

## LICENSING COMMITTEE

THURSDAY 14 MARCH 2013

7.00 PM

Bourges/Viersen Rooms - Town Hall

### AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. Minutes of the Meeting held on 14 February 2013 1 - 4

3.1 Minutes of the Sub-Committee Hearings held in January 2013: 5 - 18

- i) 07/01/13 – 86-88 Lincoln Road, New Premises Licence
- ii) 28/01/13 – Super Poli, 613 Lincoln Road, Review of Premises Licence

4. Cumulative Impact Policy 19 - 50

#### Emergency Evacuation Procedure – Outside Normal Office Hours

*In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.*



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 as soon as possible.

Committee Members:

Councillors: Thacker (Chairman), Peach (Vice Chairman), Hiller, Serluca, Allen, Nawaz, Jamil, Saltmarsh, Miners and Davidson

Substitutes: Councillors: Kreling, Johnson and Harrington

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – [gemma.george@peterborough.gov.uk](mailto:gemma.george@peterborough.gov.uk)

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 14 FEBRUARY 2013**

**Members Present:** Councillors Thacker (Chairman), Peach, Hiller, Nawaz, Kreling, Jamil, Miners and Harrington

**Officers Present:** Terri Martin, Regulatory Officer  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

Apologies were received from Councillors Serluca, Allen, Saltmarsh and Davidson.

Councillor Kreling and Councillor Harrington were in attendance as substitutes.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes of the Meeting held on 21 January 2012**

The minutes of the meeting held on 21 January 2012 were approved as a true and accurate record.

**4. Sex Establishment Application Fees**

The Committee received a report which requested it to determine and set the fees in relation to any applications for sex establishments, made during the 2013 / 2014 financial year.

It was a requirement of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 for the fees to be determined and set by the Licensing Committee.

Since the commencement of the EU Provision of Services Regulations 2009 (which took effect from 28/12/09) fees for applications could only cover the cost of administering the system without profit and could not include the costs of enforcement against unlicensed operators. These regulations also stipulated that fees for applications must be in two parts, one fee for the application cost and the second part to be paid after grant to cover the cost of investigating compliance of the licence once issued.

The fees set for 2012 to 2013 were £2,260 for renewal and initial grant applications and there had been no fee set for variations and transfers. In the interest of fairness and transparency, it was proposed that separate fees for each different type of application were set. The fees were proposed as below:

Type of application	Officer cost pre-grant	Ancillary cost	Hearing costs	Total pre-grant fee	Officer cost post grant fee	Total payable
Initial New grant	£570.00	£150.00	£1,500	£2,220	£280.00	£2,500
Renewal	£270.00	£150.00	N/A	£420.00	£280.00	£700.00
Transfer	£270.00	£150.00	N/A	£420.00	£280.00	£700.00
Variation	£170.00	£150.00	N/A	£320.00	£160.00	£480.00

The fees were based on a cost recovery basis to administer the system. It was highlighted that if hearings were required, and not included within the costings, such as contested renewal applications, the costs of these hearings could be added to revised fees for 2014 / 2015 to ensure no losses were made. It was further highlighted that the fees detailed were comparable to some of those set under the Gambling Act 2005.

**RESOLVED:**

The Committee determined and set the fees in relation to any applications for sex establishments made during the 2013 / 2014 financial year.

**Reasons for the decision:**

It was a requirement of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 for the fees to be determined and set by the Licensing Committee.

If the fees were not determined and set by the Committee at an appropriate level to cover the costs to administer the system it could leave the council subject to a judicial review.

**5. Animal Welfare – Animal Boarding Establishments Act 1963 – Introduction of Home Boarding Fees and Conditions**

The Committee received a report which requested its approval of a two tier system of licensing in relation to animal boarding to allow the distinction between commercial boarding and home boarding, with different conditions and fees being applicable.

The Animal Boarding Establishments Act 1963 regulated the keeping of boarding establishments for animals. No person should keep a boarding establishment for animals except under the authority of a licence granted by the local authority in accordance with the provisions of the Act. Within the Act the definition of 'animal' meant any dog or cat. Within the Act the definition of keeping a boarding establishment meant carrying on at premises of any nature (including a private dwelling) of a business of providing accommodation for other people's animals.

At the time, the Council licensed boarding establishments which offered animal boarding on a large scale commercial basis. The licenses issued had Chartered Institute of Environmental Health (CIEH) model standard conditions attached, which set out how the kennels and catteries should be constructed in terms of dimension, materials etc. hygiene, security and disease control.

It had come to the attention of the Licensing Department that some individuals were providing accommodation within their own homes for a fee on a regular basis. This was a licensable activity but at the time there were no appropriate conditions to allow these individuals to operate lawfully. The report proposed the adoption of a second set of conditions to regulate 'home boarding' which would allow those individuals to operate within the legislation and be regulated by a set of model home boarding conditions for the welfare of the animals.

It was proposed that home boarding would only apply in relation to dogs. DEFRA (Department for Environment, Food and Rural Affairs) and the Feline Advisory Bureau stated that the home boarding of cats was not to be encouraged and therefore not recommended and were looking to outlaw this activity.

The recommendation to include home boarding into the licensing scheme was not just to ensure that the Council was licensing in accordance with the legislation but to also ensure that there were checks in place at premises to ensure the safety and welfare of the boarded dogs.

The 2012 / 2013 fees for animal boarding licences were £300.00 for a new application and £160.00 for a renewal. It was proposed that a separate fee for home boarding be set at £200.00 for a new application and £100.00 for a renewal. This fee had been derived on a cost recovery basis allowing for Officer time for administration and inspections to ensure compliance.

Members debated the report. Comments and responses to questions included:

- One of the conditions stipulated that only dogs from the same household could be boarded at any one time;
- If individuals specifically agreed for their dogs to be boarded with other individual's dogs, there would be an option to amend this condition, but only in certain circumstances and familiarisation sessions would be required.

Following debate and questions to Officers, Members commented that the fees were reasonable and the imposition of conditions was important to regulate the provision of home boarding going forward.

**RESOLVED:**

The Committee approved a two tier system of licensing in relation to animal boarding to allow the distinction between commercial boarding and home boarding, with different conditions and fees being applicable.

**Reasons for the decision:**

The decision was made to allow for the adoption of a second set of conditions to regulate 'home boarding' which would allow those individuals to operate within the legislation and be regulated by a set of model home boarding conditions for the welfare of the animals.

7.00pm – 7.15pm  
Chairman

This page is intentionally left blank

Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on 7 January 2013

**RECORD OF PROCEEDINGS**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	Councillor Peach and Councillor Saltmarsh declared that they knew Mr Langford Smith, the Applicant's Representative, however this would in no way affect their decision.
3. Application	New Premises Licence – 86-88 Star Road, Peterborough, PE1 5HQ
3.1 Application Reference	066073
3.2 Sub-Committee Members	Councillor Peach (Chairman) Councillor Saltmarsh Councillor Harrington
3.3 Officers	Terri Martin, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Gemma George, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Hakan Tas
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p>The premises were currently closed and had previously been a licensed bookmakers.</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 10.00am to 22.00pm</li> <li>• <b>Hours premises are open to the public</b> Monday to Saturday 08.00am to 22.00pm Sunday 09.00am to 22.00pm</li> </ul> <p><b><u>Summary of New Premises Application</u></b></p> <p>The application had been submitted to the Licensing Authority on 7 November 2012 and had been forwarded to the required Responsible Authorities by the Licensing Department in accordance with the regulations and Section 8.24 of Guidance.</p> <p>Representations had been received from Cambridgeshire Constabulary and Trading Standards in their capacity as Responsible Authorities.</p>

