming machine areas.
- 15.2 This licensing authority will expect applicants to offer their own measures to meet licensing objectives however appropriate measures / licence conditions may cover issues such as:
- CCTV
  - supervision of entrances / machine areas
  - notices / signage
  - physical separation of areas
  - specific opening hours
  - self-barring schemes
  - provision of information leaflets / helpline numbers for organisations such as GamCare
  - suspected child truancy handling training

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 15.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated.

For a full list of machine categories please refer to appendix 5.

## 16. CASINOS

This authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the powers to do so. Should this authority decide in the future to pass such a resolution, it will update this statement with details of that resolution. Any such decision would need to be made by full council.

## 17. BETTING PREMISES

- 17.1 **Betting machines** - This licensing authority will, as per the Gambling Commission's guidance, take into account the size the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

17.2 There is no evidence that the operation of betting offices has required door supervisors for the protection of the public. This authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that the door supervision is both necessary and proportionate.

## 18. TRACKS

18.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

18.2 This licensing authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and / or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

18.3 Applicants will be expected to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- proof of age schemes
- location of gaming machines
- supervision of entrances / machine areas
- notices / signage
- provision of information leaflets / helpline numbers for organisations such as Gamcare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

18.4 **Betting Machines** – This licensing authority will as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. We will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

- 18.5 **Condition on rules being displayed** - The Gambling Commission has advised in its guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."
- 18.6 **Applications and plans** – The Gambling Act requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling.

The Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

- 18.7 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known at betting rings) must be indicated on the plan.

In rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

## 19. BINGO PREMISES

- 19.1 This licensing authority notes that the Gambling Commission's guidance states:

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

- 19.2 This licensing authority must satisfy itself that bingo can be played in any bingo premises for which a premises licence has been issued. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 19.3 This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted.

## **20. TRAVELLING FAIRS**

- 20.1 It will fall to this licensing authority to decide whether, where category D machines and / or equal chance gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met. This licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 20.2 It has been noted that the 27-day statutory maximum for land being used as a fair is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses its boundaries is monitored so that the statutory limits are not exceeded.

## **21. PROVISIONAL STATEMENTS**

- 21.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

The Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expect to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

- 21.2 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired.
- 21.3 In terms of representations about premise licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern

matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, this authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional licence stage; or
- which in the authority's opinion reflect a change in the operator's circumstances

## **22. REVIEWS**

- 22.1 Requests for a review of a premise licence can be made by interested parties or responsible authorities; however, it is for this licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - in accordance with the authorities statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- 22.2 This licensing authority can also initiate a review of a licence on the basis of any reason which it considers is appropriate.
- 22.3 Once a valid application for a review has been received, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt. The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 22.4 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- a) add remove or amend a licence condition imposed by the licensing authority;
  - b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or amend such an exclusion;
  - c) suspend the premises licence for a period not exceeding three months; and/or

d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

22.5 In particular, the licensing authority may initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

DRAFT

## **PART C - PERMITS / REGISTRATIONS / NOTICES**

### **23. UNLICENSED FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMITS**

- 23.1 Where a premises does not hold a premises licence but wishes to provide category D gaming machines, it may apply to this licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 23.2 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children and other vulnerable persons from harm. Harm in this context is not limited to harm from gambling but includes wider protection considerations. The efficiency of such policies and procedures will each be considered on their own merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.
- 23.3 This licensing authority will expect that applicants demonstrate a full understanding of the licensing objectives as well as the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

### **24. (ALCOHOL) LICENSED PREMISES GAMING MACHINE PERMITS**

- 24.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have two gaming machines, of category C and / or D. To take advantage of this entitlement, the person who holds the on-premises licence must give notice to this licensing authority of their intention to make gaming machines available for use, and must pay the prescribed fee.
- 24.2 This licensing authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives
  - gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
  - the premises are mainly used for gaming; or
  - an offence under the Act has been committed on the premises
- 24.3 If a premises wishes to have more than two machines, an application for a permit is required and this licensing authority shall consider that application based upon

the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Act, and “such matters as they think relevant”. This authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines.

