

NOTICE OF MEETING

MEETING	LICENSING ACT 2003 SUB-COMMITTEE
DATE:	FRIDAY 19 AUGUST 2011
TIME:	9.00 am
VENUE:	COUNCIL CHAMBER - TOWN HALL
CONTACT:	<i>Gemma George, Senior Governance Officer</i> <i>Telephone: 01733 452268</i> <i>e-mail address: gemma.george@peterborough.gov.uk</i>
Despatch date:	<i>11 August 2011</i>

AGENDA

	PAGE NO
1. Apologies for Absence	
2. Declarations of Interest	
3. Application for Review of Premises Licence - Woodston Mini Market, 1a Orton Avenue, Peterborough, PE2 9HL	1 - 26
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There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

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LICENSING ACT 2003 SUB-COMMITTEE		AGENDA ITEM No. 3
19 AUGUST 2011		PUBLIC REPORT
Contact Officers:	Adrian Day, Licensing Manager Terri Martin, Regulatory Officer Licensing	Tel: 454437 Tel. 453561

APPLICATION:	Review of Premises Licence
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PREMISES:	Woodston Mini Market (aka Best One Express), 1a Orton Avenue, Peterborough, PE2 9HL
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REFERENCE NUMBER:	MAU 061496
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GLOSSARY OF TERMS:	Attached at Appendix A – Page 4
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1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for a review of a Premises Licence under Section 51 of the Licensing Act 2003 for the above premises, taking into account the representation made by Trading Standards in their capacity as a Responsible Authority, and letter of support of the review and recommendations from Cambridgeshire Constabulary also a Responsible Authority. The review was bought under the Prevention of Crime and Disorder objective.

2. BACKGROUND INFORMATION

- 2.1 On the 5 August 2005 a conversion and variation application was submitted by Mr Neaserat Mahmood to convert and vary a justices off licence to a premises licence. As no objections were received, the licence was granted on 12 September 2005.
- 2.2 On the 21 April 2006 an application to vary the Designated Premises Supervisor (DPS) to Tasneem Kauser with immediate effect was received. As no representations were received the application was granted.
- 2.3 On the 21 April 2006 an application to transfer the premises licence to Ms Tasneem Kauser with immediate effect was received. As no representations were received the application was granted. A copy of the current licence is attached at **Appendix B – Page 7**.

3. APPLICATION

- 3.1 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 must hold a hearing.

- 3.2 A copy of the application to review was received 29 June 2011, a copy of this application is attached at **Appendix C – Page 17**.
- 3.3 A copy of the ‘Notice’ that was displayed on the premises in accordance with Part 5 no. 38 of Statutory Instruments 2005 No. 42 – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 is attached at **Appendix D – Page 23**.
- 3.4 A representation in support of the review and recommendations was received from Cambridgeshire Constabulary as a Responsible Authority, a copy of this representation is attached at **Appendix E – Page 25**.
- 3.5 No other representations have been received from any of the remaining Responsible Authorities or any interested parties.

4. RESPONSIBLE AUTHORITY

LICENSING OBJECTIVE:	REPRESENTATIVE:
Prevention of Crime and Disorder	<p>Responsible Authority: Trading Standards As per the application for review attached at Appendix C – Page 17</p> <p>Responsible Authority: Cambridgeshire Constabulary attached at Appendix E – Page 25</p>

4.1 Summary of issues raised by Responsible Authorities

- i. Her Majesties Revenue and Customs (HMRC) have seized alleged non UK duty paid alcohol from the premises on two occasions in 4 months.
- ii. The premises have failed to provide documentation for the seized alcohol to prove UK duty had been paid.
- iii. 10 x 0.7 litres of counterfeit Smirnoff Vodka also seized from premises.
- iv. The UK Duty evaded was £336.76 in January 2011 and £443.87 in April 2011 totalling £780.63
- v. Guidance issued under section 182 of the Licensing Act 2003 recommends revocation, even in the first instance.

5. LICENSING OFFICERS COMMENTS

- 5.1 Section 11.23 of Guidance (issued under section 182) states, ‘A number of reviews may arise in connection with crime that is not directly connected with licensable activities . For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issues. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual, but to ensure that the crime prevention objective is promoted.