	<p>Mediation had taken place between the Applicant's Representative and Trading Standards and both parties had agreed to the addition of conditions to the operating schedule if the premises licence was granted. These additional conditions were detailed within the Sub-Committee report.</p> <p>Further representations from 'Other Persons' had been received as follows:</p> <ul style="list-style-type: none"> <li>• Three Ward Councillors;</li> <li>• A local resident's association, along with a petition containing 22 signatures;</li> <li>• The Islamic Community Centre, along with a petition containing 223 signatures;</li> <li>• A young local resident, along with a petition containing 12 signatures;</li> <li>• A local business, along with a petition containing 231 signatures;</li> <li>and</li> <li>• Three further letters of representation from local residents.</li> </ul> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• The potential to increase and exacerbate existing alcohol related incidents of anti-social behaviour, public nuisance and crime and disorder in the area;</li> <li>• The potential to increase existing litter issues;</li> <li>• Concerns that the premises would attract loitering of persons outside, which would result in intimidation of residents and the fear of crime;</li> <li>• The premises was not appropriate for the locality due to the proximity of vulnerable persons, with two warden controlled retirement complexes, pre-school nursery and mainly residential properties; and</li> <li>• The alleged social spectrum for the area, which had a high dependency on alcohol with drunken persons walking the streets.</li> </ul> <p>The Applicant's proposed conditions, including mediated conditions, under the four Licensing Objectives, these being 'The Prevention of Public Nuisance', 'Public Safety', 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm', were detailed within the application form. In accordance with Section 10.9 and 10.11 of the Guidance, these conditions were to be interpreted into enforceable conditions and only those appropriate and proportionate for the promotion of the Licensing Objectives would be included within the Operating Schedule.</p>
<p>3.6 Licensing Objective(s) under which representations were made</p>	<p>1. The Prevention of Crime and Disorder  2. The Prevention of Public Nuisance  3. The Protection of Children from Harm  4. Public Safety</p>
<p>3.7 Parties/Representatives and witnesses present</p>	<p><b><u>Applicant / Applicant's Representative</u></b></p> <p>Mr Haken Tas, the Applicant, who was represented by Mr Langford Smith.</p> <p><b><u>Responsible Authorities</u></b></p> <p>PC Grahame Robinson, who presented the case on behalf of Cambridgeshire Constabulary.</p>



	<p><b><u>Other Persons</u></b></p> <p>Councillor Marion Todd, Councillor Nabil Shabbir and Councillor Jo Johnson, East Ward Councillors.</p> <p>Mr Abbas Walji, President of the Husaini Islamic Centre.</p> <p>Mr Ashwani Sharma, Mr Varun Sharma and Mr James Mason, Star Road Off Licence.</p> <p>Mr Hutchings, on behalf of Mrs Hutchings, a local resident.</p>
<p>3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p>	<p>There were no pre-hearing considerations to be determined by the Sub-Committee.</p>
<p>3.9 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 / Applicant's Representative</u></b></p> <p>Mr Langford Smith addressed the Sub-Committee, on behalf of the Applicant. The key points highlighted in his address, and following questions from the Sub-Committee and Other Persons, were as follows:</p> <ul style="list-style-type: none"> <li>• The objections made seemed to relate to the opening of another shop, rather than specifically to the sale of alcohol;</li> <li>• Littering could not be attributed to a specific premises;</li> <li>• Alcohol was not the catalyst for all anti-social behaviour;</li> <li>• The Applicant had no issues with the proposed conditions as detailed within the representation received from Cambridgeshire Constabulary;</li> <li>• The store would be a good amenity for local residents;</li> <li>• It appeared to be fashionable to blame alcohol for certain issues;</li> <li>• The name of the store had yet to be confirmed;</li> <li>• Anti-social behaviour issues tended to be more prevalent within high density areas.</li> </ul> <p><b><u>Responsible Authorities – Cambridgeshire Constabulary</u></b></p> <p>PC Grahame Robinson addressed the Sub-Committee and provided an overview of the points raised within the representation submitted by Cambridgeshire Constabulary. The key points highlighted during his address, and following questions from the Sub-Committee, were as follows:</p> <ul style="list-style-type: none"> <li>• Cambridgeshire Constabulary were not wholly opposed to the application, however the representation detailed a number of suggested conditions;</li> <li>• The conditions outlined within the representation had been verbally accepted by the Applicant;</li> <li>• The Applicant was known to PC Robinson and he was satisfied that he was qualified and suitable to run the venue;</li> <li>• Following a postcode search, since June 2012 there had been nine recorded crimes, one of which related to Star Road, and 12 recorded incidents, two of which related to Star Road;</li> </ul>

- None of the nine crimes recorded related to alcohol;
- Residents needed to report incidents to the Police.

#### **Other Persons – Councillor Marion Todd**

Councillor Marion Todd addressed the Sub-Committee and the key points raised were as follows:

- The area was a drug and alcohol hotspot;
- Although not all incidents were reported, Councillor Todd received complaint calls on a regular basis;
- The area had a high density of population, unemployment and deprivation;
- Introducing another licensed premises into the area would exacerbate the issues already being experienced;
- There were a number of licensed premises already selling alcohol in the area;
- There were a number of retirement homes in the area and the residents already felt threatened on occasions.

#### **Other Persons – Councillor Nabil Shabbir**

Councillor Nabil Shabbir addressed the Sub-Committee and the key points raised were as follows:

- The postcode crime search undertaken by the Police only covered a very small area, therefore nine incidents was quite high;
- There had been a number of distraction burglaries at Rutland Court;
- The area was a Police Panel priority area;
- There was a large amount of anti-social behaviour in East Ward;
- People living in the area were afraid to report incidents for fear of reprisal;
- CCTV located within a shop would not help combat street drinking;
- The Applicant's other licensed premises had overflowing bins and beer bottles strewn around the premises.

#### **Other Persons – Councillor Jo Johnson**

Councillor Jo Johnson addressed the Sub-Committee and reiterated the comments made by her fellow Ward Councillors.

#### **Other Persons – Mr Abbas Walji**

Mr Abbas Walji addressed the Sub-Committee on behalf of all the members of the Hasaini Islamic Centre and the key points raised were as follows:

- Eastgate was a somewhat deprived residential area of Peterborough;
- The introduction of another licensed premises would go towards removing any good work that was being undertaken and would lead to further deprivation;
- There were four shops located within walking distance of the application site, one of which was almost directly opposite;
- The application would bring the wrong type of people to the area and would encourage further loitering, blocking footpaths and

- creating an intimidating scenario for local residents;
- Fighting, vomiting and urinating were a common occurrence in the vicinity of the other licensed premises;
- The proposed application was located next to a bus stop. People standing at the bus stop would feel vulnerable;
- For many users of the Islamic Centre, walking from the Kesteven Walk side of Star Road was the only viable option for them. Children and women had been verbally abused in the past using this route;
- Refusing the licence would ensure no further threats to community safety and would go towards preventing further public nuisance;
- Bottles and cans littered the area already;
- The premises would increase the amount of traffic along the road;
- People had been seen drinking in the street on numerous occasions;
- The strength of feeling throughout the community was strongly against this application, hence the number of representations submitted against it;
- Peterborough was placed 37<sup>th</sup> from bottom on a list of 151 PCTs in relation to alcohol abuse;
- Peterborough City Council needed to promote its Alcohol Reduction Strategy by not easily promoting the opening of great numbers of licensed premises.