Such measures may include:

- adult machines being in site of bar
- notices / signage

- 24.4 It should be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.
- 24.5 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 24.6 Where an application is received for more than 19 gambling machines in alcohol licensed premises Officers will have the discretion to arrange a hearing for members to consider the application.
- 24.7 It should be noted that this licensing authority can decide to grant the application with a smaller number of machines and / or different category of machines than applied for. Conditions (other than these) cannot be attached.

## **25. PRIZE GAMING PERMITS**

- 25.1 This licensing authority can grant or refuse an application for a permit, but cannot add conditions. This licensing authority can only grant an application for a permit if it has consulted with the chief officer of police about the application. This licensing authority will take into account any objections that the police may make which are relevant to the licensing objectives. Relevant considerations would be the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming; and the suitability of the premises in relation to their location and issues about disorder.
- 25.2 Given that the premises will particularly appeal to children and young persons, in considering what to take into account in the application process and what information to request from the applicant, this licensing authority will give weight to child protection issues. Applicants will be required to set out the types of gaming that he or she is intending to offer and the applicant should be able to demonstrate:



- that they understand the limits to stakes and prizes that are set out in regulations; and
- that the gaming offered is within the law.

25.3 The licensing authority will determine each application on its own merits.

*(The Council as a licensing authority has the remit to set its own criteria for the above statement of principles on permits – the principles as set out above reflect the general issues considered to be most relevant by a number of other licensing authorities)*

25.4 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission's guidance.

25.5 It should be noted that there are conditions in the Gambling Act 2005 to which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

## **26. CLUB GAMING AND CLUB GAMING MACHINE PERMITS**

26.1 Members Clubs and Miners' Welfare Institutes (but **not** Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines, of which one may be a category B3A, the others being of categories B4, C or D), equal chance gaming and games of chance as prescribed in regulations.

26.2 Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

26.3 Members clubs must have at least 25 members and be established and conducted 'wholly or mainly' for the purposes other than gaming, unless the gaming is permitted by separate regulations. A members club must be

permanent in nature, not established to make commercial profit, and controlled by its members equally.

- 26.4 This licensing authority is aware that it may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
  - the applicant's premises are used wholly or mainly by children and / or young persons
  - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
  - a permit held by the applicant has been cancelled in the previous ten years; or
  - an objection has been lodged by the Gambling Commission or the police.
- 26.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## **27 SMALL SOCIETY LOTTERIES**

- 27.1 Under the Gambling Act 2005, a lottery is unlawful unless it runs under an operating licence or is an exempt lottery. This Licensing Authority will register and administer small society lotteries as defined under the Act. Promoting or facilitating a lottery will fall into two categories:
- Licensed Lotteries (requiring an operating licence from the Gambling Commission)
  - Exempt Lotteries (including small society lotteries registered with Peterborough City Council)
- 27.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and are defined as:
- Small society lotteries;
  - Incidental non-commercial lotteries;
  - Private lotteries;
  - Private society lottery;
  - Work lottery;
  - Residents' lottery;
  - Customers' lottery.

Advice regarding the definitions of the above exempt lotteries is available from the Gambling Commission website:

## **28. TEMPORARY USE NOTICES**

- 28.1 A Temporary Use Notice (TUN) allows the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for facilities for gambling. A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence issued by the Gambling Commission.
- 28.2 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of revising this Statement the relevant regulations state that Temporary Use Notices can only be used to permit the provision of facilities of equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 28.3 There are a number of statutory limits as regards Temporary Use Notices. It is noted that it falls to licensing authorities to decide what constitutes a 'set of premises' where TUN's are received relating to the same building / site.
- 28.4 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Local Authorities.

