

Minutes of a meeting of the Licensing Act 2003 Sub-Committee held at the Council Chamber
- Town Hall
on 4 December 2008

MEMBERS PRESENT:

Councillors P Hiller (Chairman), H Newton, Y Lowndes and C W Swift (sub)

OFFICERS PRESENT:

Alex Daynes, Cabinet Officer
Amy Brown, Solicitor
Terri Martin, Regulatory Officer

1. Apologies

No apologies were received.

2. Declarations of Interest

There were no declarations of interest.

3. Variation of Licence - Somerfield

Application for a Variation of Premises Licence – Somerfield, Paston Parkway, Peterborough

During his opening statement, the Chairman advised all present of the procedure to be followed.

There were no declarations of interest and no objections were made to any of the Members of the Sub Committee taking part in the Hearing. All parties confirmed that they had received copies of the report and procedure.

List of speakers:

Applicant

Mr Phil Crier	Solicitor, Blake Laphorn
Mr Paul Slade	Business Manager, Somerfield

Interested Parties

Councillor Saltmarsh	Representing local residents (Clifton Court Residents Association)
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Anne Clipston Eye Road, Peterborough

Mary Carnichan Eye Road, Peterborough

The Regulatory Officer informed the sub-committee that the application was for a variation to the Premises Licence for Somerfield, Paston Parkway, Peterborough made by Somerfield. The application was:

- To extend the hours for the sale of alcohol to 24 hours each day.

Representations from seven interested parties had been received in respect of the two relevant licensing objectives: Prevention of Crime & Disorder and Prevention of Public Nuisance.

Phil Crier spoke as a representative for the applicant and advised the sub-committee that the premises was currently open 24 hours a day with alcohol being the only restriction in sales after 11pm. The store was willing to lock its doors to the public after 11pm and serve any further goods through a serving hatch along with taking payments of petrol through the serving hatch. The reopening of the store would begin at 4am as there was already demand for hot foods at this time and these foods were served from within the store. The sub-committee was advised by Mr Crier that the Police had already accepted this condition and were content that the service of goods after 11pm were conducted through a serving hatch that was already in place. Mr Crier advised that thefts from the premises were mainly of petrol and also meat and only 4 instances were recorded of theft of alcohol. The sub-committee was informed that residents were not adjacent to the premises and there was a major road in between Somerfield and residential areas and residents already crossed the road to access the premises and an adjacent KFC store. The premises was already open 24 hours a day, the store already sold alcohol and a serving hatch would be used between 11pm and 4am each night.

Mr Paul Slade advised the sub-committee that there had been only one manager between two different Somerfield premises. This issue had been addressed and there was now a separate manager for the Paston Parkway premises; this would lead to more efficient training for staff and greater control over operations on the premises. Mr Slade further advised the sub-committee that number plate recognition cameras had recently been installed, an emergency button for staff was in place to alert Police and lighting in the store had been improved. All these measures were to help prevent and deter crime. The sub-committee was advised that customers could currently access and enter the store 24 hours a day but only alcohol was restricted for sales.

Following questions from the interested parties, Mr Crier and Mr Slade advised the following points:

- CCTV on the premises had been upgraded to include number plate recognition cameras to deter petrol thefts;
- CCTV cameras had been relocated to provide better coverage of the store;
- Closing the doors from 11pm-4am would eradicate any thefts from the premises at this time;
- The 12am closing time of the adjacent KFC store had led to problems with customers spilling into the Somerfield store. This would now not happen.

Following questions from the sub-committee, Mr Crier and Mr Slade advised the following points:

- The number of staff needed when the serving hatch is operational is not yet known.

- There would be more than one staff member on site between 11pm and 12am to retrieve items requested from the store. An open store would need more members of staff to manage properly.
- Between the hours of 11pm and 4am, it is currently mainly drivers who use the facilities on the premises.

Phil Crier clarified that the application was not for a new licence as just an extension to the hours was requested and the effect upon residents would not be detrimental to the current situation.

Councillor Saltmarsh spoke on behalf of residents in the vicinity of the premises. The sub-committee was advised that the access paths to the Somerfield site went past many properties where elderly people resided. Residents had already experienced littering, vandalism, noise and anti-social behaviour from people walking past late at night and it was felt that the extension to the sale of alcohol would increase these problems. Councillor Saltmarsh highlighted the fact that the Police had already been called to the Somerfield premises 30 times this year.

Mrs Anne Clipston spoke as and on behalf of residents in the vicinity of the premises. The sub-committee was advised that since Somerfield opened, residents had experienced a big rise in anti-social behaviour. The main walkway to the premises was through a residential area and residents had experience loutish behaviour which was expected to increase with 24 hour sales of alcohol. Residents often saw large groups of youths walking to and from the premises, past their homes. Somerfield already collected its shopping baskets three times a week that had been left on the streets. The problems experienced by residents with noise were mainly at night and several elderly residents were regularly woken up by this.

Mrs Mary Carnichan spoke as a resident in the vicinity of the premises and highlighted to the sub-committee the problems of damage to cars and property that lined the access routes to the premises. The sub-committee heard that the premises was a focal point for gangs that contributed to anti-social behaviour in the area. Mrs Carnichan claimed that mixed messages were being sent out from the Council regarding responsible drinking and drink driving if the premises was able to sell alcohol 24 hours a day.

Following questions from the applicant, the interested parties advised the following points:

- It was felt that more people would be travelling to and from the store with the introduction of 24 hour alcohol sales, regardless of the selling through a hatch.
- It was not thought that the staff selling the alcohol would always be able to determine if a customer was already drunk or not.
- A meeting between residents and the management of the premises would be welcome to air grievances and problems that were considered to be associated with the Somerfield store.

Following questions from the sub-committee, the interested parties advised the following points:

- The Somerfield store is often cheaper and more accessible than other local shops.

The applicant offered no further amendment to the proposed conditions.

The interested parties summarised that it was known for gangs to travel past residential properties to the premises at all times of day, including the early hours of the morning.

The applicant summarised that even people who drive will eventually go home so the sale of alcohol is acceptable to drivers, not everyone who buys alcohol causes anti-social problems

and the sale of goods through a hatch (recommended by the Police) would not be beneficial to Somerfield as customers would not be able to browse in store.

The sub-committee retired to consider the application.

RESOLVED

The sub-committee unanimously agreed to grant the variation to the Licence subject to:

- A serving hatch will be used to conduct all sales between 23.00 and 04.00 daily. The customer doors will be locked during this time and customers will not be permitted to enter the store.

Reasons for the decision:

In view of the findings of fact, the sub-committee is satisfied on a balance of probability and considering all the circumstances, including the conditions imposed, that the requested variation would not create public nuisance or increase crime and disorder.

In coming to its decision, the sub-committee also had regard to Peterborough City Council's Statement of Licensing Policy and the National Guidance, in particular, those sections highlighted at paragraphs 8.2 and 8.3 of the committee report.

CHAIRMAN
10.30 am - 12.20 pm