

Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Monday, 18 November 2013

**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	Review of Premises Licence – Mini Poli:  <ol style="list-style-type: none"> <li>1. Ashwood House, Unit A, Enterprise Way, Bretton Way Peterborough PE3 8YG</li> <li>2. 44 – 46 Ivatt Way, Peterborough, PE3 7PN</li> </ol>
3.1 Application Reference	<ol style="list-style-type: none"> <li>1. MAU 068075 – Ashwood House, Unit A, Enterprise Way, Bretton Way Peterborough PE3 8YG.</li> <li>2. MAU 068076 – 44 – 46 Ivatt Way, Peterborough, PE3 7PN.</li> </ol>
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Peach Councillor Davidson
3.3 Officers	Adrian Day, Licensing Manager Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Governance 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>Review of existing Premises Licences.</p> <p>The Committee was informed that the Premises Licence Holder for Mini Poli situated at 44-46 Ivatt Way, had surrendered the Premises Licence. The Committee agreed that the review into the Licence would be withdrawn.</p> <p><b><u>Summary of Review Application</u></b></p> <p>In accordance with section 51 of the Licensing Act 2003, following the submission of an application to review the premises licence from Trading Standards, a Responsible Authority, the Licensing Authority was required to hold a hearing.</p> <p>The application to review, served by Trading Standards, was received on 23 September 2013, which had included a summary of the witness statement from Her Majesty’s Custom and Excise (HMRC). A representative from HMRC was also present in order to answer questions that the Licence</p>

	<p>Holder's representative or Sub-Committee had.</p> <p>A representation in support of the review and recommendations had been received from Cambridgeshire Constabulary.</p> <p>A summary of the issues raised within the representations included:</p> <ol style="list-style-type: none"> <li>1. Her Majesty's Revenue and Customs (HMRC) had seized alleged non UK duty paid alcohol from the premises on 4<sup>th</sup> July 2013;</li> <li>2. The premises had failed to provide documentation for the seized products to prove UK duty had been paid; and</li> <li>3. Guidance issued under section 182 of the Licensing Act 2003 recommended revocation, even in the first instance.</li> </ol>
3.6	<p>Licensing Objective(s) under which representations were made</p> <p>1. Prevention of Crime and Disorder</p>
3.7	<p>Parties/Representatives and witnesses present</p> <p><b><u>Applicant / Responsible Authority</u></b></p> <p>Karen Woods who presented the case on behalf of Trading Standards. Trading standards was also accompanied by Jeannette Kett of HM Revenue &amp; Customs (HMRC).</p> <p><b><u>Responsible Authorities</u></b></p> <p>PC Grahame Robinson, who was present on behalf of Cambridgeshire Constabulary.</p> <p><b><u>Licensee / Representative</u></b></p> <p>Mr David Dadds, the Licence Holder's Barrister.</p>
3.8	<p>Written representations and supplementary material taken into consideration</p> <p><b><u>Applicant / Responsible Authority – Trading Standards</u></b></p> <p>Consideration was given to the application and HMRC witness statement submitted by Trading Standards and Cambridgeshire Constabulary and attached to the Sub-Committee report.</p>
3.9	<p>Facts/Issues in dispute</p> <p><b><u>Issue 1</u></b></p> <p>Whether the review application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p>
3.10	<p>Oral representations</p> <p><b><u>Request for Private Hearing from the Licensee's Representative</u></b></p> <p>The Licensee's Representative addressed the Committee and requested for the Hearing to be held in an exempt session, in order to avoid discussing, in public, any commercially sensitive information or evidence that may be relied upon at a criminal proceeding.</p> <p>The Legal Advisor to the Sub-Committee advised that the Committee would discuss information in relation to the Licensing Review Hearing, which had been presented before them and that it was not a matter for a criminal trial in</p>

the future for the Committee to take any consideration on.

Following the request to hold an exempt session and the Legal advice provided, the Committee agreed that the Licensing Hearing would continue to be held in a public session.

### **Regulatory Manager**

The Regulatory Manager addressed the Sub-Committee and outlined the main points with regards to the application.

An application had been received from Trading Standards in their capacity as a Responsible Authority regarding the seizure of alleged non duty paid alcohol from the premises namely Mini Poli – Ashwood House, Enterprise Peterborough. The Committee were informed that there had been an administrative error in production of the initial notice presented to Mini Poli, however, the timings of the notice and the error had not had a material effect on the licence process followed and had not prejudiced the case in any way.

### **Licensee's Representative**

Mr Dadds, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee, included:

- The company were a responsible employer and had paid the relevant taxes;
- There had been a larger quantity of alcohol received for Mini Poli on 4 and 5 June 2013, in order to stock a new warehouse for which there had been no invoices. Mini Poli were rejecting the stock unless the wholesaler was able demonstrate that there had been duty paid;
- There had been ciders and beers seized by HMRC where invoices showed that VAT had been paid. HMRC had claimed that they were unable to reconcile the invoices with the goods seized;
- The goods seized were for wholesale which was an unlicensed activity;
- Mini Poli had been unable to confirm purchases were made legitimately as HMRC retained the invoices and paperwork, and that some deliveries were made without delivery notes;
- The company was not responsible for import duty;
- Mini Poli had offered HMRC access to the company's accountants through ARWC consultancy;
- There had historically been an existing problem with imported alcohol for UK wholesalers, as it was unclear of what duty had been paid. A Government exercise was currently underway to improve the stamping and registration scheme of duty for wholesalers;
- Mini Poli's old delivery system had not, in the past, operated in an efficient way. However, going forward, the Mini Poli warehouse had adopted a new recording system, which consisted of an electronic processing for invoices;
- Invoices for Mini Poli were kept for one quarter of the businesses period, the documentation would then be sent to their accountant;
- Mini Poli had utilised, a variety of suppliers located in the United Kingdom (UK), however, a recent change had resulted in the company utilising one supplier within the UK;

- Mini Poli, via ARWC consultancy firm sought the return of the seized goods and paperwork by letter dated 8 August 2013;
- There had been no evidence that the goods had been smuggled as no traceability exercise had been undertaken, which would involve matching a product barcode;
- Some of the delivery notes may have been located on the pallets that had been seized; and
- HMRC would be required to take photographic evidence collected in seizures as part of their process. This evidence would provide batch codes relating to the goods.

Mr Dadds wished for the Sub-Committee's Legal Officer's advice to be noted within the minutes, regarding how his advice would be offered to Committee and that it was not required to be conducted in public.

### **Trading Standards and HMRC**

Trading Standards and HMRC responded to comments and questions raised by the Sub-Committee and the Licensee's Representative. In summary the responses included:

- Where two visits were conducted by HMRC Officers at Mini Poli, Ashwood House on 12 and 18 June 2013, there was no matching invoice records held within the records of business or any proof of verification, evidence for the goods seized on 3 and 4 July;
- HMRC Officers afforded Mr Baractor a further day in which to present supporting evidence for the goods seized;
- No appeal against the seizure of goods was made by Mini Poli within the Statutory 28 days and therefore the alcohol was condemned in accordance with the Customs and Excise Act 1979;
- There had been no traceability exercise conducted due to the lack of matching paperwork provided;
- Mini Poli would have been aware of the return visits in order to produce supporting evidence for the goods seized, however, on the first visit there had been no match, on the second and third visit to Mini Poli there was no further paperwork received that had matched the goods seized;
- It was not clear from a letter received from ARWC consultants whether they or Mini Poli were requesting a condemnation appeal through the Magistrate's Court, the letter sent had been followed by numerous phone calls by HMRC to Mini Poli seeking clarification;
- Traceability was an audit exercise and once the trail had been broken then no trace would be available on the goods. The batch number would display a name and address, however, Mini Poli did not contact the supplier in order to provide paperwork in relation to the batch numbers and address; and
- As the seizure was not appealed against the goods were deemed forfeited and were destroyed. No records of batch code and addresses had been maintained by HMRC of the goods destroyed.

4. 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 Sub-Committee considered the various options available, these being:

- a) to modify the conditions of the premises licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor from the licence;
- d) to suspend the licence for a period not exceeding three months; or
- e) to revoke the licence.