6. POLICY & GUIDANCE IMPLICATIONS

- 6.1 The following sections/paragraphs are applicable to this application:

6.2 Council’s Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation: *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*

- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

6.3 **Guidance Issued under Section 182 of the Licensing Act 2003 (October 2010)**

- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

7. LEGAL OFFICER'S COMMENTS

7.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a review of a premises licence following the application by Trading Standards (Responsible Authority) to review the premises licence made under section 51 of the Licensing Act 2003.

7.2 In this case, the application was received at these offices on 29 June 2011.

7.3 The application before this committee will consider –

- (i) The application to review the licence,
- (ii) Any relevant representations

7.4 The committee will take such of the steps as it considers that action is necessary for the promotion of the licensing objectives. The steps are –

- (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

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added

7.5 In addition the guidance issued under section 182 of the Licensing Act 2003 states:

'The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. But, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvements – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘Child’

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

DCMS: Department for Culture Media and Sport

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

‘Interested parties’:

- a person living in the vicinity of the premises in question;
- a body representing persons living in that vicinity, e.g. a residents association;
- a person involved in a business in the vicinity of the premises in question;
- a body representing persons involved in such a business e.g. a trade association
- a member of the relevant licensing authority.

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

‘Licensable Activities’ means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

‘Licensing Authority’: - is the licensing function of Peterborough City Council

‘Licensed Premises’ includes club premises and events unless the context otherwise requires.

‘Licensing Objectives’

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

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises

- The steps being taken to promote the Licensing Objectives

'Rateable Value': as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

'Regulated Entertainment' (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

Or the provision of entertainment facilities:

Facilities for enabling persons to take part in entertainment of the following description for the purpose or purposes, which include the purpose of being entertained:

- making music
- dancing
- entertainment of a similar description

'Relevant Licensing Authority': is the Authority in the area the premises are situated.

'Responsible Authority' means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children's Services – Child Protection & Review Manager
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

'Supply of alcohol':

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

'Temporary Event Notice' means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 96 hours;
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used; and

- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year, and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

‘the Act’: means the Licensing Act 2003

‘Vicinity’: Given the normal everyday meaning of being ‘near to’ when considering the relevance of representations received from individual’s residence or business.

Licensing Act 2003\glossary of terms 13 March 2007

Premises Licence

Peterborough City Council, Environmental Services,
Bridge House, Town Bridge, Peterborough, PE1 1HU

Premises Licence Number

047854

Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description Woodston Mini Market 1a Orton Avenue	
Post Town Peterborough	Post Code PE2 9HL
Telephone Number	

Where the licence is time limited the dates Start Date N/A End Date N/A
--

Licensable activities authorised by the licence Recorded Music The recorded music will take place indoors. Sale by retail of alcohol The supply of alcohol will be for consumption off the premises.

The times the licence authorises the carrying out of licensable activities Recorded Music Monday to Sunday During opening hours
--

Sale by Retail of Alcohol Monday to Saturday Between 08.00hrs and 23.00hrs Sunday Between 10.00hrs and 22.00hrs
--

The opening hours of the premises Monday to Saturday Between 07.30hrs and 21.00hrs Sunday Between 09.00hrs and 20.00hrs
--

Where the licence authorises supplies of alcohol whether these are on and / or off supplies The supply of alcohol will be for consumption off the premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Tasneem Kauser
1A Orton Avenue
Woodston
Peterborough
PE2 9HL

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Tasneem Kauser
10 Orme Road
West Town
Peterborough
PE3 9DY

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number	044629
Issuing Authority	Peterborough City Council

Annex 1 - Mandatory conditions

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

Supply of alcohol (Premises Licence)

This registration authorises the supply of alcohol subject to the following conditions:

1. No supply of alcohol may be made at a time when
 - (a) there is no designated premises supervisor in respect of the premises licence, or
 - (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the Operating Schedule

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Annex 2A – Embedded Restrictions

Embedded Restrictions:

Licensees should note that the under enclosed embedded restrictions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities

ALCOHOL ‘OFF’ LICENCES

Alcohol shall not be sold or supplied except during permitted hours

On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

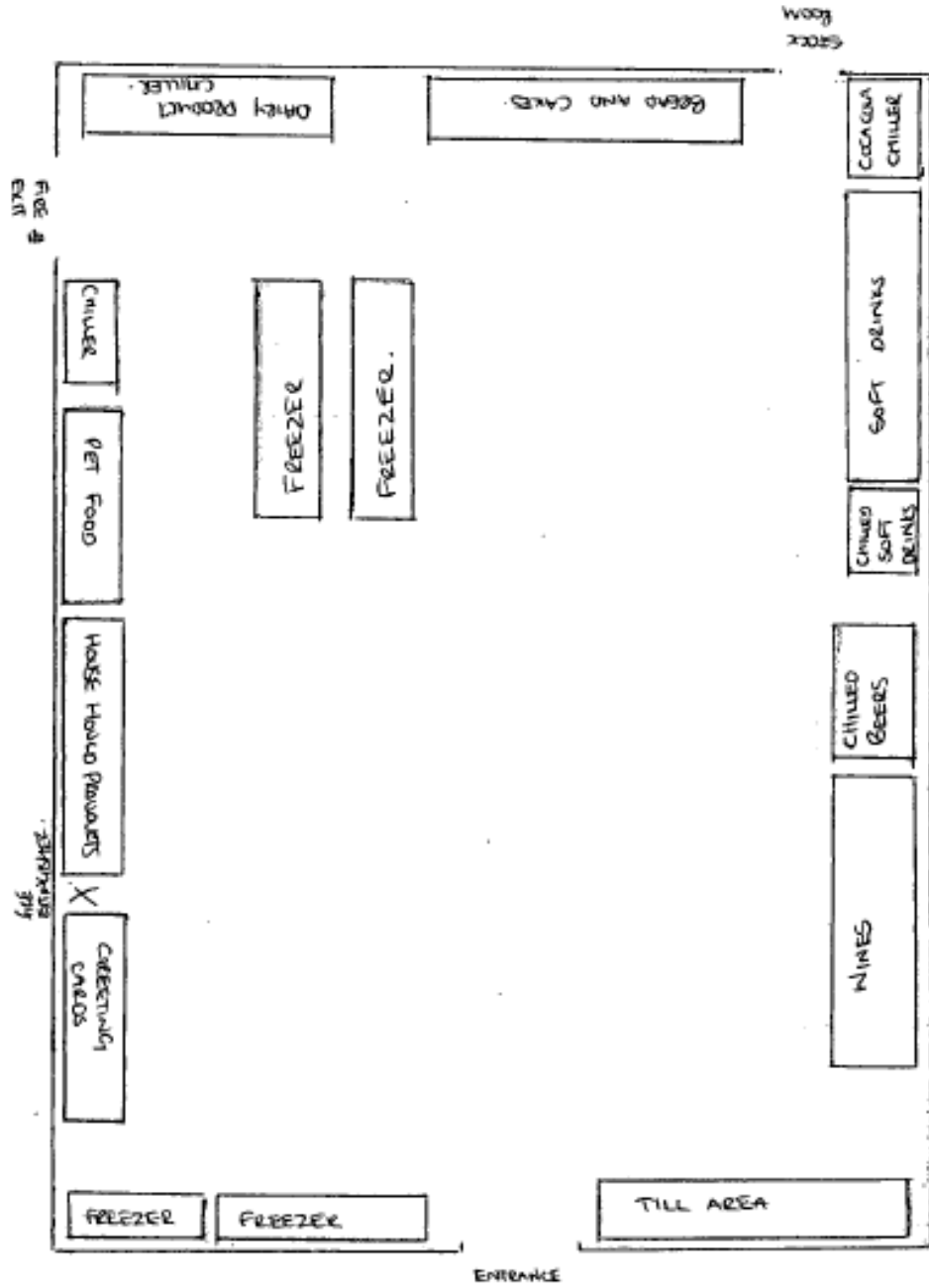
- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty’s naval, military or air forces;

Alcohol shall not be sold in an open container or be consumed in the licensed premises

Annex 3 - Conditions attached after a hearing by the licensing authority

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Annex 4 – Plans



WOODSTON MINI MARKET

PART B

Premises Licence Summary

Peterborough City Council, Licensing Section,
 Bridge House, Town Bridge, Peterborough, PE1 1HU

Premises Licence Number

047854

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Woodston Mini Market
 1a Orton Avenue

Post Town Peterborough

Post Code PE2 9HL

Telephone Number

Where the licence is time limited the dates

Start Date N/A
 End Date N/A

Licensable activities authorised by the licence

Recorded Music

The recorded music will take place indoors.