## **29. OCCASIONAL USE NOTICES**

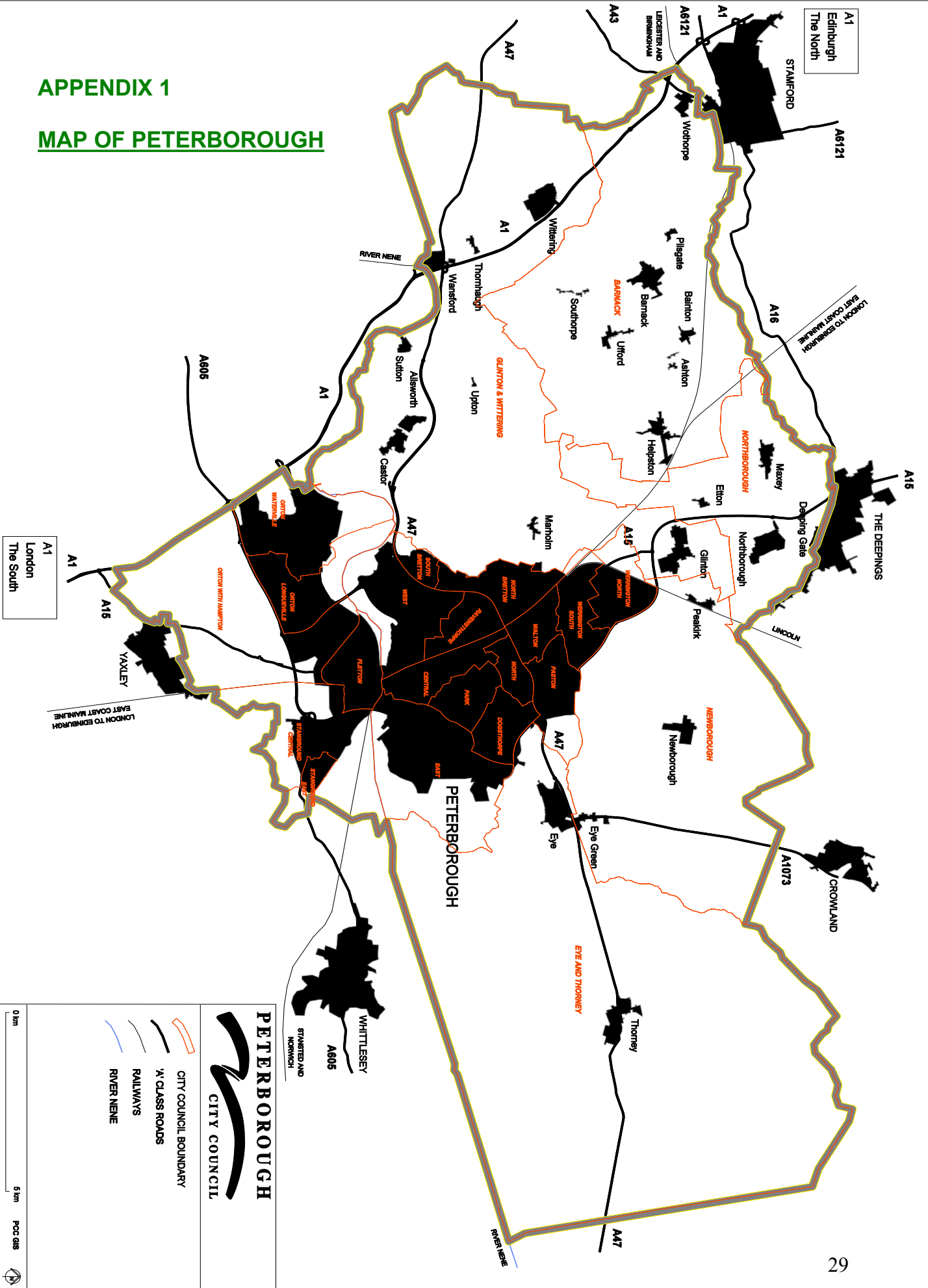
This licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## **30. ADDITIONAL INFORMATION**

Further information on the application process, application forms and applicable fees can be found at [www.peterborough.gov.uk](http://www.peterborough.gov.uk)