The decision of the Licensing Act 2003 Sub-Committee was to revoke the licence for the premises, known as Mini Poli, Ashwood House, situated on Enterprise Way, Bretton Way, Peterborough, due to the Committees serious view of non-payment of revenue.

The reasons for the Sub-Committees decision included:

- The facts were that 51,506.46 litres of beer and cider, and 9.5 litres of spirits were seized from three premises by HMRC on 4 July 2013, following a number of visits to Mini Poli 44-46 Ivatt Way, Peterborough;
- HMRC stated that £66,167.48 of revenue had not been paid on the seized goods;
- HMRC stated that no formal request for the return of the seized goods had been received within the requisite 28 day period;
- It appeared that there was no record of batch numbers or of provenance held by HMRC;
- A letter dated 8 August 2013 received by HMRC on 7 August 2013 from ARWC Consulting Ltd acting for the Premises Licence Holder contained a request that the goods be returned. In a reply dated 7 August 2013 HMRC enquired if there was to be official challenge to the seizure of goods and if so, a Condemnation Hearing before the Magistrates' Court would take place. There had been no reply to this letter;
- To date, no invoices or proof of revenue paid had been supplied to HMRC by the Licence Holder nor had any documents seized, shown that revenue was paid;
- HMRC visited Mini Poli in Ivatt Way on 12 June, 18 June and 3 July 2013.
- Mini Poli were afforded the opportunity to supply evidence of revenue paid on a number of alcohol purchases;
- The paper records seized by HMRC on 4 July 2013, had not shown that revenue had been paid. The Sub-Committee was directed to section 118 of the Customs and Excise Management Act 1979, which placed a duty on revenue traders to keep records, and furnish records and information on request;
- Government Guidance at paragraph 11.28, stated that 'where the premises was being used to further crimes, it had been expected that revocation of the licence even in the first instance should be considered';
- At paragraph 11.27 the guidance stated 'certain criminal activity

should be treated particularly seriously. These include for 'the sale of smuggled alcohol';

- There had been no information that demonstrated revenue had been correctly and lawfully paid on the seized alcohol;
- This had been a large operation in which a significant amount of alcohol was seized. There were three premises involved with the sale and or storage of alcohol, Mini Poli at Ivatt Way, Enterprise Way and a warehouse used to store goods;
- In light of the evidence presented at the hearing there had been more weight attached to the information provided by the officers, than to the submissions made on behalf of the licence holder;
- Appropriate conditions could not be applied by the Sub-Committee as existing law had covered the collection of revenue and any conditions would only reflect that existing law; and
- Given the amount seized and the ongoing issues with seeking proof of purchase, the Sub-Committee did not consider that a change of Designated Premises Supervisor was appropriate, nor a suspension of the licence would suffice in these circumstances.

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

Chairman

10.00am – 2.07pm

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**Meeting of the Licensing Act 2003 Sub-Committee  
held at the Town Hall, Peterborough on Friday, 13 December 2013**

**RECORD OF DECISION**

1. Apologies for Absence	Apologies for absence was received from Councillor Davidson, Councillor Miners was in attendance.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Variation of Premises Licence – Peterborough International Food Centre – 314/316 Lincoln Road, PE1 2ND.
3.1 Application Reference	MAU 068221
3.2 Sub-Committee Members	Councillor (Chairman) Thacker Councillor Serluca Councillor Miners
3.3 Officers	Darren Dolby , Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Ismail Akdogan
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Variation</p> <p><b><u>Summary of Variation Application</u></b></p> <p>In accordance with section 51 of the Licensing Act 2003, following the submission of an application to vary the premises licence for Peterborough International Food Centre, 314/316 Lincoln Road, from Mr Ismail Akdogan, a Responsible Authority, the licensing authority was required to hold a hearing.</p> <p>The application to vary the premises licence, submitted by Mr Akdogan, was received on 16 October 2013.</p> <p>The variation application in summary included:</p> <ul style="list-style-type: none"> <li>• To increase the hours authorised to sell alcohol from 8am until 2am. The premises was currently authorised to sell alcohol Sunday to Thursday 8am to Midnight and 8am until 2am on Fridays and Saturdays;</li> <li>• To add the condition – ‘8 CCTV cameras would be in place and be visible from behind the counter’;</li> <li>• To add the condition – ‘ five fire alarms and fire exits would be in place’;</li> <li>• To add the condition - ‘Rubbish to be removed’; and</li> <li>• To add the condition – ‘The Challenge 25 age policy and a refusal book will be in place’.</li> </ul>

	<p>A representation against the variation application had been received from Cambridgeshire Constabulary, the Interim Director of Public Health, NHS Peterborough, the Planning Department and the Noise Pollution Team as Responsible Authorities. No other representations had been received from any of the remaining Responsible Authorities.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• An increase in litter in the area;</li> <li>• An increase in anti-social behaviour in the area; and</li> <li>• Negative impact on the principles of the 'Operation CAN-Do' initiative and the Cumulative Impact Area.</li> </ul>
<p>3.6 Licensing Objective(s) under which representations were made</p>	<p>1. The Prevention of Crime and Disorder;  2. The Protection of Public Safety; and  3. The Prevention of Public Nuisance.</p>
<p>3.7 Parties/Representatives and witnesses present</p>	<p><b><u>Applicant / Responsible Authority</u></b></p> <p>Mr Langford B Smith, who presented the case on behalf of Mr Ismail Akdogan.</p> <p><b><u>Responsible Authorities</u></b></p> <p>PC Grahame Robinson, who was present on behalf of Cambridgeshire Constabulary.</p> <p>David Martschenko, who was present on behalf of Noise Pollution Control Team.</p> <p><b><u>Licensee / Representative</u></b></p> <p>Mr Langford B Smith was in attendance on behalf of Mr Akdogan.</p> <p><b><u>Other Persons</u></b></p> <p>Mr Brian Gascoyne was in attendance as Other Persons.</p>
<p>3.8 Oral representations</p>	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><b><u>Applicant</u></b></p> <p>Mr Langford B Smith's addressed the Sub-Committee. The key points raised during his address were as follows:</p> <ul style="list-style-type: none"> <li>• The Applicant had liaised with the Cambridgeshire Constabulary and had made suggestions in relation to the licensing conditions in order to reach a compromise;</li> <li>• Consideration to be given to reduce the proposed two hour extension to one hour, with the one hour difference to align with reduced shop opening hours;</li> <li>• There was no objection from the applicant over the stipulations made by the Authority; and</li> <li>• The applicant wished to retain the current licenced alcohol strength of</li> </ul>



	<p>beer sales.</p> <p><b><u>Responsible Authority – Cambridgeshire Constabulary</u></b></p> <p>PC Graham Robinson addressed the Sub-Committee. The key points raised during his address were as follows:</p> <ul style="list-style-type: none"> <li>• Agreements had not been reached with the Applicant over the proposed licence and that it was the Sub-Committees decision to agree the outcome of the applicants suggested compromise;</li> <li>• The current licence had run from Sunday to Thursday 8am until midnight and Friday and Saturday 8am – 2.00am; and</li> <li>• The applicant had been advised that it would be favourable to reduce the closing hours to midnight each night of the week in order to create less impact on residents.</li> </ul> <p><b><u>Other Persons – Brian Gascoyne</u></b></p> <p>Mr Brian Gascoyne addressed the Sub-Committee. The key points raised during his address were as follows:</p> <ul style="list-style-type: none"> <li>• There were 98 premises that had sold alcohol in the OP CAN DO area; and</li> <li>• Consideration should be given to reduce the number of premises selling alcohol and their opening times in the OP CAN DO area.</li> </ul>
<p>3.9 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the application Mr Ismail Akdogan and attached to the Sub-Committee report.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from Cambridgeshire Constabulary, the Interim Director of Public Health, NHS Peterborough, the Planning Department and the Noise Pollution Team as Responsible Authorities.</p> <p><b><u>Ward Councillor</u></b></p> <p>Consideration was given to the written submission from Councillor Shearman, Ward Councillor for Park Ward</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from list other persons.</p>
<p>3.10 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the review application would further support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the review application would further support the ‘Prevention of</p>

