

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

**RECORD OF PROCEEDINGS**

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

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

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

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

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

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

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

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

#### **Summing Up**

All parties were given the opportunity to summarise their submissions.

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

No responsible authority, apart from the Cambridgeshire Constabulary, had

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

'off licence shelves'; and

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

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

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

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

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

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