# APPENDIX 1

## MAP OF PETERBOROUGH



A1  
London  
The South

A1  
Edinburgh  
The North

**PETERBOROUGH**  
CITY COUNCIL

- CITY COUNCIL BOUNDARY
- A CLASS ROADS
- RAILWAYS
- RIVER NENE

0 km 5 km PCC GIS

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## APPENDIX 2

### LIST OF CONSULTEE'S

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

#### **Responsible Authorities**

- Cambridgeshire Constabulary – the chief officer of police
- Gambling Commission
- Cambridgeshire Fire & Rescue Service
- Peterborough City Council – Planning Control
- Local Safeguarding Children Board
- Environment Agency
- HM Revenue & Customs

**One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:**

- The Peterborough Greyhound Stadium
- British Greyhound Racing Board
- Gala Group Ltd
- British Beer and Pub Association
- British Bookmakers Trade Association
- British Casino Association
- All Gambling Act 2005 Licence/Permit/Registration Holders (through the Council website under heading consultation).

**One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005:**

- Peterborough City Council – Ward & Parish Councillors
- GamCare
- All residents and businesses within the Peterborough area (through the Council website under heading consultation)

## APPENDIX 3

### **GAMBLING ACT 2005** **RESPONSIBLE AUTHORITIES CONTACT DETAILS**

#### **THE RESPONSIBLE AUTHORITIES:**

<b>Licensing Team:</b>	The Licensing Team Peterborough City Council Sand Martin House Bittern Way Fletton Quays Peterborough PE2 8TY Telephone: 01733 747474 Email: <a href="mailto:licensing@peterborough.gov.uk">licensing@peterborough.gov.uk</a>
<b>The Gambling Commission:</b>	Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Fax: 0121 237 2236 Email: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a>
<b>Cambridgeshire Constabulary:</b>	Ops Planning and Licensing Department Cambridgeshire Constabulary North Division Thorpewood Police Station Peterborough PE3 6SD
<b>Cambridgeshire Fire and Rescue:</b>	Cambridgeshire Fire & Rescue Service Peterborough District Dogsthorpe Fire Station Dogsthorpe Road Peterborough PE1 3RE
<b>Pollution Control:</b>	Pollution Control Peterborough City Council Sand Martin House Bittern Way Fletton Quays Peterborough PE2 8TY

**Planning:**

Planning Services  
Peterborough City Council  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

**HM Revenue & Customs:**

National Registration Unit  
Portcullis House  
21 India House  
Glasgow  
G2 4PZ

**Safeguarding Children Board:**

Safeguarding Service Manager  
Peterborough City Council  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

**For Vessels the certifying Authority will be:-**

Environment Agency  
Kingfisher House  
Goldhay Way  
Orton Goldhay  
Peterborough  
PE2 5ZR

## APPENDIX 4

Summary of licensing authority delegations permitted under the Gambling Act 2005.

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	<b>X</b>		
Policy not to permit casinos	<b>X</b>		
Fee setting (when appropriate)			<b>X</b>
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premise licence		<b>X</b>	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		<b>X</b>	
Applications for other permits			<b>X</b>
Cancellation of licensed premises gaming machine permits			<b>X</b>
Consideration of temporary use notice			<b>X</b>
Decision to give counter notice to temporary use notice		<b>X</b>	



## APPENDIX 5

Section 236 of the Act provides for the Secretary of State to make regulations to define four classes of gaming machine: categories A, B, C and D, with category B to be further divided into sub-categories.

The below table sets out the current proposals for the different categories with the maximum stakes and prizes that apply (please note the below information is subject to change upon regulations being set).

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 <sup>1</sup>
B2	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D Non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D Non money prize (crane grab machine)	£1	£50
D Money prize (other than a coin pusher or penny falls)	10p	£5
D Combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be money prize)
D Combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

<sup>1</sup> with the option of a maximum £20,000 linked progressive jackpot on a premises basis only

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## Fwd: Gambling Act 2005 – Statement of Principles Review and Consultation

1 message

**Licensing Policy Consultation Mailbox** <lpc@peterborough.gov.uk>  
To: Kerry Leishman <kerry.leishman@peterborough.gov.uk>

30 August 2018 at 16:36

FYI

----- Forwarded message -----

From: **Catherine Sweet** <catherine.sweet@gamcare.org.uk>  
Date: 21 August 2018 at 16:29  
Subject: RE: Gambling Act 2005 – Statement of Principles Review and Consultation  
To: "lpc@peterborough.gov.uk" <lpc@peterborough.gov.uk>

Hello,

Thank you for your email, we appreciate your interest in our work.