### **Other Persons**

The remaining Other Persons present who had made representation were asked in turn by the Chairman if they had anything they wished to say.

There were no further points made by any of the remaining Other Persons present.

Councillor Harrington addressed the meeting and asked if there were any local residents present who had experienced issues they felt related specifically to alcohol.

A number of local residents addressed the Sub-Committee and the key points highlighted were as follows:

- There was rubbish dropped everywhere, as well as needles;
- Drunk people had jumped into local residents gardens;
- Local residents were too scared to go out due to the amount of street drinking;
- Local residents did not permit their children to go out in the evenings;
- A number of resident's cars had been damaged.

### **Summing Up**

All parties were given the opportunity to summarise their submissions.

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

PC Grahame Robinson stated that he was concerned to hear about the levels of anti-social behaviour in the area and even more concerned that this was not being reported. Further links would be made with Inspector Dominic Glazebrook, the East Community Inspector, and PC Robinson

	<p>was aware of how hard the neighbourhood policing teams worked alongside the local communities.</p> <p>It was unfortunate in this case that there was no credible evidence available to PC Robinson to oppose the application in its entirety and to recommend refusal of the application in accordance with the Licensing Act, however relevant conditions had been requested, and subsequently agreed for inclusion within the operating schedule by the Applicant.</p> <p><b><u>Other Persons</u></b></p> <p>Councillor Todd stated that the local PCSO had not been made aware of the application, had she been, the representation received against the application from Cambridgeshire Constabulary may have been somewhat different.</p> <p>Councillor Shabbir stated that there was only one PCSO servicing the area and granting the application would go towards increasing anti-social behaviour.</p> <p>Mr Abbas Walji stated that the Police check, undertaken on one particular postcode, had not covered the majority of the area. If a further check was undertaken, with an expanded radius, it would most likely highlight an increase in incidents.</p> <p><b><u>Applicant / Applicant's Representative</u></b></p> <p>Mr Smith stated that the Applicant was readily prepared to comply with any conditions placed onto the operating schedule and there was no reason to believe that a further licensed premise would increase anti-social behaviour in the area.</p>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant / Applicant's Representative</u></b></p> <p>Consideration was given to the application submitted by Mr Hakan Tas and the proposed conditions under the Licensing Objectives, including those proposed by Trading Standards.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Consideration was given to the representation submitted by Cambridgeshire Constabulary as a Responsible Authority, including the 15 recommended conditions relating to the four Licensing Objectives, as subsequently agreed for inclusion within the operating schedule by the Applicant.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the following:</p> <ul style="list-style-type: none"> <li>• The representations submitted by the three East Ward Councillors;</li> <li>• The representation submitted by Rutland Residents Association and the attached petition;</li> <li>• The representation received from the President of the Husaini Islamic Centre and the attached petition;</li> <li>• The representation and petition submitted by Ali Kanji, a young local resident;</li> </ul>

	<ul style="list-style-type: none"> <li>• The representation submitted by Mr Ashwani Sharma, the owner of Star Road Off Licence, and the attached petition;</li> <li>• The representations submitted by three further local residents.</li> </ul>
3.11 Facts/Issues in dispute	<p><b><u>Issue 1</u></b></p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Protection of Children from Harm' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the granting of a new premises licence application would be detrimental to the '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 of the representations and verbal submissions made in relation to it. The Sub-Committee also considered all of the various options available, those being:</b></p> <ul style="list-style-type: none"> <li>• Not to grant the premises licence;</li> <li>• To grant the premises licence with additional conditions and/or a reduction in hours; and</li> <li>• To grant the premises licence as applied for.</li> </ul> <p>During its deliberations, the Sub-Committee noted that those representations received against the application were mainly concerned with the potential for an increase in alcohol related anti-social behaviour and in anti-social behaviour generally; the intimidation of the general public by those intoxicated through alcohol; an increase in alcohol related crime and an increase in alcohol related litter.</p> <p>It was further noted that Cambridgeshire Constabulary had not sought refusal of the licence, but rather the grant of the licence with certain conditions attached to the operating schedule.</p> <p>The Trading Standards Department of Peterborough City Council had objected to the granting of the licence, but had withdrawn this objection following successful mediation in the form of additional conditions attached to the operating schedule.</p> <p>The Sub-Committee was concerned with the limited number of crime reports which had been forwarded in connection with the limited postcode area searched by the Police. The community at large had expressed that a large number of alcohol related incidents had been reported to the Police outside of the immediate area of this postcode, or had gone unreported generally.</p>

The Sub-Committee considered that any proposed conditions attached to the licence would not alleviate the fears and concerns of the community and the Sub-Committee was extremely concerned with the increase in alcohol consumption and the detrimental effect on the community at large.

The Sub-Committee was therefore in agreement in its support of the community. The granting of another premises licence in the area would give rise to negative cumulative impact on one or more of the Licensing Objectives, those being 'The Prevention of Crime and Disorder', 'The Protection of Children from Harm', 'The Prevention of Public Nuisance' and 'Public Safety'. This was in line with Peterborough City Council's Statement of Licensing Policy at Paragraph 11.6 and Paragraph 13.32 of the Government Guidance.

**Decision**

The decision of the Licensing Act 2003 Sub-Committee was therefore to refuse the application outright.

Any Responsible Authority or Other Person who made relevant representation within the statutory period, could appeal this decision to the Peterborough Magistrates Court, within 21 days of the date of the decision.

Chairman  
13.30pm – 15.55pm

Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Monday 28 January 2013

**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	Review of Premises Licence – Super Poli (also known as Mini Poli), 613 Lincoln Road, Peterborough, PE1 3HA
3.1 Application Reference	MAU 066319
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Hiller Councillor Saltmarsh
3.3 Officers	Terri Martin, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Gemma George, 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 licence.</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 6 December 2012 and supplementary information from Trading Standards had been received on 19 December 2012.</p> <p>A representation in support of the review and recommendations had been received from Cambridgeshire Constabulary and the Director of Public Health, NHS Peterborough, 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>• Her Majesty’s Revenue and Customs (HMRC) had seized 57.4 litres of alleged non UK duty paid alcohol from the premises on 30/10/12;</li> <li>• The premises had failed to provide documentation for the seized</li> </ul>

	<p>alcohol to prove UK duty had been paid;</p> <ul style="list-style-type: none"> <li>• The UK Duty evaded was £579.42;</li> <li>• Guidance issued under section 182 of the Licensing Act 2003 recommends revocation, even in the first instance, (Section 11.28)</li> <li>• On 11 January 2012 HMRC Officers seized 0.8kg of tobacco and 880 cigarettes from a vehicle (outside the premises) registered to Mr Huseyin Koc. The revenue due on the seized tobacco and cigarettes was £286.12; and</li> <li>• Underage Sales.</li> </ul> <p>Further representations from the Millfield and New England Regeneration Partnership (MANERP) and Peterborough City Council's Neighbourhood CAN-do Team in their capacity as 'Other Persons' had been received. A summary of the issues raised included:</p> <ul style="list-style-type: none"> <li>• The management of the premises not upholding the licensing objectives;</li> <li>• Deliberately defrauding HMRC, resulting in unfair trading advantage providing cut priced alcohol in an area concentrated with licensed premises;</li> <li>• Criminal gain; and</li> <li>• Fully supportive of revocation of the premises licence.</li> </ul>
3.6 Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> <li>1. The Prevention of Crime and Disorder</li> <li>2. The Protection of Children from Harm</li> </ol>
3.7 Parties/Representatives and witnesses present	<p><b><u>Applicant / Responsible Authority</u></b></p> <p>Mrs Karen Woods, who presented the case on behalf of Trading Standards.</p> <p><b><u>Responsible Authorities</u></b></p> <p>PC Grahame Robinson, who was present on behalf of Cambridgeshire Constabulary.</p> <p>Mr Rod Grant, who was present on behalf of NHS Peterborough.</p> <p><b><u>Other Persons</u></b></p> <p>Ms Cate Harding, Neighbourhood Manager.</p> <p>Mr Brian Gascoyne, Chairman of MANERP.</p> <p><b><u>Licensee / Representative</u></b></p> <p>Mrs Ewa Walas, the Licensee was in attendance. The Licensee did not have a representative.</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	<p>A late request had been received from a Ward Councillor, Councillor Nazim Khan, to be permitted to address the Sub-Committee.</p> <p>The Sub-Committee, and all persons present, agreed to permit Councillor Khan to speak.</p>