	<p>Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the review application would further support the 'Protection of Public Safety' Licensing Objective.</p>
<p>4. Decision</p>	<p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</b></p> <p>The premises lay within an area designated under a special policy therefore there was a rebuttable presumption not to grant the variation. To be successful, the applicant would need to demonstrate that they had sufficiently addressed the issues within the designated area detailed in the policy, in their operating schedule.</p> <p>The Sub-Committee been addressed on such issues as an increase in noise and waste pollution and public health associated with alcohol misuse.</p> <p>The Committee had considered the options available to it, which were:</p> <ul style="list-style-type: none"> <li>• to vary the licence in the same terms as it was applied for;</li> <li>• to grant or vary the variation as applied for with or without conditions; and</li> <li>• to refuse the variation.</li> </ul> <p>It was noted that the applicant was willing to reduce the hours of opening for the days in question and reduce the two hour increase, as applied for, by one hour.</p> <p>The Sub-Committee had been referred to the licensing policy incorporating the special policy and the government guidance at paragraphs 13.29 and 13.35 of the Licensing Act 2003.</p> <p>In introducing a special policy the licensing authority recognised that the designated area was saturated with such premises.</p> <p>The Sub-Committee had not believed that the operating schedule had addressed the issues within the special policy sufficiently enough to rebut the presumption not to grant, even with the proposed conditions and reduced hours of opening.</p> <p>The Sub-Committee's decision was therefore to refuse the application to vary the premises licence, at the premises known as Peterborough International Food Centre, 314-316 Lincoln Road, Peterborough, PE1 2ND.</p> <p>Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:</p> <p>Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel No. 0845 3100575. There is a fee to pay.</p>

Chairman  
1.00pm – 2.02pm

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Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Wednesday, 8 January 2014

**RECORD OF DECISION**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Exempt Session	<p>Members of the Committee were asked to consider whether to hold the hearing in exempt session, which was in accordance with paragraph 1 and 7 of Schedule 12A of Part 1 of the Local Government Act 1972 in that it contained information relating to an individual and information relating to an action taken or to be taken in connection with the prevention or investigation or prosecution of crime.</p> <p><b>Resolved:</b> The Committee unanimously agreed to discuss the application for a Personal Licence in public session.</p>
4. Application	Application of Personal Licence – Mr Akar Ahmed
4.1 Application Reference	MAU 068328
4.2 Sub-Committee Members	Councillor (Chairman) Thacker Councillor Saltmarsh Councillor Miners
4.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen Dunleavy, Governance Officer – Clerk to the Sub-Committee
4.4 Applicant	Mr Akar Ahmed
4.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Personal Licence</p> <p><b><u>Summary of Review Application</u></b></p> <p>In accordance with section 117 of the Licensing Act 2003, following the submission of an application for a Personal Licence from Mr Akar Ahmed, following a disclosure of a criminal offence a Responsible Authority, the Licensing Authority was required to hold a hearing.</p> <p>Following the criminal conviction disclosure by the Applicant, the Licensing Authority received a notice of objection to the granting of a Personal Licence (Section 120 (5) Licensing Act 2003) from the Chief of Police for Cambridgeshire Constabulary.</p> <p>A summary of the issues raised within the representations included:</p>

	<ul style="list-style-type: none"> <li>• The Applicant had a conviction for a relevant offence (Schedule 4 of LA2003) for the possession of prohibited weapon (weapon for discharge of noxious gas); and</li> <li>• The offence was viewed particularly seriously by the Constabulary's Licensing Team and the conviction date of 28 January 2013 was relatively recent.</li> </ul>
4.6 Licensing Objective(s) under which representations were made	1. The Prevention of Crime and Disorder
4.7 Parties/Representatives and witnesses present	<p><b><u>Applicant / Responsible Authority</u></b></p> <p>The Licensing Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Responsible Authorities</u></b></p> <p>PC Grahame Robinson, who was present on behalf of Cambridgeshire Constabulary.</p> <p><b><u>Applicant / Representative</u></b></p> <p>Mr Akar Ahmed, the Applicant was in attendance and was not accompanied by a representative.</p>
4.8 Oral representations	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><b><u>Responsible Authority</u></b></p> <p>Darren Dolby, 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>• A person that sought a Personal Licence had a duty to provide information regarding any criminal offence relating to them as part of the application;</li> <li>• Following the criminal offence declaration, the Licensing Authority had a duty to inform the Police of the disclosure, in order for them to make representations to uphold the licensing objectives;</li> <li>• The applicant had been convicted of possessing a weapon;</li> <li>• The Police had objected to the grant of a Personal Licence for Mr Akar Ahmed; and</li> <li>• The Committee was asked to consider the application and undertake the actions deemed necessary to grant or not grant the licence.</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 included:</p>

	<ul style="list-style-type: none"> <li>• The weapon ceased was similar to one carried by Police Officer namely pepper spray and was classed as a fire arm under part 6 Section 113 Schedule 4 of the Relevant Offences;</li> <li>• Mr Akar Ahmed applied for a Alcohol Personal Licence on 31 October 2013 and was legally bound to declare previous criminal convictions;</li> <li>• Mr Ahmed pleaded guilty to the charge and was convicted on 28 January 2013, of being in possession of a prohibited weapon (weapon for discharge of noxious liquid gas);</li> <li>• Under the Rehabilitation of Offenders Act 1974, the nature of the conviction, for adults over 18 must be declared up to 5 years;</li> <li>• Further enquiries with Lincolnshire Constabulary revealed the Mr Ahmed was named on the case file with a different name and date of birth to that on the application; and</li> <li>• Granting the licence would undermine the crime and prevention licensing objective.</li> </ul> <p>1:24 pm At this point the applicant arrived at the meeting and was advised that the hearing was being held in public session.</p> <p><b><u>Applicant</u></b></p> <p>Mr Akar Ahmed addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee, were as follows:</p> <ul style="list-style-type: none"> <li>• The Applicant wished for the Committee to consider his application;</li> <li>• The Police had given an accurate account of the circumstances surrounding the criminal conviction, however the applicant stated that what he had done was wrong;</li> <li>• The Applicant had learnt his lesson and wished to be granted with the personal licence in order to get on with his life and that he was also making the application for his father; and</li> <li>• The Applicant did not recall how the gas weapon had become in his possession. The first time he was aware of the weapon, was when he had left the night club.</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 Personal Licence attached to the Sub-Committee report.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from Cambridgeshire Constabulary.</p>
4.11 Facts/Issues in dispute	<p><b><u>Issue 1</u></b></p> <p>Whether the review application would further support the 'Prevention of Crime and Disorder' 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:**

During its deliberations, the Sub-Committee considered the various options available, including:

The submissions made by the Police relating to their objections to the granting of the Personal Licence as applied.

The Police were concerned that the conviction dated 28 January 2013 was of a sufficiently serious nature and had been relatively recent, that the application underlined the licensing objective of the prevention of crime and disorder.

The applicant stated that he was unaware that he had in his possession the prohibited weapon.

He stated that he was applying for the licence on behalf of his father.

It was therefore, the Licensing Act 2003 Sub-Committee's decision to not grant the licence as applied for by Mr Akar Ahmed for the same reasons as stated by the Police.

The Committee believed that the serious offence committed undermined the licensing objective of the prevention of crime and disorder, given the recent date of conviction.

The applicant was advised that he could appeal to the Peterborough Magistrates Court within 21 days of receiving the formal decision notice.