Sale by retail of alcohol

The supply of alcohol will be for consumption off the premises.

The times the licence authorises the carrying out of licensable activities

Recorded Music

Monday to Sunday During opening hours

Sale by Retail of Alcohol

Monday to Saturday Between 08.00hrs and 23.00hrs
 Sunday Between 10.00hrs and 22.00hrs

The opening hours of the premises

Monday to Saturday Between 07.30hrs and 21.00hrs
 Sunday Between 09.00hrs and 20.00hrs

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

The supply of alcohol will be for consumption off the premises.

Name, (registered) address of holder of premises licence

Tasneem Kauser
1A Orton Avenue
Woodston
Peterborough
PE2 9HL

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Tasneem Kauser

State whether access to the premises by children is restricted or prohibited

Restricted

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

PETERBOROUGH CITY COUNCIL 29 JUN 2011 ENVIRONMENTAL HEALTH
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I Karen Woods
 (Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Woodston Mini Market 1a Orton Avenue	
Post town Peterborough	Post code (if known) PE2 9HL

Name of premises licence holder or club holding club premises certificate (if known) Tasneem Kauser 1a Orton Avenue Peterborough PE2 9HL
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Number of premises licence or club premises certificate (if known) 047854

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)



(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Karen Woods Peterborough City Council Trading Standards Department Bridge House Town Bridge Peterborough PE1 1HU
Telephone number (if any) 01733 453407
E-mail address (optional) karen.woods@peterborough.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

Trading Standards are requesting a review of the premises licence for Woodston Mini Market (known as Best One Express) under the prevention of crime and disorder following a joint operation by Trading Standards, HM Revenue and Customs (HMRC) and Cambridgeshire Police to clamp down on the illicit tobacco and alcohol trade.

Please provide as much information as possible to support the application
(please read guidance note 2)

On 20th April 2011 a joint initiative by Trading Standards, HMRC and Cambridgeshire Police was carried out to clamp down on the illicit tobacco and alcohol trade

HMRC officers seized a total of 10.5 Litres Spirits, 19.5 Litres Wine and 336.972 Litres Beer from Khalid Mahmood as liable to forfeiture by virtue of the Customs & Excise Acts.

They were satisfied that due to the proprietors inability to produce invoices or receipts to prove duty payment, that United Kingdom Excise Duty had not been paid on said goods.

The revenue due on the seized goods is £443.87.

The goods were seized in accordance with section 139 of Customs & Excise Management Act 1979.

No notice of claim against forfeiture was received within the statutory time limit therefore the spirits, wine and beer are condemned as forfeited in accordance with paragraph 5 of schedule 3 to the above legislation.

On 30th January 2011 HMRC the following goods were also seized from Khalid Mahmood under the above legislation - 10 x 0.7 Litres of counterfeit Smirnoff Vodka, 21.1 Litres Spirits and 33 Litres of Wine. The revenue due on the seized goods was £336.76

Recommendations;

A revocation of the alcohol licence.

Reasons for the above recommendation;

Trading Standards as a responsible authority recommends revocation due to the seriousness of the illicit trade.

This is supported by guidance issued under section 182 of the Licensing Act 2003 11.26 There is a certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously.

One of them being;

- for the sale of smuggled tobacco and alcohol.

Guidance states - It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities will use the review procedures effectively to deter such activities in crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in the first instance - should be seriously considered.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

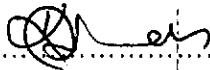
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

22/6/11

Capacity

REGULATORY OFFICER - TRADING STANDARDS

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

LICENSING ACT 2003

NOTICE OF REVIEW OF PREMISES LICENCE

Notice is given that Peterborough City Council, as the Licensing Authority, has on the 29th June 2011 been asked to review the Premises Licence by Peterborough City Council, Trading Standards Department for the following licensed premises:

Woodston Mini Market (known as Best One Express), 1a Orton Avenue, Peterborough PE2 9HL

The grounds for review are made under the Licensing Objectives 'The Prevention of Crime and Disorder'

Anyone wishing to make representations concerning this review should do so in writing to:

Peterborough City Council, Licensing Section, Bridge House, Town Bridge, Peterborough, PE1 1HU

Representations in respect to this review must reach the Licensing Authority by 27th July 2011.