3.9 Oral representations

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

**Applicant / Responsible Authority**

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

- The management operating the licence, were gaining from crime;
- During December 2011 the premises had failed a test purchase. There was also a history of failed test purchases, three in total;
- During the test purchase, a Police Officer had witnessed illicit tobacco products being sold. The tobacco was being stored in a potato sack by the front door;
- The hand rolling tobacco was suspected to be counterfeit due to the nature of the packaging;
- On 30 October 2012, a joint inspection by Trading Standards and HMRC was conducted;
- HMRC Officers had seized 57.4 litres of mixed spirits;
- The proprietor had been unable to produce receipts or invoices to prove that duty had been paid on the goods;
- The revenue due on the goods was £547.52;
- No claim against forfeiture had been received;
- During a previous visit on 11 January 2012, 0.8kg of hand rolling tobacco and 880 king sized cigarettes were seized alongside a vehicle outside of the shop registered to Mr Huseyin Koc, brother of Hasan Koc the previous premises licence holder;
- The revenue on the tobacco and cigarettes was £286.12;
- A complete revocation of the licence was sought.

**Responsible Authority – Cambridgeshire Constabulary**

PC Grahame Robinson stated that Cambridgeshire Constabulary always supported the work of Trading Standards and he further supported the view that the licence should be revoked in its entirety.

**Responsible Authority – NHS Peterborough**

Mr Rod Grant stated that he further supported the view that the licence should be revoked, particularly due to the failed test purchases.

**Other Persons – Councillor Nazim Khan, Ward Councillor**

Councillor Khan stated that he supported the application from Trading Standards. There were numerous issues with licensed premises within his ward and complete revocation of the licence was sought in this instance.

**Other Persons – Brian Gascoyne, MANERP**

Mr Brian Gascoyne drew the Sub-Committees attention to his written representation reiterated his comments. Revocation of the licence in its entirety was supported.

	<p><b><u>Licensee</u></b></p> <p>Mrs Ewa Walas 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>• All alcohol had been purchased from the cash and carry;</li> <li>• The staff at the premises had not been aware that the alcohol was illegal. They did not want to sell illegal alcohol;</li> <li>• The cash and carry had refused to give Mrs Walas an invoice;</li> <li>• The cash and carry had stated that a receipt would be provided once of all the alcohol had been sold.</li> </ul> <p>.</p> <p><b><u>Summing Up</u></b></p> <p>All parties were given the opportunity to summarise their submissions and there were no further comments made by any party.</p>
3.10 Written representations and supplementary material taken into consideration	<p><b><u>Applicant / Responsible Authority – Trading Standards</u></b></p> <p>Consideration was given to the application and additional information, including a HMRC Officer witness statement, submitted by Trading Standards 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 and the Director of Public Health, NHS Peterborough.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from Cate Harding, Neighbourhood Manager and Brian Gascoyne, Chairman of MANERP.</p>
3.11 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> <p><b><u>Issue 2</u></b></p> <p>Whether the review application would further support the ‘Protection of Children from Harm’ Licensing Objective.</p>

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:-**

- Criminal activity had taken place at the premises resulting in Her Majesty's Revenue and Customs having been defrauded of due lawful revenue, by the sale of illicit tobacco and alcohol;
- In October 2012 some 57 litres of non duty paid alcohol had been seized;
- In January 2012, 880 illicit cigarettes and a quantity of hand rolling tobacco had been seized;
- No notice of intention to claim against forfeiture was received by the authorities within the statutory period;
- Underage sales of alcohol had taken place, twice in 2009 and once in 2011.

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

- Suspension of the licence;
- Revocation of the licence;
- The imposition of further amended/additional conditions; and
- Removal of the Designated Premises Supervisor.

The Sub-Committee found that there had been an extended period of poor management of the premises resulting in the Licensing Objectives being largely ignored; therefore the Sub-Committee did not consider that a change in the Designated Premises Supervisor or additional conditions attached to the licence would promote the Licensing Objectives of:

- The Protection of Children from Harm; and
- The Prevention of Crime and Disorder.

The Government Guidance stated at paragraph 11.27:

“There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- For illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- For the sale of smuggled tobacco and alcohol.

And at paragraph 11.28:

“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.”

In the Licensing Authority's own Statement of Licensing Policy it states at paragraph 16.1 that:

“Reviews of premises licences represent a key protection for the community where matters arise at the premises in connection with any of the four licensing objectives”

The Sub-Committee agreed that the community needed protecting from the operation for the reasons outlined.

The decision of the Licensing Act 2003 Sub-Committee was therefore to revoke the premises licence.

Any person party to the proceedings, who was dissatisfied with the decision, could appeal to the Peterborough Magistrates’ Court within 21 days of the decision.

Chairman  
13.30pm – 14.30pm

<b>LICENSING COMMITTEE</b>	<b>AGENDA ITEM No. 4</b>
<b>14 MARCH 2013</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor Peter Hiller – Cabinet Member Neighbourhoods, Housing and Planning	
Contact Officer(s):	Peter Gell, Strategic Regulatory Services Manager Adrian Day, Licensing Manager Kerry Leishman, Licensing Development Officer	Tel. 01733 453419 Tel. 01733 454437 Tel. 01733 453502

## CUMULATIVE IMPACT POLICY

RECOMMENDATIONS	
<b>FROM : Strategic Regulatory Services Manager</b>	<b>Deadline date : April 2013</b>
That the Committee:	
<ol style="list-style-type: none"> <li>1. Determine, having reviewed the evidence provided, if they wish to recommend to Council that a Cumulative Impact Policy (“special policy”) in the Op Can Do area be adopted under the guidance issued under the Licensing Act 2003; and</li> <li>2. Approve the content of the special policy in respect to the type of licensed premises to be included within the policy (options listed in section 6.13).</li> </ol>	

### 1. ORIGIN OF REPORT

- 1.1 This report is as a result of the consultation carried out on the proposed amendment to the Council’s Statement of Licensing Policy to include a special policy in respect to the area known as Op Can Do, map attached as **Appendix A**.

### 2. PURPOSE AND REASON FOR REPORT

- 2.1 To consider and note the contents of the report including the representations and evidence received following the public consultation of the review of the Council’s Licensing Policy Statement to include a Cumulative Impact Policy in respect to the Op Can Do area.
- 2.2 To provide a recommendation in respect to the extent of the special policy to include, all licensed premises, off sales only, on sales only or on and off sales and also whether to include Late Night Refreshment.
- 2.3 This is for the Committee to consider under its terms of reference No. 2.4.1.7 “to monitor and review policy relating to licensing matter and make recommendations to Cabinet or Council as appropriate in relation to any proposed changes.