Chairman  
1:13– 1:57pm



Expedited Review, Licensing Act 2003 Sub-Committee  
 undertaken Wednesday 11 March 2014

**RECORD OF PROCEEDINGS\***

**\*There is no requirement for a formal hearing of the Sub-Committee to take place to determine the question of interim steps and the determination may take place over the telephone or other 'remote means'. This expedited review was conducted with Members via email.**

1. Apologies for Absence	Not applicable.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Expedited Review of Licence – Solstice/Radius, Northminster Road, Peterborough, PE1 1SQ
3.1 Application Reference	
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Peach Councillor Saltmarsh
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Cambridgeshire Constabulary
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Expedited review of existing premises licence.</p> <p><b><u>Summary of Expedited Review Application</u></b></p> <p>An Expedited Review was deemed necessary for the following reasons:</p> <ol style="list-style-type: none"> <li>1. A serious disorder took place which involved a member of the public on Sunday, 9 March between the hours of 2:30am and 2:50am;</li> <li>2. It is the view of the police that there was a reluctance and ineffectiveness of the part of management to deal effectively with the current 'In House' door supervisors;</li> <li>3. Issues of excessive use of force over the last 12 months, whereby Security Industry Authority (SIA) door supervisors utilised by the Designated Premises Supervisor (DPS) who were concerned in the disorder had used excessive force previously on customers; and</li> <li>4. Lack of appropriate conditions on the premises licence that would effectively assist the DPS in promoting the Licensing objectives.</li> </ol>
3.6 Licensing Objective(s) under which representations were made	1. The Prevention of Crime and Disorder

3.7 Parties/Representatives and witnesses present	Not applicable.
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	Not applicable.
3.9 Oral representations	Not applicable.
3.10 Written representations and supplementary material taken into consideration	<p><b><u>Responsible Authority – Cambridgeshire Constabulary</u></b></p> <p>Consideration was given to the application submitted by Cambridgeshire Constabulary and the certificate under Section 53A(1)(b) of the Licensing Act 2003.</p>
3.11 Facts/Issues in dispute	<p><b><u>Issue 1</u></b></p> <p>Whether the expedited review application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p>
4. Decision	<p><b>The Sub-Committee took account of the contents of the application and the certificate issued under Section 53A(1)(b) of the Licensing Act 2003. The Sub-Committee also considered all of the various options available and found as follows:</b></p> <p>The Sub-Committee considered representations made by the police contained within the application and certificate in support of the expedited review. The representation detailed an incident which took place on 9th March 2014 between the hours of 02:30am and 2:50am.</p> <p>The Sub-Committee considered whether in the light of the representations made by the police, if it was necessary to take interim steps to address the immediate problems with the premises.</p> <p>The Sub-committee considered paragraph 3 of the Home office guidance and the powers available to it under Section 53A of the Licensing Act 2003 namely:</p> <ul style="list-style-type: none"> <li>• The modification of the conditions of the premises licence;</li> <li>• The exclusion of the sale of alcohol (or other licensable activities) from the scope of the licence;</li> <li>• The removal of the designated premises supervisor; and</li> <li>• The suspension of the licence.</li> </ul> <p>The Sub-Committee considered that the interim step of modifying the conditions of the premises licence was necessary to prevent the likelihood of further serious disorder and that the hours of operation for licensable activities should be curtailed and that further conditions surrounding the management of door supervisors should be attached to the licence as recommended by the Police.</p> <p>The Sub Committee decided to implement the Police recommendation revoking the ability to employ an 'In House Door Supervisor Team', by imposing the following conditions onto the Premises Licence:</p> <ol style="list-style-type: none"> <li>1. All Licensable activity would cease at 02:00am;</li> </ol>

2. All Security Industry Authority (SIA) registered door supervisors must be employed from a recognised and qualified SIA registered Door Supervisor Security Company that had been approved by the Licensing Authority;
3. A minimum of 8 SIA registered door supervisors would be employed at all times a licensable activity took place from 21:00 hours on each Friday and Saturday night. A minimum of two SIA door supervisors will be employed where capacity is expected to exceed 100 on any other night. They will be employed on the main access door and at strategic points around the venue to:
  - a. Prevent the admission of drunk and disorderly persons;
  - b. Maintain an orderly queue outside the venue;
  - c. Count those entering and leaving the premises to ensure building capacity was not breached;
  - d. Assist customers to leave the venue to ensure they leave in a quiet and orderly fashion;
  - e. To keep out excluded persons circulated via the NightSafe Pub Watch Scheme;
  - f. Search and exclude those persons suspected of carrying illegal drugs or offensive weapons; and
  - g. Maintain effective communication via City Link Radio, or other means with Peterborough CCTV or the Police when requesting assistance.
4. All door staff would be trained in the requirements of the Challenge 25 policy, the identification & recognition of drunks and the correct procedures to be followed when refusing service;
5. The premises licence holder and / or the designated premises supervisor would ensure door supervisors were properly briefed and trained to manage queues in a safe and efficient manner;
6. All door supervisors employed at the entrance / exit of the licensed premises would wear high visibility clothing and display their SIA badge in an arm badge holder;
7. All door staff engaged in searching persons (as a condition of entry) would be fully trained in the use of their powers to do so;
8. Where a licensed premises engaged in searching persons, the premises licence holder and / or designated premises supervisor would ensure that door supervisors of both sexes were on duty; and
9. The premises licence holder and / or designated premises supervisor would ensure that the following details for each door supervisor were contemporaneously entered into a bound register kept for that purpose :
  - Full Name
  - SIA badge number in full
  - The time they begun duty
  - The time they completed their duty
  - The full details of any agency through which they had been allocated
  - Work at the premises.
10. The premises licence holder and / or designated premises supervisor or in their absence another responsible person to keep an 'incident report register' in a bound book in which full details of all incidents were recorded. This would be completed as soon as possible and in any case no later than the close of business on the

	<p>day of the incident. The time and date when the register was completed, and by whom, was to form part of the entry. The register had to be kept on the premises at all times and would be produced to an authorised officer of the Licensing Authority or Police Officer (including any Licensing Police Community Support Officer) when required. The register should be retained for a minimum of 12 months; and</p> <p>11. All door supervisors would be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.</p> <p>The decision could be appealed by the licensee, an appeal hearing to be held within 48 hours of receipt of representation.</p>
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Chairman  
(timings not applicable)

Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Wednesday, 2 April 2014

**RECORD OF DECISION**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence – Tesco Ltd 140 Oundle Road
3.1 Application Reference	MAU 068867
3.2 Sub-Committee Members	Councillor (Chairman) Saltmarsh Councillor Kreling Councillor Jamil
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Tesco Stores Ltd, 140 Oundle Road, Peterborough, PE2 9PJ
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>          Monday to Sunday – 6:00am to 11:00pm</li> <li>• <b>Hours premises are open to the public</b>          Monday to Sunday – 6:00am to 11:00pm</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 from Tesco Stores Ltd and representation, which had been received from 47 residents and one Ward Councillor, a Responsible Authority, the licensing authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• If granted, the licence would contribute to an increase in street drinking in the area;</li> <li>• If granted, the licence could lead to a rise in anti-social behaviour;</li> </ul>

	<p>and</p> <ul style="list-style-type: none"> <li>If granted, the licence would lead to an increase in noise and disturbance in the area.</li> </ul>
3.6	<p>Licensing Objective(s) under which representations were made</p> <ol style="list-style-type: none"> <li>The Prevention of Crime and Disorder</li> <li>The Protection of Children from Harm</li> <li>The Prevention of Public Nuisance</li> <li>The Protection of Public Safety</li> </ol>
3.7	<p>Parties/Representatives and witnesses present</p> <p><b><u>Applicant</u></b></p> <p>Mr Paul Baylis, Mr Rymar and Mr Ramsey, who presented the case on behalf of Tesco's Stores Ltd.</p> <p><b>Ward Councillor</b></p> <p>Councillor Thulbourn, Ward Councillor for Fletton and Woodston.</p> <p><b><u>Other Persons</u></b></p> <p>Mrs Audrey Chalmers, Mr Trevor Armstrong, local residents, Pat Alford and Anita Rodcliffe the Grove Community Centre representatives.</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:</p> <ul style="list-style-type: none"> <li>The premises had operated as a public house (The Boro Boro Bar and the Boys Head);</li> <li>The previous premises licence was surrendered by Star Pubs and Bars on 14 October 2014;</li> <li>There had been an application made by Tesco Stores Ltd, for the sale of alcohol between the hours of 6:00am and 11:00pm daily; and</li> <li>No objection had been received from the Responsible Authorities.</li> </ul> <p>Representations against the application had been received from 47 local residents and one Ward Councillor, which highlighted a number of concerns if the premises licence should be granted.</p> <p><b><u>Applicant</u></b></p> <p>Craig Baylis, representative for Tesco Stores Ltd, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>The new store was due to open on 6 May 2014;</li> <li>Mr Rymar was the designated premises supervisor (DPS) and had experience in dealing with issues such as young people attempting to purchase alcohol;</li> <li>A number of experienced staff were to be employed at the 140</li> </ul>