Persons wishing to inspect the review application may do so by attending the office of the licensing section during office hours, Monday to Friday. Alternatively the review application may be viewed on the public register section of the Licensing Authorities website,

http://www.peterborough.gov.uk/business/licensing_and_permits/licensing_act_2003/public_register.aspx

It is an offence knowingly or recklessly to make a false statement in connection with an application, the maximum fine for which on summary conviction is £5000

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APPENDIX E

Cambridgeshire constabulary wish to make a representation in support of the review served by trading standards and fully support the recommendation for revocation.

Hopefully members of the committee can fully appreciate the seriousness of the offences and breaches of the licensing act. I would recommend members use the full extent of their powers and revoke the licence accordingly.

Pc Ifor Maddox

To visit Cambridgeshire Constabulary's website please follow this link:

<http://www.cambs-police.co.uk/index.asp>

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LICENSING ACT 2003 SUB-COMMITTEE		AGENDA ITEM No. 4
19 AUGUST 2011		PUBLIC REPORT
Contact Officers:	Adrian Day, Licensing Manager Terri Martin, Regulatory Officer Licensing	Tel: 454437 Tel. 453561

APPLICATION:	Review of Premises Licence
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PREMISES:	London Road Late Stores, 64 London Road, Peterborough, PE2 9BA
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REFERENCE NUMBER:	MAU 061499
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GLOSSARY OF TERMS:	Attached at Appendix A – Page 30
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1. PURPOSE OF REPORT

1.1 To consider and determine an application for a review of a Premises Licence under Section 51 of the Licensing Act 2003 for the above premises, taking into account the representation made by Trading Standards in their capacity as a Responsible Authority, and letter of support of the review and recommendations from Cambridgeshire Constabulary also a Responsible Authority. The review was bought under the Prevention of Crime and Disorder objective.

2. BACKGROUND INFORMATION

2.1 On the 16 May 2005 an application to convert an existing justices off licence was submitted by Mrs Tasneem Kauser. As no representations were received from the police the premises licence was granted on 15 July 2005. A copy of the current licence is attached at **Appendix B – Page 33.**

3. APPLICATION

3.1 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 must hold a hearing.

3.2 A copy of the application to review was received 29 June 2011, a copy of this application is attached at **Appendix C – Page 43.**

3.3 A copy of the 'Notice' that was displayed on the premises in accordance with Part 5 no. 38 of Statutory Instruments 2005 No. 42 – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 is attached at **Appendix D – Page 49.**

- 3.4 A representation in support of the review and recommendations was received from Cambridgeshire Constabulary as a Responsible Authority, a copy of this representation is attached at **Appendix E – Page 51**.
- 3.5 No other representations have been received from any of the remaining Responsible Authorities or any interested parties.

4. RESPONSIBLE AUTHORITY

LICENSING OBJECTIVE:	REPRESENTATIVE:
Prevention of Crime and Disorder	<p>Responsible Authority: Trading Standards As per the application for review attached at Appendix C – Page 43</p> <p>Responsible Authority: Cambridgeshire Constabulary attached at Appendix E – Page 51</p>

4.1 Summary of issues raised by Responsible Authorities

- i. Her Majesty's Revenue and Customs (HMRC) have seized alleged non UK duty paid alcohol from the premises on 20 April 2011
- ii. The premises have failed to provide documentation for the seized alcohol to prove UK duty had been paid.
- iii. The UK Duty evaded was £3098.03
- iv. Guidance issued under section 182 of the Licensing Act 2003 recommends revocation, even in the first instance.
- v. Sold alcohol to underage persons on 4 August 2009

5. LICENSING OFFICERS COMMENTS

- 5.1 Section 11.23 of Guidance (issued under section 182) states, *'A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issues. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual, but to ensure that the crime prevention objective is promoted.*
- 5.2 Following complaints received, a test purchase operation was carried out on 4 August 2009. The premises sold alcohol to two underage persons and a Penalty Notice for Disorder (PND) was issued to the person who sold the alcohol to the underage persons.
- 5.3 A further test purchase operation was carried out on 3 June 2010, the premises refused to sell alcohol to the underage persons.