### 3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	YES (if approved, will form part of the Statement of Licensing Policy)
Date for Relevant Council Meeting	April 2013

#### **4. BACKGROUND OF CUMULATIVE IMPACT POLICY**

- 4.1 The current Statement of Licensing Policy was approved by the committee at the licensing committee on 16 November 2010 (and subsequently adopted at Council) and took effect in January 2011.
- 4.2 In December 2012 concern was expressed by council officers as to the perceived saturation of licensed premises in the Op Can Do area and to the negative effect on the licensing objectives.
- 4.3 Cumulative impact is covered in the Guidance issued under section 182 to Licensing Authorities. This recognises that the saturation of licensed premises in a particular area can impact on public nuisance and disorder and allows authorities to state within its Statement of Licensing Policy whether it considers that a concentration of licensed premises in a particular area was considered to be already causing a cumulative impact on one or more of the licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.
- 4.4 Members should note that the special policy, if adopted, would mean there would be a policy presumption to refuse applications where relevant representations about the cumulative impact on the licensing objectives are received. However, the authority must grant the application where representations are not received and it may not attach conditions to a licence unless representations are received. In addition, this policy does not affect premises currently licensed, unless there is a material change of use to the premises which would require a variation application in any case.
- 4.5 The Licensing Committee met on 21 January 2013 and approved the consultation of the review of the Statement of Licensing Policy to include a special policy in the Op Can Do area.
- 4.6 A consultation was carried out with Cambridgeshire Constabulary, Cambridgeshire Fire & Rescue Authority and those persons/bodies representing the trade and businesses as well as local residents both by way of direct communication and by publicity on the council's website and local press. The consultation commenced on 22 January and ended on 04 March 2013.

#### **5. Responses to Consultation**

##### **5.1 Residents**

A total of 22 residents and representatives of residents responded to the consultation as well as submitting a petition all in full support of the inclusion of a special policy. The more detailed responses contained personal experience of the effects of licensed premises in the area, largely referring to anti social behaviour by patrons of the licensed premises. The responses in full can be made available to Committee Members should these wish to view them.

##### **5.2 Operation CAN-do Neighbourhood Delivery Team (NDT)**

Operation CAN-do or Op Can Do is a 10+ year programme which aims to develop, enable, implement, evidence and measure a transformational, whole-systems approach to improve the quality of life, outcomes and outlook of people living and working in the Gladstone, Millfield and New England community of Peterborough.

- 5.3 A detailed representation, attached as **Appendix B** was received from NDT that recognised that it is to the credit of the targeted Op Can Do programme that there is an evidenced reduction in the levels of reported crime and anti social behaviour in the area since its inception. It must be noted however that a reduction in reported crime and improvements

to the quality of life for local people has come about as a direct result of targeted resources in the area that provide a highly visual presence and vital community reassurance. A reduction of this targeted resource before sustainable solutions have been embedded could have a detrimental impact on all that has been achieved to date. The NDT support the implementation of this policy in relation to on and off sales and any late night refreshments as all contribute to the misuse of alcohol and have a negative impact on the preventative objectives namely, The prevention of crime and disorder and The prevention of public nuisance.

#### 5.4 Public Health

The Director of Public Health Dr Andy Liggins expressed support for the proposed Special Policy in the Op Can do area. The representation, attached as **Appendix C**, gave rise to the concern of alcohol misuse in the Peterborough area estimated<sup>i</sup> that 12% of the Peterborough population (13,650 people) drink above the recommended levels, increasing the risk of damaging their health, with a further 2% (2,768 people) who drink at very heavy levels which significantly increase the risk of damaging their health and may have already caused some harm to their health.

The representation details that Peterborough also suffers a higher than average rate of alcohol-related hospital admissions<sup>ii</sup> and it is an objective to reduce these and the associated health burden upon individuals, families and the community. Alcohol-related hospital admissions from Central and North wards in the Op Can Do area are among the highest for any neighbourhood in Peterborough. The Millfield area enjoys a particularly diverse population, including many from other European Union states and World Health Organisation data<sup>iii</sup> shows considerably higher rates of liver cirrhosis among people from Lithuania, Latvia, Poland and Portugal than the UK average.

Notwithstanding the human costs borne by victims of crime and individuals affected by their own drinking or that of someone close to them, the financial cost of alcohol misuse to Peterborough, based upon national data on health, crime and absenteeism, is estimated at £22m annually<sup>iv</sup>.

The National Alcohol Strategy published in March 2012 indicated Government's intention to introduce a "health" ground for objection to granting licences, particularly in areas where a CIP is in place. Alongside the Safer Peterborough Partnership, Public Health has registered its support for this measure as it is our view that concerns for health should have formal weight in the licensing process.

Dr Liggins went on to say that Alcohol is a dangerous drug and we (Public Health) consider licensing to be an important contributor to reducing harm by restricting availability and safeguarding the public, including the young and vulnerable.

#### 5.5 Cambridgeshire Constabulary

Inspector Dominic Glazebrook provides in his representation:

The Op Can Do area is an area with multiple indices of deprivation. Life expectancy, income, educational qualifications are all lower than other areas. The area possesses less green space than other areas. Housing is poor and few people own their own home.

The Police have provided a team of nine officers and PCSO's to police the area. Young peoples' services have provided a dedicated youth worker for the area and the neighbourhood management team have also dedicated resources. In times of financial austerity, this means that the Op Can Do area has used up a significant amount of

---

<sup>i</sup> Alcohol Concern Mapping Project, 2012

<sup>ii</sup> Local Alcohol Profile England (LAPE) NW Region Public Health Observatory, 2012

<sup>iii</sup> WHO, 2005

<sup>iv</sup> NICE, Local Government Public Health Briefing, 12 October 2012

resources. These resources could have been put to use in other areas if the need in the Op Can Do area had not been so great.

It is well documented that the number of outlets licensed to sell alcohol in the Op Can Do area have increased in the last 10 years.

Whereas crime and anti social behaviour has fallen over Peterborough as a whole, the large number of outlets for alcohol has created a number of effects. Some of these effects have been not immediately obvious. However the Op Can Do area has experienced professionals who work there from Police, neighbourhood management, young peoples' services and health who are prepared to say that it is time to call a halt to the increase in the number of places licensed to sell alcohol in the Op Can Do area.

Residents' associations, councillors and community associations are in agreement with this. MANERP, the VPRA, the All Saints' residents association, the Russell Street residents' association and the Op Can Do community board all support a cumulative impact policy. Many attendees at neighbourhood committee meetings and neighbourhood panel meetings also support it.

The selling of alcohol can be directly or indirectly associated with the following

- Street drinking at all hours of the day and night
- Litter (beer cans being left in the street)
- Urinating in the street
- Many licensed premises have crowds of people congregating outside them which causes a disturbance to residents and those working in the neighbourhood
- The consumption of and dealing in drugs in public. One licensed premises in the Op Can Do area was recently made subject of a 'crack house closure' order
- Some of the licensed premises in the Op Can Do area have been caught selling drink to persons under 18; some have also been caught in possession contraband alcohol and tobacco
- Health is poorer in the Op Can Do area which in part is due to excessive drinking
- Street robberies and pickpocketing are prevalent in the Op Can Do area, as is alcohol related violent crime including domestic violence.

Street prostitution is a problem in the Op Can Do area and many of the 'punters' are drunk. Lastly the large number of licensed premises gives a negative perception to the Op Can Do area and attracts persons from outside the area who come to the area to consume alcohol, thus having a negative effect on residents.