Oundle Road, Tesco Store Ltd;

- Tesco Stores Ltd took the sale of underage alcohol issue very seriously and had adopted the 'Think 25' initiative. Staff had been trained on awareness and would challenge those they felt could be under 25;
- Tesco Stores Ltd had a double check system in place for the 'Think 25' initiative, in that the till sale would prompt an alert once an alcohol item had been scanned. In addition, where self-serve tills were in place, these would automatically lock once the alcohol was scanned, and the customer would be unable to continue with the purchase until it was checked and verified by a trained member of staff;
- Tesco Stores Ltd actively involved police to visit their premises, with the offer to use the sanitary and refreshment facilities that were available for their staff;
- The DPS of the Tesco Store Ltd, Oundle Road would be responsible in managing the Tesco donation of £500 towards community projects and initiatives;
- A rogues gallery would be in place at the Oundle Road Tesco store in order for staff to identify problematic members of the public that were a public nuisance to the community;
- Once identified, street drinkers would not be permitted to enter the Oundle Road Tesco Store Ltd;
- Security staff would be in place on a full time basis for a period of two to three months or as long as necessary to assess the situation of problematic members of the public and deal with any issue that may arise in order to mitigate public nuisance and provide reassurance to residents; and
- The security staff employed would be experienced in dealing with public nuisance issues.

#### **Ward Councillor – Councillor Thulbourn**

Councillor Thulbourn, Ward Councillor for Fletton and Woodston, addressed the Sub-Committee. The key points raised in his address and responses to questions included:

- The issues being experienced in the area had not arisen by young people per se, but by a significant number of street drinkers;
- Street drinkers should be refused the sale of alcohol;
- Street drinkers had historically caused issues for church visitors, weddings and for the local school. The community had worked hard with the police over the past two years to eradicate and resolve the street drinking issues that had been experienced;
- It was felt that the Oundle Road Tesco Store would encourage the street drinkers to return to the area and trigger the historic issues experienced previously;
- There were concerns over the safety of children;
- It was felt that the proposed sale of alcohol hours from 6:00am to 11:00pm, would act as a magnet for street drinkers;
- Consideration should be given by the Committee to limit the strength of alcohol that should be on sale if the premises licence was to be granted to Tesco Stores Ltd, 140 Oundle Road; and
- Consideration should also be given by the Committee to restrict the sale of alcohol by Tesco Stores Ltd, 140 Oundle Road until 9:00pm.

### **Other Persons – Trevor Armstrong and Audrey Chalmers**

Mr Trevor Armstrong and Audrey Chalmers, local residents addressed the Sub-Committee and responded to questions. The key points raised in their address and responses to questions included:

- There had been problems experienced previously when the premises had operated as the Boro Boro Bar. Visitors to the premises would sit on Mr Armstrong's fence to drink alcohol;
- There were 10 outlets offering the sale of alcohol along the Oundle Road route; and
- Tesco Store Ltd, 140 Oundle Road would prove to become a Trojan Horse for further stores with similar business;
- There was an uncertainty over why the police had not made representation against the application as they had worked hard with residents to resolve the public nuisance issues that had been experienced in the area;
- It was felt that the Council should support local residents of Oundle Road in order to avoid the public nuisance issues returning; and
- There had been a young person's hostel located on Oundle Road which supported the wellbeing of those young persons that suffered with drug and alcohol related problems and it was felt that granting the premises licence to the Oundle Road Tesco Store would provide them with increased opportunity to obtain alcohol.

### **Other Persons – Pat Alford and Mrs Radcliffe**

Pat Alford, South Grove Community Centre employees, addressed the Sub-Committee and responded to questions. The key points raised in their address, and responses to questions included:

- Issues such as littering and defecating around the South Grove (SG) Community Centre had been created by street drinkers that frequented the area;
- The SG Community Centre employees would need to remove the rubbish and fowling that had been created around the building; and
- An outlet that offered the sale of alcohol from 6:00am would exacerbate the street drinkers addiction.

### **Summing Up**

All parties were given the opportunity to summarise their submissions.

### **Applicant**

Mr Baylis, the Applicant's representative (Tesco Stores Ltd) expressed that it had been helpful to learn about the issues of public nuisance that were experienced previously in the Oundle Road area and provided reassurance that the concerns raised by residents would be taken seriously. Furthermore, Mr Baylis advised that the Applicant wished to amend the application in order to change the start time of premises licence from 6:00am to 8:00am in order to help alleviate the concerns raised by local residents.



	<p>In addition, a meeting was requested by the representative of Tesco Store Ltd, 140 Oundle Road to be held between the store manager and Councillor Thulbourn in order to identify the issues that had been experienced in the area, in order to mitigate any future reoccurrence of public nuisance.</p>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><b><u>Ward Councillor</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from Ward Councillor Thulbourn.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from the 47 resident representations.</p>
<p>3.11 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the 'Protection of Public Safety' Licensing Objective.</p>
<p>4. Decision</p>	<p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</b></p> <p>During its deliberations, the Sub-Committee considered the following:</p> <ul style="list-style-type: none"> <li>• The application for a premises licence relating to Tesco Stores Ltd, at 140 Oundle Road, Peterborough;</li> <li>• The concerns raised by residents and the Ward Councillor regarding the licence exacerbating the noise and public nuisance in the area and other issues associated with street drinkers;</li> <li>• Concerns raised regarding the position of the premises near a school;</li> </ul>

- The contents of the 47 identical letters received from concerned residents; and
- That no representations had been made by any responsible authority.

The Sub-Committee was satisfied that the operating schedule was sufficient to alleviate any perceived problems associated with the premises in the future.

The applicant offered, via their representative to reduce the hours that alcohol would be sold, with a start time of 8:00am. The Sub-Committee welcomed, accepted and directed the application to be amended accordingly.

The Sub-Committee disregarded irrelevant factors not evidenced before them and perceived problems that may be associated with the premises.

The Sub-Committee therefore, decided to grant the application as applied for with the amended times for the sale of alcohol as follows:

- **Sale of alcohol for consumption off the premises**

Monday to Sunday – 8:00am to 11:00pm

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

Chairman  
Start 9:30am – Finish 10:58pm

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

**RECORD OF PROCEEDINGS**

1. Apologies for Absence	There were no apologies for absence.
2. Declarations of Interest	Councillors Saltmarsh and Peach declared that Andrew Cave, the Licence Holder representative, was known to them, however there had been no prior discussions undertaken in relation to the review hearing.
3. Application	Expedited Summary Review of Premises Licence – The Solstice / Radius, Northminster, Peterborough, PE1 1YN
3.1 Application Reference	MAU 069060
3.2 Sub-Committee Members	Councillor (Chairman) Thacker Councillor Saltmarsh Councillor Peach
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Governance Officer – Clerk to the Sub-Committee Philippa Turvey, Senior Governance Officer
3.4 Applicant	Cambridgeshire Constabulary
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Expedited Summary Review of Premises Licence</p> <p><b><u>Summary of Review Application</u></b></p> <p>In accordance with section 53A of the Licensing Act 2003, following the submission for a summary review of the premises and the certificate signed by a superintendent from Cambridgeshire Constabulary, the licensing authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included an incident of serious disorder occurring on the 9<sup>th</sup> March 2014, involving a member of the public and four Security Industry Authority (SIA) registered door supervisors from the Solstice / Radius.</p> <p>The mediated conditions included:</p> <ol style="list-style-type: none"> <li>1. Alcohol sales will cease at 02:30am, and all other Licensable activity will cease at 03:00am. No person will be allowed access into the venue after 02:00am.</li> <li>2. The premises licence holder or designated premises licence holder</li> </ol>

shall ensure that all bar staff, supervisors and managers are trained in the legality and procedure of alcohol sales using a training package approved by the Licensing Authority and Police, prior to undertaking the sale of alcohol. Refresher training should be undertaken every 3 months or whenever licensing legislation changes. Training shall be signed and documented and training records will be kept on the premises either in paper or electronic form. These records should be made available immediately to a Licensing Authority Officer or Police Officer (including PCSO) upon request. The documentation relating to training should extend back to a period of 18 months and should specify the time, date and details of both the person providing the training and receiving the training.