6. POLICY & GUIDANCE IMPLICATIONS

6.1 The following sections/paragraphs are applicable to this application:

6.2 Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation: *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

6.3 **Guidance Issued under Section 182 of the Licensing Act 2003 (October 2010)**

- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

7. **LEGAL OFFICER'S COMMENTS**

7.1 The Licensing Authority (hereafter referred to as "the Council") is charged with implementing the provisions of the Licensing Act 2003. This is an application for a review of a premises licence following the application by Trading Standards (Responsible Authority) to review the premises licence made under section 51 of the Licensing Act 2003.

7.2 In this case, the application was received at these offices on 29 June 2011.

7.3 The application before this committee will consider –

- (i) The application to review the licence,
- (ii) Any relevant representations

7.4 The committee will take such of the steps as it considers that action is necessary for the promotion of the licensing objectives. The steps are –

- (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

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added

7.5 In addition the guidance issued under section 182 of the Licensing Act 2003 states:

'The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. But, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvements – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘Child’

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

DCMS: Department for Culture Media and Sport

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

‘Interested parties’:

- a person living in the vicinity of the premises in question;
- a body representing persons living in that vicinity, e.g. a residents association;
- a person involved in a business in the vicinity of the premises in question;
- a body representing persons involved in such a business e.g. a trade association
- a member of the relevant licensing authority.

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

‘Licensable Activities’ means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

‘Licensing Authority’: - is the licensing function of Peterborough City Council

‘Licensed Premises’ includes club premises and events unless the context otherwise requires.

‘Licensing Objectives’

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

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises

- The steps being taken to promote the Licensing Objectives

‘Rateable Value’: as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

‘Regulated Entertainment’ (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

Or the provision of entertainment facilities:

Facilities for enabling persons to take part in entertainment of the following description for the purpose or purposes, which include the purpose of being entertained:

- making music
- dancing
- entertainment of a similar description

‘Relevant Licensing Authority’: is the Authority in the area the premises are situated.

‘Responsible Authority’ means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children’s Services – Child Protection & Review Manager
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

‘Supply of alcohol’:

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

‘Temporary Event Notice’ means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 96 hours;
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 15 days irrespective of the number of occasions on which they have been used; and

- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year, and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

‘the Act’: means the Licensing Act 2003

‘Vicinity’: Given the normal everyday meaning of being ‘near to’ when considering the relevance of representations received from individual’s residence or business.

Licensing Act 2003\glossary of terms 13 March 2007

PART A

Premises Licence

**Peterborough City Council, Environmental Services,
 Bridge House, Town Bridge, Peterborough, PE1 1HU**

Premises Licence Number

044643

Part 1 - Premises Details

Postal address of premises, or if none, ordnance survey map reference or description London Road Late Stores 64 London Road	
Post Town Peterborough	Post Code PE2 9BA
Telephone Number	

Where the licence is time limited the dates Start Date N/A End Date N/A
--

Licensable activities authorised by the licence Recorded Music The recorded music will take place indoors Sale by retail of alcohol The supply of alcohol will be for consumption off the premises

The times the licence authorises the carrying out of licensable activities Recorded Music Monday to Sunday During opening hours
--

Sale by Retail of Alcohol Monday to Saturday Between 08.00 hrs and 23.00 hrs Sunday Between 10.00 hrs and 22.30 hrs Non-standard timings As per attached embedded restrictions

The opening hours of the premises Monday to Friday Between 07.00 hrs and 22.00 hrs Saturday to Sunday Between 08.00 hrs and 22.00 hrs
--

Where the licence authorises supplies of alcohol whether these are on and / or off supplies The supply of alcohol will be for consumption off the premises
--

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mrs Tasneem Kauser
10 Orme Road
Peterborough
PE3 9DY

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mrs Tasneem Kauser
10 Orme Road
Peterborough
PE3 9DY

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Licence Number	044629
Issuing Authority	Peterborough City Council

Annex 1 - Mandatory conditions

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

Supply of alcohol (Premises Licence)

This registration authorises the supply of alcohol subject to the following conditions:

1. No supply of alcohol may be made at a time when
 - (a) there is no designated premises supervisor in respect of the premises licence, or
 - (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the Operating Schedule

Crime and Disorder

- 1) Video/CCTV equipment shall be installed inside the premises and maintained in working order.
- 2) Video/CCTV equipment will be set to record from the time that the premises open to the public until the premises close and all members of the public have left.
- 3) Monitoring digital images shall be retained for one month and shall be produced to an authorised officer on demand.
- 4) Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.