In the last three years, Peterborough Unitary authority have approved a large increase in the number and size of the DPPO areas in force. Because of this, nearly all of the Op Can Do area is now a DPPO area. Street drinkers are able to 'get around' the DPPO restriction by drinking in private gardens or car parks just off the street.

It is my considered view that a cumulative impact policy is required, as well as the current DPPO, to help prevent the problems listed below.

Data collected from the Constabulary's data warehouse i2 workstation, attached as **Appendix D** along with the full representation from Inspector Glazebrook, produced the following key findings in relation to violent crime and anti-social behaviour in the Op Can Do area and associated wards:

### **Violent Crime**

- Between 2010 and 2013 alcohol-related violent crime represented a substantial proportion of all violent crime in the Op Can Do area. Between 44 per cent and 48 per cent of all violent crime was alcohol related both in the wards associated with the Can Do area and when considering the Op Can Do area alone.



- Alcohol-related violent offences appear in general to be concentrated in the vicinity of clusters of licensed premises, for example, along parts of Lincoln Road and the streets radiating away from it (Map 6 within the document attached as Appendix D).
- Overall, the distribution of alcohol-related violent crime follows the distribution of all violent crime in the area under consideration, although there is perhaps a greater concentration of all violent crime in the southern tip of the zone than seen with alcohol-related violent crime (Maps 5 and 6 within the document attached as Appendix D).

### **Anti-Social Behaviour**

- Between 2010 and 2013 alcohol-related anti-social behaviour incidents represented between 29 per cent and 33 per cent of all anti-social behaviour incidents in the wards that cover the Op Can Do area and between 20 per cent and 33 per cent of all anti-social behaviour incidents in the Op Can Do area itself. As anti-social behaviour is a very broad category, these figures show the substantial role alcohol plays in anti-social behaviour overall.
- The distribution of anti-social incidents and alcohol-related anti-social incidents, as with violent crime, is most concentrated in areas where there are greater numbers of licensed premises (Maps 7 and 8 within the document attached as Appendix D).
- Again, the distribution of alcohol-related anti-social behaviour seems in general to follow the distribution of all anti-social behaviour (Maps 7 and 8 within the document attached as Appendix D).

## **6. CONCLUSION**

- 6.1 Under the Guidance issued to Licensing Authorities under Section 182 of the Licensing Act 2003 there should be evidential basis for the decision to include a special policy within the Statement of Licensing Policy.
- 6.2 Members must decide whether sufficient evidence has been presented in order to make a recommendation to Full Council to include a special policy for the Op Can Do area within its Statement of Licensing Policy. A draft of the Statement of Licensing Policy is attached as **Appendix E** and will be amended as necessary following the committee's decision.
- 6.3 Also when reviewing the evidence members must decide to what extent, if any, the special policy is to have with the options being:
- 1) To apply to all licensed premises
  - 2) To apply to the sale of alcohol on-sales only
  - 3) To apply to the sale of alcohol off-sales only
  - 4) To apply to the sale of alcohol for both on and off sales
  - 5) To include Late Night refreshment as a combination of the above

## **7. ANTICIPATED OUTCOMES**

- Proposals on licensing policy changes in respect of the inclusion of a special policy for the Op Can Do area.
- Proposals on the make up of a special policy as per the options given should one be recommended for approval by council.

## **8. REASONS FOR RECOMMENDATIONS**

To comply with the statutory requirements regarding amendments to the statement of licensing policy in order to include a cumulative impact policy with a view to making sustainable improvements in the Op Can Do area.

**9. ALTERNATIVE OPTIONS CONSIDERED**

Retain the status quo

**10. IMPLICATIONS**

10.1 **Financial**

There are none arising from this report.

10.2 **Legal**

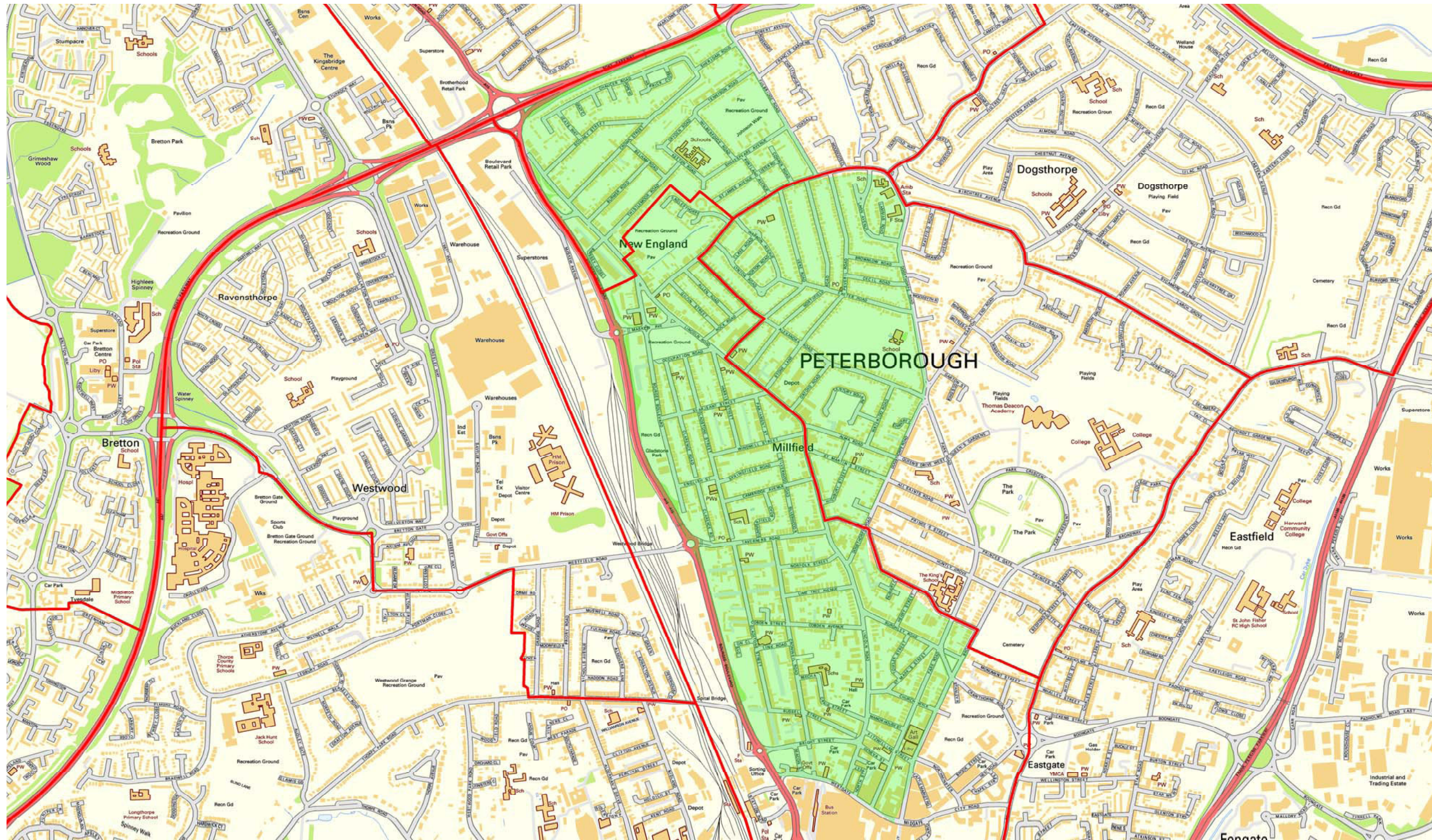
Legal Services will be required to ensure that the decision making process is implemented in a accordance with the Licensing Act 2003.