3. All SIA Registered door supervisors must be employed from a recognised and qualified SIA registered Door Supervisor Security Company that is approved by the Licensing Authority.
4. A minimum of 8 SIA registered door supervisors, including at least one female door supervisor, will be employed at all times a licensable activity takes place from 22:00 hours on each Friday and Saturday night. A minimum of 2 SIA door supervisors will be employed where capacity is expected to exceed 100 on any other night. They will be employed on the main access door and at strategic points around the venue to:
  - a) Prevent the admission of drunk and disorderly persons.
  - b) Maintain an orderly queue outside the venue
  - c) Count those entering and leaving the premises to ensure building capacity is not breached.
  - d) Assist customers leaving the venue to ensure they leave in a quiet and orderly fashion.
  - e) To keep out excluded persons circulated via the NightSafe Pub Watch Scheme.
  - f) Search and exclude those persons suspected of carrying illegal drugs or offensive weapons.
  - g) Maintain effective communication via City Link Radio, or other means with Peterborough CCTV or the Police when requesting assistance.
5. All door staff shall be trained in the requirements of the Challenge 25 policy, the identification & recognition of drunks and the correct procedures to be followed when refusing service.
6. The premises licence holder and / or the designated premises supervisor shall ensure door supervisors are properly briefed and trained to manage queues in a safe and efficient manner.
7. All door supervisors employed at the entrance / exit of the licensed premises will wear and display their SIA badge in an arm badge holder.
8. All door staff engaged in searching persons (as a condition of entry) shall be fully trained in the use of their powers to do so.
9. The premises licence holder and / or designated premises supervisor

	<p>shall ensure that the following details for each door supervisor are contemporaneously entered into a bound register kept for that purpose :</p> <p>Full Name SIA badge number in full The time they begun duty The time they completed their duty The full details of any agency through which they have been allocated work at the premises.</p> <p>10. The premises licence holder and / or designated premises supervisor or in their absence another responsible person to keep an 'incident report register' in a bound book, or by electronic means, in which full details of all incidents are recorded. 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 register 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 an authorised officer of the Licensing Authority or Police Officer (inc any Licensing PCSO) when required. The register should be retained for a minimum of 12 months.</p> <p>11. All door supervisors shall be capable of communicating instantly with one another by way of radio or other simultaneous system of communication.</p>
3.6 Licensing Objective(s) under which representations were made	1. The Prevention of Crime and Disorder
3.7 Parties/Representatives and witnesses present	<p><b><u>Applicant</u></b></p> <p>Police Constable Grahame Robinson, Cambridgeshire Constabulary.</p> <p><b><u>Licensee / Representative</u></b></p> <p>Andrew Cave, Solicitor, Licensee Representative Michael Boyle, Premises Owner, Licensee Shaun Boyle, Premises Owner, Licensee Kevin Jeffrey, Designated Premises Supervisor</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.

<p>3.9 Oral representations</p>	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. He explained that mediation had been ongoing and revised hours and conditions had been agreed by all parties. He proposed that the Committee accept the mediated terms.</p> <p><b><u>Applicant</u></b></p> <p>PC Robinson addressed the Sub-Committee and commended Solstice management for working with the police and taking positive steps forward.</p> <p><b><u>Licensee's Representative</u></b></p> <p>Mr Cave recognised the serious nature of the incident in question and explained that the Solstice / Radius wanted to continue to work with the police and licensing authority in the future. In collaboration with the police and licensing authority a new course for bar staff had been devised with the assistance of the new door supervisors to recognise customers who may be causing problems.</p> <p>In response to a question Mr Cave identified that a return to previous licensed hours had not been applied for as a result of the serious nature of the incident. It was anticipated that an application for an extension of licensed hours would be made at some point in the future.</p> <p>PC Robinson commented that ceasing the sale of alcohol at 2:30am was considered appropriate by the police for an interim period to aid a natural dispersion of customers.</p> <p><b><u>Summing Up</u></b></p> <p>All parties were given the opportunity to summarise their submissions and each expressed their hope that the mediated terms would be accepted.</p>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p>None were received.</p>
<p>4. Decision</p>	<p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</b></p> <p>The interim steps had appeared to alleviate the initial concerns of the relevant authorities and that had been confirmed by further mediation. Given the endorsement of all the relevant authorities for the mediated conditions it was the Committees' decision to agree to the modification of the premises licence in the mediated terms.</p> <p>A full decision notice with reasons would be sent to all parties within five working days.</p>

Chairman  
1:30pm –2:25pm

Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Tuesday, 20 May 2014

**RECORD OF PROCEEDINGS**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence – Little Europe, 715 Lincoln Road, Peterborough, PE1 3HD
3.1 Application Reference	069186
3.2 Sub-Committee Members	Councillor (Chairman) Thacker Councillor Saltmarsh Councillor Kreling
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Philippa Turvey, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Aidas Mackauskas
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="margin-left: 40px;">Monday to Saturday – 9:00am to 9:00pm Sunday – 10:00am to 8:00pm</p> <ul style="list-style-type: none"> <li>• <b>Hours premises are open to the public</b></li> </ul> <p style="margin-left: 40px;">Monday to Saturday – 9:00am to 9:00pm Sunday – 10:00am to 8:00pm</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 Little Europe, 715 Lincoln Road, Peterborough, PE1 3HD, which had been received from a Residents' Association and four Responsible Authorities, the licensing authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included:</p>



	<ul style="list-style-type: none"> <li>• Detriment to the ongoing partnership working in place to reduce anti-social behaviour and violent crime within the area; and</li> <li>• In 'Op Can-do' area which is now subject to a special 'cumulative impact policy'.</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 Protection of Children from Harm</li> <li>3. The Prevention of Public Nuisance</li> <li>4. The Protection of Public Safety</li> </ol>
3.7	<p>Parties/Representatives and witnesses present</p> <p><b><u>The Licensing Authority</u></b></p> <p>The Licensing Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Grahame Robinson, Cambridgeshire Constabulary</p> <p>Karen Woods, Trading Standards</p> <p><b><u>Other Persons</u></b></p> <p>Brian Gascoyne, Chairman of the Millfield and New England Regeneration Partnership</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:</p> <ul style="list-style-type: none"> <li>• Letters had been received from the Applicant's Agenda, Mr Rocha, indicating that all the conditions proposed by the Responsible Authorities had been agreed to by the Applicant.</li> <li>• There was a rebuttable presumption that the application be refused unless it can be demonstrated that the operation of the premises will not add to the cumulative impact already being experienced.</li> <li>• The Applicant had requested that the meeting be adjourned, as neither the Applicant nor the Agent could be present at the meeting. The Agent had previously confirmed his intention to attend the meeting.</li> </ul> <p>The Sub-Committee discussed whether it was appropriate to continue with the hearing as nobody was present to represent the Applicant and the Applicant believed they had not received sufficient notice of the hearing. The Sub-Committee agreed that the hearing would continue as the Applicant had the opportunity to send a representative in his stead. It was determined that sufficient notice had been provided.</p> <p>The Chairman asked if any of the Responsible Authorities or other persons had anything to add to their written representations. None wished to submit</p>

	anything further to the Committee.
3.10 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, attached to the Sub-Committee report.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from four Responsible Authorities.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from the Residents' Association.</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 'Protection of Children from Harm' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the 'Protection of 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>During its deliberations, the Sub-Committee considered the following:</p> <ul style="list-style-type: none"> <li>• Our own Statement of Licensing Policy at paragraph 11;</li> <li>• The Government guidance at paragraph 13.29 and 13.30;</li> <li>• The representation from the Police and from the Licensing Authority; and</li> <li>• The operating schedule within the application.</li> </ul> <p>The Sub-Committee therefore, decided to reject the application for a licence for the premises, known as Little Europe, 715 Lincoln Road, Peterborough.</p>