Public Safety

- 5) Escape routes and exits, including external exits, shall be maintained to ensure that they are not obstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified.
- 6) Doors at exits shall be regularly checked to ensure that they function satisfactorily and a record of the check will be kept.

Protection of Children from Harm

- 7) Any person selling or supplying alcoholic drink under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to suspect that the individual may be under 18 years of age.

Annex 2A – Embedded Restrictions

Embedded Restrictions:

Licensees should note that the under enclosed embedded restrictions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

ALCOHOL ‘OFF’ LICENCES

Alcohol shall not be sold or supplied except during permitted hours

On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

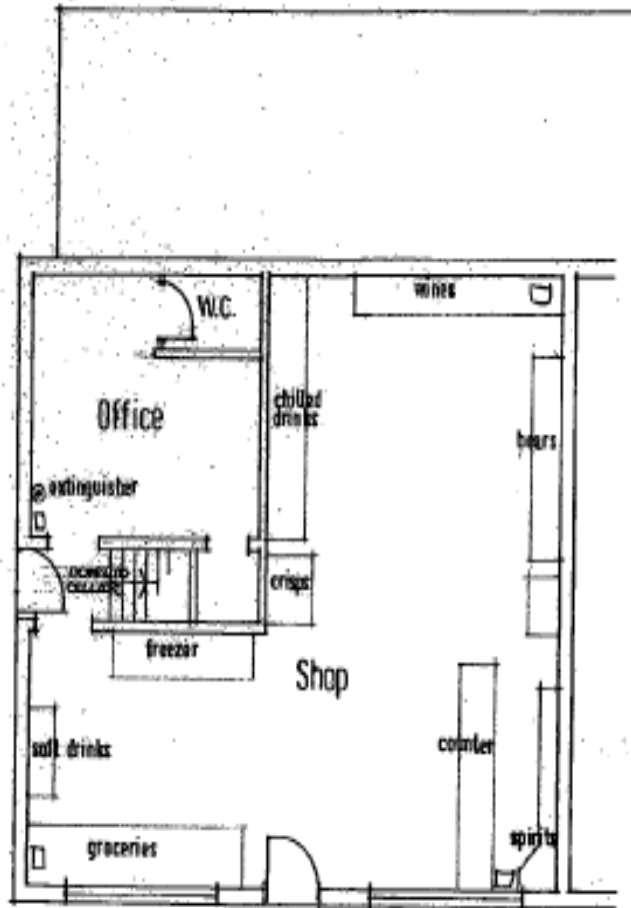
- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty’s naval, military or air forces;

Alcohol shall not be sold in an open container or be consumed in the licensed premises

Annex 3 - Conditions attached after a hearing by the licensing authority

BLANK

Annex 4 – Plans



☐ Smoke Detectors

PLAN
1:100

London Road

Premises Licence Summary

Peterborough City Council, Licensing Section,
 Bridge House, Town Bridge, Peterborough, PE1 1HU

Premises Licence Number

044643

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

London Road Late Stores
 64 London Road

Post Town Peterborough

Post Code PE2 9BA

Telephone Number

Where the licence is time limited the dates

Start Date N/A

End Date N/A

Licensable activities authorised by the licence

Recorded Music

The recorded music will take place indoors

Sale by retail of alcohol

The supply of alcohol will be for consumption off the premises

The times the licence authorises the carrying out of licensable activities

Recorded Music

Monday to Sunday During opening hours

Sale by Retail of Alcohol

Monday to Saturday Between 08.00 hrs and 23.00 hrs

Sunday Between 10.00 hrs and 22.30 hrs

Non-standard timings As embedded restrictions

The opening hours of the premises

Monday to Friday Between 07.00 hrs and 22.00 hrs

Saturday to Sunday Between 08.00 hrs and 22.00 hrs

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

The supply of alcohol will be for consumption off the premises

Name, (registered) address of holder of premises licence

Mrs Tasneem Kauser
10 Orme Road
Peterborough
PE3 9DY

Registered number of holder, for example company number, charity number (where applicable)

