

# Public Document Pack



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

### RECORD OF PROCEEDINGS

1. Election of Chairman	Following a nomination which was seconded, Councillor Hiller was appointed as the Chairman for this meeting.
2. Apologies for Absence	There were no apologies for absence received.
3. Declarations of Interest	There were no declarations of interest.
4. Application	New Premises Licence
4.1 Application Reference	076652
4.2 Sub-Committee Members	Councillor Hiller Councillor Allen Councillor Okonkowski
4.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
4.4 Applicant	International Food Centre - Unit 1 & 2, 41 Lincoln Road, Peterborough, PE1 2RH
4.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p><b><u>Authorisations and Times Applied For</u></b></p> <ul style="list-style-type: none"> <li>● <b>Sale of alcohol for consumption off the premises only</b></li> </ul> <p>Monday to Sunday 7am to 10pm</p> <ul style="list-style-type: none"> <li>● <b>Hours premises are open to the public</b></li> </ul> <p>Monday to Sunday 7am to 10pm</p> <p><b><u>Summary of New Premises Licence Application</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for International Food Centre - Unit 1 &amp; 2, 41 Lincoln Road, Peterborough, PE1 2RH, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> <li>● In 'Op Can-do' area which was subject to a special 'cumulative</li> </ul>

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

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

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

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

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

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

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

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

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

	<p>that the measures adopted were standard practice and would be expected.</p> <ul style="list-style-type: none"> <li>• The applicant would follow the rules and cooperate with the Authority should a premises licence be granted.</li> </ul>
<p>4.10 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from for local businesses.</p>
<p>4.11 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the premises licence application would further support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the premises licence application would further support the ‘Prevention of Public Nuisance’ Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the ‘Protection of Children from Harm’ Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the ‘Public Safety’ Licensing Objective.</p>
<p>5. Decision</p>	<p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</b></p> <p>The Sub-Committee considered the representations made today and in writing from Other Persons.</p> <p>The Sub-Committee considered the points raised in objection to the application by other persons (three local businesses), and a summary of the issues raised included:</p> <ul style="list-style-type: none"> <li>• Premises were within the ‘Op Can-do’ area which was subject to a special ‘cumulative impact policy and had been since April 2013;</li> <li>• Other like businesses catered for alcohol off sales in the vicinity;</li> <li>• Another premises offering ‘Off Sales’ of alcohol would lead to an increase in anti-social behaviour in the vicinity, as detailed in the representations;</li> <li>• If a premises licence was granted, it would add to the cumulative impact in the area;</li> <li>• There were no representations from the Police or other Responsible Authorities; and</li> </ul>

- There were no representations in support of the Application.

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

The Sub Committee referred to:

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

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

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

Chairman  
Start 1:30pm – End 2:23pm

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