	The Sub-Committee advised that any party in objection to the decision could appeal to the Peterborough Magistrates Court within 21 days of receiving the formal decision notice.
5. Application	New Premises Licence – Centre Café, 187a Lincoln Road, Peterborough, PE1 2UN
5.1 Application Reference	069164
5.2 Sub-Committee Members	Councillor (Chairman) Thacker Councillor Saltmarsh Councillor Kreling
5.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Philippa Turvey, Senior Governance Officer – Clerk to the Sub-Committee
5.4 Applicant	Mr Usman Abu Bakar Iftickhar
5.5 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> Monday to Sunday – 12 (Noon) to 10:30pm</li> <li>• <b>Hours premises are open to the public</b> Monday to Sunday – 12 (Noon) to 10:30pm</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 Centre Café, 187a Lincoln Road, Peterborough, PE1 2UN, which had been received from two Responsible Authorities, the licensing authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• The application was for a premises in the ‘Op Can-do’ area, which is now subject to a special ‘cumulative impact policy’;</li> <li>• The Operating Schedule conditions did not sufficiently address the issues of the historic problems of the location and the surrounding area; and</li> <li>• If granted there was concern that the initial ‘small’ licensed premises would evolve in to large capacity functions taking place in an upstairs room which can be accessed from the café.</li> </ul>

<p>5.6 Licensing Objective(s) under which representations were made</p>	<p>1. The Prevention of Crime and Disorder  2. The Protection of Children from Harm  3. The Prevention of Public Nuisance  4. The Protection of Public Safety</p>
<p>5.7 Parties/Representatives and witnesses present</p>	<p><b><u>The Licensing Authority</u></b></p> <p>The Licensing Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Grahame Robinson, Cambridgeshire Constabulary</p> <p><b><u>Applicant</u></b></p> <p>Mr Usman Abu Bakar Iftikhar, the Applicant, and Mr Langford Smith, the Applicant's Representative.</p>
<p>5.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p>	<p>There were no pre-hearing considerations.</p>
<p>5.9 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:</p> <ul style="list-style-type: none"> <li>• The application was for on premises sales only;</li> <li>• Mediation had taken place, with additional conditions proposed by the applicant set out in section 7 of the report. However mediation had not, ultimately, been successful.</li> </ul> <p><b><u>Applicant</u></b></p> <p>Langford Smith, representative for Mr Iftikhar, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>• The Conditions proposed by the police were believed to be acceptable;</li> <li>• A 'minimum meal' rule was proposed to ensure that a certain amount of food be purchased in order to allow alcohol to be purchased as well;</li> <li>• As the main concern of those objecting appeared to be the potential for use of the upstairs 'snooker room', a rule would be imposed that all alcohol purchased would be consumed on the premises or otherwise abandoned;</li> <li>• No objection was raised to regular inspections from the Council, without appointment;</li> <li>• The premise had a capacity for 20, however it was believed that in practice 15 people could be catered for; and</li> <li>• The upstairs could be only be accessed through the café, although there was also a fire escape from the upstairs room to outside;</li> <li>• Mr Iftikhar had been running the premises for approximately 2</li> </ul>

	<p>months.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Mr Grahame Robinson, Cambridgeshire Constabulary, 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>• He had previously seen a plan of the premises, he was not sure of the location of the entrances to the café. He did, however, believe that a 20 person capacity was acceptable;</li> <li>• He was concerned that the upstairs area of the building would be incorporated into the business, but would deal with such expansion plans as and when they developed; and</li> <li>• He couldn't see evidence of where the 'Op Can-do' issues had been addressed.</li> <li>• If the application were to be granted he would like to see an official plan with conditions to restrict the sale and consumption of alcohol limited to only that area.</li> </ul> <p>The meeting was adjourned for fifteen minutes in order to obtain plans of the application premises.</p> <p><b><u>Summing Up</u></b></p> <p>All parties were given the opportunity to summarise their submissions.</p> <p><b><u>Applicant</u></b></p> <p>Mr Langford Smith believed the café would be an asset to the community and fully accepted the suggested restriction on alcohol in the upstairs room.</p> <p><b><u>Licensing Authority</u></b></p> <p>The Regulatory Officer reminded the Sub-Committee that the application premise fell within the 'Op Can-do' area and that the application only related to the downstairs area only.</p> <p>It was clarified that a temporary even licence could be applied for, for the upstairs room and that this would be considered by the responsible authorities.</p>
<p>5.10 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from four Responsible Authorities.</p>

<p>5.11 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the 'Protection of Public Safety' Licensing Objective.</p>
<p>6. 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>During its deliberations, the Sub-Committee considered the following:</p> <ul style="list-style-type: none"> <li>• Our own Statement of Licensing Policy at paragraph 11;</li> <li>• The Government guidance at paragraph 13.29 and 13.30; and</li> <li>• The conditions forwarded by the police and those by the Applicant.</li> </ul> <p>The Sub-Committee therefore, decided to grant the licence for the premises, known as Centre Café, 187a Lincoln Road, Peterborough, as applied for subject to the adoption of all the conditions put forward by the police and the Applicant, with the police conditions taking precedence where there is conflict and avoiding any duplication.</p> <p>The 'minimum meal' condition put forward by the Applicant was not agreed as the Sub-Committee felt this would be too difficult to enforce in this type of establishment.</p> <p>The licence was for the downstairs area alone as shown on the plan for the premises.</p> <p>The Sub-Committee advised that any party in objection to the decision could appeal to the Peterborough Magistrates Court within 21 days of receiving the formal decision notice.</p>

Chairman Cllr Thacker  
Start 10:00am – 1:00pm

Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Thursday, 26 June 2014

**RECORD OF PROCEEDINGS**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence – General Store, 48 Oundle Road, Peterborough
3.1 Application Reference	069399
3.2 Sub-Committee Members	Councillor (Chairman) Thacker Councillor Saltmarsh Councillor Khan
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee Philippa Turvey, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Adem Xhemajli
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>             Sunday to Wednesday – 9:00am to 9:00pm            Thursday to Saturday – 9:00am to 11:00pm</li> <li>• <b>Hours premises are open to the public</b>             Sunday to Wednesday – 9:00am to 9:00pm            Thursday to Saturday – 9:00am to 11:00pm</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 General Store, 48 Oundle Road, Peterborough, which had been received from a Ward Councillor and local residents the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• The already high level of off-licensed premises in the surrounding area, and</li> </ul>

	<ul style="list-style-type: none"> <li>The concern that the sale of alcohol at the hours applied for would increase the prevalence of street drinking in the area.</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 Protection of Children from Harm</li> <li>3. The Prevention of Public Nuisance</li> <li>4. The Protection of 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</u></b></p> <p>The Applicant, Mr Adem Xhemajli and the Applicant's Representative, Miss Claire Trolove of Roythornes Solicitors</p> <p><b><u>Ward Councillor</u></b></p> <p>Councillor Thulbourn</p> <p><b><u>Other Persons</u></b></p> <p>Miss Avril Lavender and Mrs Creed.</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 hours applied for being from 9:00am to 9:00pm, Sunday to Wednesday and 9:00am to 11:00pm, Thursday to Saturday.</p> <p><b><u>Applicant</u></b></p> <p>Claire Trolove, representative for Adem Xhemajli, 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>Her client had taken advantage of a gap in the market to cater for demand for eastern European food and drink.</li> <li>The amount of alcohol sold would not be significant.</li> <li>CCTV would be installed to help promote public safety, prevent crime and disorder and protect staff.</li> <li>Signage would be displayed requiring patrons who looked under 25 to present photo identification and notifying patrons that litter should be placed in bins.</li> <li>All relevant fire and safety regulations would be adhered to. Staff would be trained on how to deal with challenging situations.</li> <li>The current business attracted an amount of traffic and the increase anticipated if the licence were to be granted was negligible.</li> <li>Her client wanted to run his shop in a nice area and did not want to</li> </ul>



contribute to anti-social behaviour. It was not expected that individuals would gather at the shop front, as this was small in area.

- The commercial demand for the shop was part of her client's risk in setting up business and was not relevant to the licence application.

The Regulatory Officer advised, in response to a question, that any condition relating to CCTV would have to be enforceable and workable.

It was clarified that the proposed DPS had taken all the relevant exams but did not yet have her licence. In this instance the premises licence could still be granted, though no alcohol could be sold until the DPS had their personal licence granted.