**11. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

11.1 The Licensing Act 2003

Amended guidance issued under section 182 of the Licensing Act 2003



© Crown Copyright 1999. Reproduced from Ordnance Survey Land – Line data with the permission of the controller of Her Majesty's Stationery Office. Ordnance Survey and Land – Line are registered trademarks

This page is intentionally left blank

## Licensing Policy Consultation

---

**From:** Harding Cate  
**Sent:** 04 March 2013 10:36  
**To:** Licensing Policy Consultation  
**Cc:** Lasota Gosia; Harding Cate  
**Subject:** Cumulative Impact Policy

**To: Licensing Team, Peterborough City Council.**

### **Reference: Cumulative Impact Policy**

I am writing to make a representation to support the proposal for the introduction of the above as the Chair of the Operation CAN-do Neighbourhood Delivery Team (NDT).

*Operational CAN-do is a 10+ year programme which aims to develop, enable, implement, evidence and measure a transformational, whole-systems approach to improve the quality of life, outcomes and outlook of people living and working in the Gladstone, Millfield and New England community of Peterborough.*

The NDT is a multi agency partnership, led by the area's Neighbourhood Manager, designed to provide a simple mechanism for service providers (council services, police, health services, fire & rescue, housing associations, elected members, voluntary sector) to work together to take forward action to address issues that impact on how residents feel about their neighbourhoods.

All officers have an in depth understanding of their local community in terms of it's demographics and priority needs. This intelligence is gathered from statistical data as well as anecdotally through direct engagement with local people at a variety of regular public meetings. The NDT is therefore committed to reacting to this information by ensuring services are delivered in the area to directly respond to the concerns and support the interests and needs of the local people.

It is to the credit of the targeted Operation CAN-do programme that there is an evidenced reduction in the levels of reported crime and anti social behaviour in the area since its inception. It must be noted however that a reduction in reported crime and improvements to the quality of life for local people has come about as a direct result of targeted resources in the area that provide a highly

visual presence and vital community reassurance. A reduction of this targeted resource before sustainable solutions have been embedded could have a detrimental impact on all that has been achieved to date. Thus the necessity of the unprecedented commitment by partners to the long term programme.

Based on this understanding, both anecdotal and evidential, the NDT's representation aims to support the proposal due to its direct role in relation to the following:

- The prevention of crime and disorder
- The prevention of public nuisance

Operation CAN do partners have and are driven by a wealth of statistical information regarding the levels of alcohol related crime and antisocial behaviour in this area of the city. This is further compounded by the overwhelming levels of service requests and complaints in direct relation to the sale or use of alcohol and since the introduction of the programme feel that a 'zero tolerance' approach is required to prevent these issues worsening. All partner agencies are subscribed to this approach.

We therefore support the implementation of this policy in relation to on and off sales and any late night refreshments as all contribute to the misuse of alcohol and have a negative impact our the preventative objectives bullet pointed above.

Kind regards

**Cate Harding**  
**Neighbourhood Manager**

**Central & East Locality**

4th Floor Bayard Place  
Broadway  
Peterborough  
PE1 1HZ  
Email: [cate.harding@peterborough.gov.uk](mailto:cate.harding@peterborough.gov.uk)  
Tel: 01733 317 497

*Please consider the environment before printing this email*



Our ref: AL/mw

27 February 2013

**NHS Cambridgeshire and NHS Peterborough**  
working in partnership

The Licensing Consultation Officer  
Peterborough City Council  
Bayard Place  
Broadway  
Peterborough  
PE1 1HU

1<sup>st</sup> Floor  
Town Hall  
Peterborough  
PE1 1HL

lpc@peterborough.gov.uk

Tel: 01733 207172  
Email: andy.liggins@peterborough.gov.uk  
Web: www.peterborough.nhs.uk

Dear Licensing Team

**Consultation on the amendment to Peterborough City Council's Statement of Licensing Policy to include a Cumulative Impact Policy (CIP) in respect of the area known as Operation Can-Do**

I am writing to express my support for the proposed Cumulative Impact Policy (CIP) in the Operation Can-Do neighbourhood.

Worldwide, alcohol misuse is the third greatest contributor to ill-health<sup>i</sup>. It is estimated<sup>ii</sup> that 12% of the Peterborough population (13,650 people) drink above the recommended levels, increasing the risk of damaging their health, with a further 2% (2,768 people) who drink at very heavy levels which significantly increase the risk of damaging their health and may have already caused some harm to their health.

Peterborough also suffers a higher than average rate of alcohol-related hospital admissions<sup>iii</sup> and it is an objective to reduce these and the associated health burden upon individuals, families and the community. Alcohol-related hospital admissions from Central and North wards in the Operation Can-Do area are among the highest for any neighbourhood in Peterborough. The Millfield area enjoys a particularly diverse population, including many from other European Union states and World Health Organisation data<sup>iv</sup> shows considerably higher rates of liver cirrhosis among people from Lithuania, Latvia, Poland and Portugal than the UK average.

Notwithstanding the human costs borne by victims of crime and individuals affected by their own drinking or that of someone close to them, the financial cost of alcohol misuse to Peterborough, based upon national data on health, crime and absenteeism, is estimated at £22m annually<sup>v</sup>.

We believe it is important that we strive to reduce alcohol-related harm among all people living in our city. The problem requires a multi-dimensional, multi-agency approach and Public Health supports partnership approaches to concerns regarding community cohesion and anti-social behaviour. We have seen police data showing crime and ASB to take place late into the evening in the Lincoln Road area and our own analysis shows the Operation Can-Do area to have the highest density of licensed outlets in the city already. We therefore believe that there is sufficient access to alcohol in the area to merit the introduction of the CIP presumption against granting further licenses, subject to the conditions described in the consultation briefing.

<sup>i</sup> Global Health Risks, WHO

<sup>ii</sup> Alcohol Concern Mapping Project, 2012

<sup>iii</sup> Local Alcohol Profile England (LAPE) NW Region Public Health Observatory, 2012

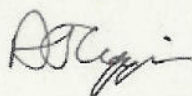
<sup>iv</sup> WHO, 2005

<sup>v</sup> NICE, Local Government Public Health Briefing, 12 October 2012

The National Alcohol Strategy published in March 2012 indicated Government's intention to introduce a "health" ground for objection to granting licences, particularly in areas where a CIP is in place. Alongside the Safer Peterborough Partnership, Public Health has registered its support for this measure as it is our view that concerns for health should have formal weight in the licensing process.

Alcohol is a dangerous drug and we consider licensing regulation to be an important contributor to reducing harm by restricting availability and safeguarding the public, including the young and vulnerable. I therefore welcome the ambition to introduce a CIP and look forward to Public Health's contribution to its effective deployment.

Yours faithfully



**Dr Andy Liggins**  
Director of Public Health



**CANDO PEN PICTURE****INSPECTOR DOMINIC GLAZEBROOK****EASTERN SECTOR INSPECTOR JUNE 2010-PRESENT**

This pen picture has been prepared to tie in with the cumulative impact assessment (CIA) which is currently being undertaken in the CANDO area of Peterborough. The CIA is assessing whether or not a cumulative impact policy should be introduced in the CANDO area.

The CANDO area of Peterborough has been identified by Peterborough Unitary authority and partner agencies as an area of Peterborough where the quality of life is poorer than in other areas. The CANDO project was set up in 2011 to facilitate partners and voluntary agencies to work together to make this area a better place in which to live and work.