N/A

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mrs Tasneem Kauser

State whether access to the premises by children is restricted or prohibited

Restricted

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

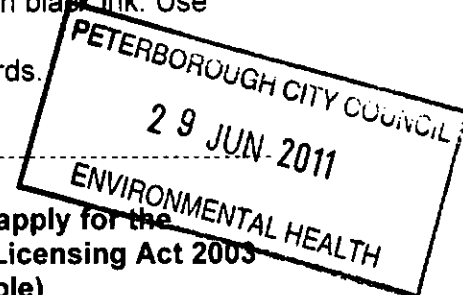
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Karen Woods

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)



Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description London Road Late Stores 64 London Road	
Post town Peterborough	Post code (if known) PE2 9BA
Name of premises licence holder or club holding club premises certificate (if known) Tasneem Kauser 10 Orme Road Peterborough PE3 9DY	
Number of premises licence or club premises certificate (if known) 044643	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Karen Woods Peterborough City Council Trading Standards Department Bridge House Town Bridge Peterborough PE1 1HU
Telephone number (if any) 01733 453407
E-mail address (optional) karen.woods@peterborough.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

Trading Standards are requesting a review of the premises licence for London Road Late Stores under the prevention of crime and disorder following a joint operation by Trading Standards, HM Revenue and Customs (HMRC) and Cambridgeshire Police to clamp down on the illicit tobacco and alcohol trade.

**Please provide as much information as possible to support the application
(please read guidance note 2)**

On 20th April 2011 a joint initiative by Trading Standards, HMRC and Cambridgeshire Police was carried out to clamp down on the illicit tobacco and alcohol trade

HMRC officers seized a total of 10.3 Litres Spirits, 62.25 Litres Wine and 2136.2 Litres Beer and 332.64 Litres Cider from Khalid Mahmood as liable to forfeiture by virtue of the Customs & Excise Acts.

They were satisfied that due to the proprietors inability to produce invoices or receipts to prove duty payment, that United Kingdom Excise Duty had not been paid on said goods.

The revenue due on the seized goods is £3098.03.

The goods were seized in accordance with section 139 of Customs & Excise Management Act 1979.

No notice of claim against forfeiture was received within the statutory time limit therefore the Spirits, Wine, Cider and Beer are condemned as forfeited in accordance with paragraph 5 of schedule 3 to the above legislation.

Recommendations;

A revocation of the alcohol licence.

Reasons for the above recommendation;

Trading Standards as a responsible authority recommends revocation due to the seriousness of the illicit trade.

This is supported by guidance issued under section 182 of the Licensing Act 2003 11.26 There is a certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously.

One of them being;

- for the sale of smuggled tobacco and alcohol.

Guidance states - It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities will use the review procedures effectively to deter such activities in crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in the first instance - should be seriously considered.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them



Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 22/6/11

Capacity REGULATORY OFFICER - TRADING STANDARDS

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town	Post Code
------------------	------------------

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



APPENDIX D

LICENSING ACT 2003

NOTICE OF REVIEW OF PREMISES LICENCE

Notice is given that Peterborough City Council, as the Licensing Authority, has on the 29th June 2011 been asked to review the Premises Licence by Peterborough City Council, Trading Standards Department for the following licensed premises:

London Road Late Stores, 64 London Road, Peterborough
PE2 9BA

The grounds for review are made under the Licensing Objectives 'The Prevention of Crime and Disorder'

Anyone wishing to make representations concerning this review should do so in writing to:

Peterborough City Council, Licensing Section, Bridge House, Town Bridge, Peterborough, PE1 1HU

Representations in respect to this review must reach the Licensing Authority by 27th July 2011.

Persons wishing to inspect the review application may do so by attending the office of the licensing section during office hours, Monday to Friday. Alternatively the review application may be viewed on the public register section of the Licensing Authorities website,

http://www.peterborough.gov.uk/business/licensing_and_permits/licensing_act_2003/public_register.aspx

It is an offence knowingly or recklessly to make a false statement in connection with an application, the maximum fine for which on summary conviction is £5000

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APPENDIX E

Cambridgeshire constabulary wish to make a representation in support of the review served by trading standards and fully support the recommendation for revocation.

A test purchase operation was carried out on the London Road Stores on the 04 Aug 2009. The premises failed and remedial work was carried out with the owner of the premises. Hopefully members of the committee can fully appreciate the seriousness of the offences and breaches of the licensing act. I would recommend members use the full extent of their powers and revoke the licence accordingly.

To visit Cambridgeshire Constabulary's website please follow this link:

<http://www.cambs-police.co.uk/index.asp>

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