### **Ward Councillor**

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

- A large amount of work had been undertaken by the community, working with the police, to improve upon the previous problems with street drinking in the area.
- It was suggested that the proposals would attract the street drinkers back and it appeared that the area was being punished for success.
- It was believed that this licence would be the 'saturation point' for off-licensed premises.
- In response to questions regarding the lack of objection from the police or local community groups the Ward Councillor said the police had raised concerns and that community groups had given up.

### **Other Persons**

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

- She could not identify any need for the premises, as there were plenty of business already catering to demand.
- It was believed that the situation of off-licence saturation needed to be addressed before it reached tipping point.
- There was very little parking provided in the area and litter was already a problem for residents.
- It was the wrong shop in the wrong location.

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

- The opening hours until 11:00pm were unnecessary and excessive.
- The area no longer catered for the whole community, with too many off-licences in the vicinity.
- Anti-social behaviour caused by late night drinking gave the area an intimidating feel.

### **Summing Up**

	<p>All parties were given the opportunity to summarise their submissions.</p> <p><b>Applicant's Representative</b></p> <p>Miss Trolove explained that her client wished his business to succeed and was invested in the community, and that he would work with the Council on any relevant matters. She suggested that it would be inappropriate to expect her client to be responsible for the actions of third parties once they leave the premises.</p> <p><b>Ward Councillor</b></p> <p>Councillor Thulbourn clarified that he would be happy to see the shop succeed, but without the selling of alcohol. He suggested that if alcohol was to be sold, it should be done so at more reasonable hours. He believed the application would impact on disorder.</p> <p><b>Other Persons – Avril Lavender</b></p> <p>Ms Lavender reiterated that she did not believe there was a need for such a shop in the vicinity.</p> <p><b>Other Persons – Mrs Creed</b></p> <p>Mrs Creed restated her concerns regarding anti-social behaviour outside the shop.</p>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><b><u>Ward Councillor</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from four Responsible Authorities.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from the Residents' Association.</p>
<p>3.11 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p>

	<p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the 'Protection of 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>During its deliberations, the Sub-Committee considered the following:</p> <ul style="list-style-type: none"> <li>• The representations from the Ward Councillor and residents, and the absence of representations from any Responsible Authorities.</li> <li>• That the premises should not be held responsible for the behaviour of patrons once they left the shop.</li> <li>• That the commercial demand for the shop was not a relevant consideration.</li> <li>• The premises was not located in the Operation Can-do area, however arguments in relation to negative cumulative impact could be considered.</li> </ul> <p>The Sub-Committee therefore, decided to grant the application for a licence for the premises, known as General Store, 48 Oundle Road, Peterborough.</p> <p>It was suggested that, if the community remained concerned about the licences in the area they may wish to investigate whether a special policy on cumulative impact could be employed.</p> <p>The Sub-Committee advised that any party in objection to the decision could appeal to the Peterborough Magistrates Court within 21 days of receiving the formal decision notice.</p>

Chairman Cllr Thacker M.B.E  
Start 1:30pm – 2:40pm

Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Monday, 30 July 2014

**RECORD OF PROCEEDINGS**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Review of Premises Licence – Best Deli, 381 Lincoln Road
3.1 Application Reference	069586
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Hiller Councillor Davidson
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Philippa Turvey, Senior Governance 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>Review of existing Premises Licences.</p> <p><b><u>Summary of Review Application</u></b></p> <p>In accordance with section 51 of the Licensing Act 2003, following the submission of an application to review the premises licence from Trading Standards, a Responsible Authority, the Licensing Authority was required to hold a hearing.</p> <p>The application to review, served by Trading Standards, was received on 11 June 2014.</p> <p>A representation in support of the review had been received from Cambridgeshire Constabulary.</p> <p>A summary of the issues raised within the representations included a seizure by Trading Standards to clamp down on the illicit tobacco and alcohol trade.</p>
3.6 Licensing Objective(s) under which representations were made	1. Prevention of Crime and Disorder
3.7 Parties/Representatives and witnesses present	<p><b><u>Applicant / Responsible Authority</u></b></p> <p>Karen Woods, who presented the case on behalf of Trading Standards.</p>

	<p><b><u>Responsible Authorities</u></b></p> <p>PCSO Nic Petruzzello and Sergeant Hayley Richardson, who were present on behalf of Cambridgeshire Constabulary.</p> <p><b><u>Licensee / Representative</u></b></p> <p>Mr Mansor Azher, the Licence Holder. The Licensee did not have a representative.</p>
<p>3.8 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant / Responsible Authority – Trading Standards</u></b></p> <p>Consideration was given to the application submitted by Trading Standards.</p> <p><b><u>Responsible Authority – Cambridgeshire Constabulary</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from Cambridgeshire Constabulary.</p>
<p>3.9 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the review application would further support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p>
<p>3.10 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 / Responsible Authority</u></b></p> <p>Karen Woods addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were are follows:</p> <ul style="list-style-type: none"> <li>• An investigation regarding illicit sales of tobacco and alcohol at the premise in question had resulted in a formal caution.</li> <li>• On 1 October 2013 an officer in plain clothes was offered foreign labelled brand cigarettes, which could be ‘brought to them’.</li> <li>• On 5 November 2013 one female and one male sold a packet of foreign label cigarettes, which were stored in a box behind a shelf of biscuits and sweets.</li> <li>• On 15 November 2013 ten packets of cigarettes were seized after being found hidden on the premises. The Licensee claimed that the cigarettes belonged to a female employee and that they were being stored at the premises as she did not have room for them in her flat. He stated that he had no knowledge of the content of the box the cigarettes were found in.</li> <li>• The cigarettes were all foreign labelled, without the required health labelling and were being sold for approximately half the standard retail price.</li> <li>• The matter before the Sub-Committee was a separate issue to any criminal proceedings regarding the sale of the cigarettes.</li> </ul> <p>In response to questions from the Sub-Committee the Licensee clarified that:</p> <ul style="list-style-type: none"> <li>• He employed two females, but had no male employees. The male in question on 5 November 2013 may have been the boyfriend of one of</li> </ul>

his employees.

- He was unaware that illicit cigarettes were being sold at the premises, though he knew that his employees smoked them.
- He did not think there was a problem with keeping the cigarettes in the storage room, as they were not to be sold.

### **Responsible Authority – Cambridgeshire Constabulary**

PCSO Nic Petruzzello addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee, included:

- The police fully supported the application for a review of the premise licence by Trading Standards.
- Their investigation had revealed a very serious breach of the Licensing Act 2003.
- The illicit sale of tobacco caused detriment to the community and the customers.
- Mr Azher had demonstrated that he was not a proper person to be responsible for the premises and the police would support a revocation of the premises licence.

### **Licensee**

In response to questions from the Sub-Committee Karen Woods clarified that the investigation of the premises had been intelligence led.

Mr Azher, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee, included:

- He had not accepted the caution, which had resulted from the investigation, as he had not been present when the cigarettes were sold and had no knowledge of any illicit actions.
- He had taken over the business one year ago. This had resulted in some animosity with the previous workers, who had said they would shut down his business by making unfounded complaints.

### **Summing Up**

All parties were given the opportunity to summarise their submissions.

### **Applicant / Responsible Authority**

Karen Woods concluded that illicit cigarettes had been sold and found on the premises, which was a criminal offence. The Licensee had explained to him that a accepting a caution would be admitting responsibility for the offence and so had not accepted the caution. She requested that the Committee revoke the premises licence or, if it felt unable to do so, add the conditions set out in the application.

4. 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 Sub-Committee considered the various options available, these being:

- a) to modify the conditions of the premises licence;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor from the licence;
- d) to suspend the licence for a period not exceeding three months; or
- e) to revoke the licence.

The decision of the Licensing Act 2003 Sub-Committee was to revoke the licence for the premises, known as Best Deli, 381 Lincoln Road.

The reasons for the Sub-Committee's decision included:

It was clear on the information supplied to them that illegal cigarettes were sold on the premises. This had a detrimental impact on the community and was harmful to customers.

The Sub-Committee believed that the additional conditions proposed by Trading Standards were unworkable and insufficient to prevent crime and disorder.

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

Chairman  
1:30pm – 2:45pm

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