While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the [Gambling Commission](#).

The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see [www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/](http://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/)
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.
- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from [GamCare Certified operators](#). GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact [mike.kenward@gamcare.org.uk](mailto:mike.kenward@gamcare.org.uk)

For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.

If there is anything else we can assist with please do let us know.



Licensing

Peterborough City Council

Sand Martin House

Bittern Way

Fletton Quays

Peterborough

PE2 8TY

[lpc@peterborough.gov.uk](mailto:lpc@peterborough.gov.uk)

Tel: 01733 747474

To find out more about Peterborough City Council please go to: [www.peterborough.gov.uk](http://www.peterborough.gov.uk)

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Consultation Officer

Licensing  
Peterborough City Council  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

[lpc@peterborough.gov.uk](mailto:lpc@peterborough.gov.uk)

Tel: 01733 747474


To find out more about Peterborough City Council please go to: [www.peterborough.gov.uk](http://www.peterborough.gov.uk)

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**2 attachments**

 **GamCare Local Authorities Brochure 2018 (web-version).pdf**  
233K

 **GamCare Training Brochure 2017.pdf**  
783K



BY EMAIL ONLY  
Licensing Department  
Peterborough City Council

**Please ask for:** Richard Taylor  
**Direct Tel:** 01482 590216  
**Email:** rjt@gosschalks.co.uk  
**Our ref:** RJT / MJM / 097505.00005  
#GS2177449  
**Your ref:**  
**Date:** 19 September 2018

Dear Sir/Madam,

**Re: Gambling Act 2005 Policy Statement Consultation**

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take for example, with regard, to the new requirements for local area risk assessments and ensuring the right structures are in place in shops that are appropriate for that area.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these within new processes would be detrimental to the gambling licensing regime. The ABB also believes it is

important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised under the new regime.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

### **Working in partnership with local authorities**

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

### **LGA – ABB Betting Partnership Framework**

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the "*desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be.*"

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and



socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, described the project as *"breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."*

### **Primary Authority Partnerships in place between the ABB and local authorities**

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015. By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

### **Local area risk assessments**

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The new requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

## Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

## Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over

£50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

### **Employing additional licence conditions**

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

### **Other concerns**

Where a local area profile is produced by the licensing authority, this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

### **Considerations specific to the Draft Statement of Principles**

On behalf of the ABB, we welcome the light touch approach to the draft Statement of Principles.

Section 13.8 explain the Licensing Authority’s approach to the imposition of conditions on premises licences. The draft Statement of Principles would be assisted by a clear explanation that all Gambling Act 2005 premises licences are subject to mandatory and default conditions which are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.

The draft Statement of Principles should be clear that additional conditions will only be imposed where there is evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

The evidential basis for the imposition of additional conditions is extremely important and the draft Statement of Principles should be clear that additional conditions will not be attached simply where it is “considered to be appropriate” (paragraph 13.1) or where there is “a perceived need” (paragraph 13.8.2).

Paragraph 13.9 deals with the requirement for licensees to conduct risk assessments. This paragraph should be re-drafted so that it is clear that the social responsibility code provision applies to all licensees, not just applicants for new premises licences.

Paragraph 17 explains the ability of the Licensing Authority to restrict the number of betting machines. These paragraphs would be assisted if a clear distinction was made between betting machines (where there is the ability to limit numbers) and gaming machines where there is no such ability to restrict numbers. The holder of a betting premises licence may make available for use up to four gaming machines of categories B, C or D.

## **Conclusion**

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,

## **GOSSCHALKS**