The CANDO area is an area with multiple indices of deprivation. Life expectancy, income, educational qualifications are all lower than other areas. The area possesses less green space than other areas. Housing is poor and few people own their own home.

The Police have provided a team of nine officers and PCSO's to police the area. Young peoples' services have provided a dedicated youth worker for the area and the neighbourhood management team have also dedicated resources. In times of financial austerity, this means that the CANDO area has used up a significant amount of resources. These resources could have been put to use in other areas if the need in the CANDO area had not been so great.

It is well documented that the number of outlets licensed to sell alcohol in the CAN DO area have increased in the last 10 years.

Whereas crime and anti social behaviour has fallen over Peterborough as a whole, the large number of outlets for alcohol have created a number of effects. Some of these effects have been not immediately obvious. However the CANDO area has experienced professionals who work there from Police, neighbourhood management, young peoples' services and health who are prepared to say that it is time to call a halt to the increase in the number of places licensed to sell alcohol in the CANDO area.

Residents' associations, councillors and community associations are in agreement with this. MANERP, the VPRA, the All Saints' residents association, the Russell Street residents' association and the CANDO community board all support a cumulative impact policy. Many attendees at neighbourhood committee meetings and neighbourhood panel meetings also support it.

The selling of alcohol can be directly or indirectly associated with the following  
Street drinking at all hours of the day and night  
Litter (beer cans being left in the street)  
Urinating in the street

Many licensed premises have crowds of people congregating outside them which causes a disturbance to residents and those working in the neighbourhood

The consumption of and dealing in drugs in public. One licensed premises in the CANDO area was recently made subject of a 'crack house closure' order  
Some of the licensed premises in the CANDO area have been caught selling drink to persons under 18; some have also been caught in possession contraband alcohol and tobacco  
Health is poorer in the CANDO area which in part is due to excessive drinking  
Street robberies and pickpocketing are prevalent in the CANDO area, as is alcohol related violent crime including domestic violence.

Street prostitution is a problem in the CANDO area and many of the 'punters' are drunk.  
Lastly the large number of licensed premises gives a negative perception to the CANDO area and attracts persons from outside the area who come to the area to consume alcohol, thus having a negative effect on residents.

In the last three years Peterborough Unitary authority have approved a large increase in the number and size of the DPPO areas in force. Because of this, nearly all of the CANDO area is now a DPPO area. Street drinkers are able to 'get around' the DPPO restriction by drinking in private gardens or car parks just off the street.

It is my considered view that a cumulative impact policy is required, as well as the current DPPO, to help prevent the problems listed below.

I would like this report to be read in conjunction with the cumulative impact assessment which has been prepared by Kerry Leishmann.

**Can Do Area**  
**Cumulative Impact Assessment**  
**2013**

## **Part One: introduction**

### **Background**

The Licensing Act 2003 provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken. They are:

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

In areas where there is a significant concentration of licensed premises and there is sufficient evidence of negative impact on the statutory objectives, the Licensing Act gives provision for the adoption of a Cumulative Impact Policy. The effect of adopting such a policy is to create a rebuttable presumption that applications for new premises licences or major variations will be refused if representations are made about the likely impact of the proposals on the licensing objectives. This effectively requires the applicant to demonstrate that the operation of the premises involved will not add to the cumulative impact already being experienced.

### **Purpose**

The purpose of this report is to review whether there are ongoing significant levels of crime and disorder attributed to a high concentration of licensed premises within the Can Do zone and subsequently recommend whether any changes need to be made to the current licensing provision.

### **Methodology and Data Sources**

The boundaries of the Can Do zone were provided by DS James Sheffield. The locations of all licensed premises in the Can Do zone and the area in the city centre immediately to the south of the Can Do zone were provided by Kerry Leishman of Peterborough City Council<sup>1</sup>. These included premises with licences for alcohol including off licences, on licences and those with both on and off licences. They also included licensed premises where there is no licence for alcohol to be sold.

The following data sets were extracted from the force's data warehouse using i2 workstation:

- Violent crime offences and anti-social behaviour incidents that occurred between 01/02/2012 and 31/01/2013<sup>2</sup> and which occurred in the Can Do zone and in the areas of the wards that cover the Can Do zone but which do not fall within the zone<sup>3</sup>.

---

<sup>1</sup> The licensed premises in the area to the immediate south of the Can Do zone were included in this assessment to enable consideration of the cumulative impact of City Centre licensed premises on the Can Do zone.

<sup>2</sup> The date parameters were chosen to reflect the most up-to-date data rather than the introduction of the Can Do Zone as the phased introduction of initiatives would make it difficult to draw any inferences from the data.

<sup>3</sup> Park, Central City, Central North and North. Offences and incidents in the Can Do zone were extracted from the ward data sets via polygons drawn on the mapped ward data.

- Alcohol-related<sup>4</sup> violent crime offences and anti-social behaviour incidents that occurred between 01/02/2012 and 31/01/2013 and which occurred in the Can Do zone and in the areas of the wards that cover the Can Do zone but which do not fall within the zone.

### **Part two: licensed premises in the Can Do zone and the area to its immediate south**

At the time of writing there were 119 licensed premises in the zone and its immediate vicinity. A list of the premises can be found in Appendix A.

On licence	Off licence	On and off licence	No alcohol licence
23	39	31	26

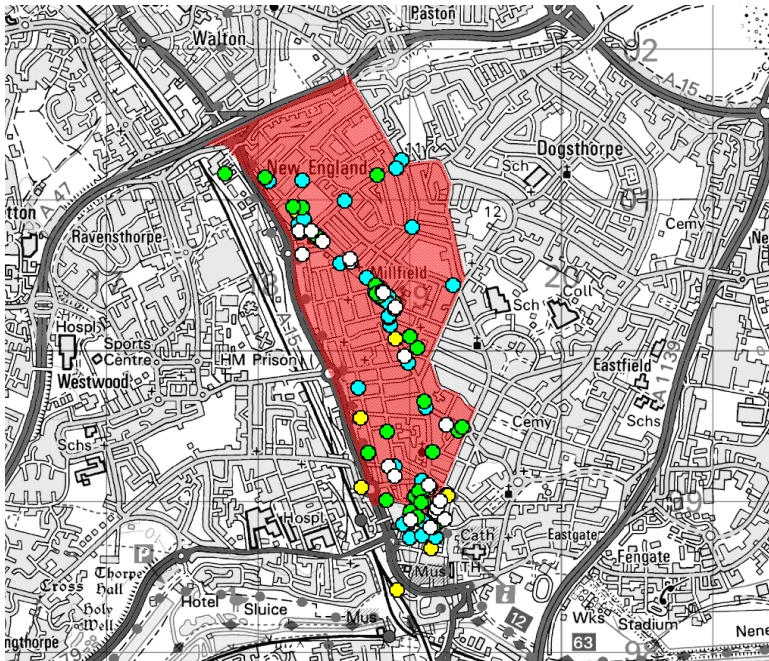
#### **Key findings**

- Large numbers of licensed premises in the Can Do zone are found along Lincoln Road. (Map 1).
- There is a cluster of licensed premises on Lincoln Road between St Martin's Street and Stone Lane (Map 2) and a cluster around the junction of Lincoln Road with St Paul's Road (Map 3).
- There is also a cluster of establishments with on/off licences at the far southern end of Lincoln Road, just north of Westgate. This forms part of a wider cluster with alcohol licensed premises along Park Road, and to the south of Westgate. (Map 4).

---

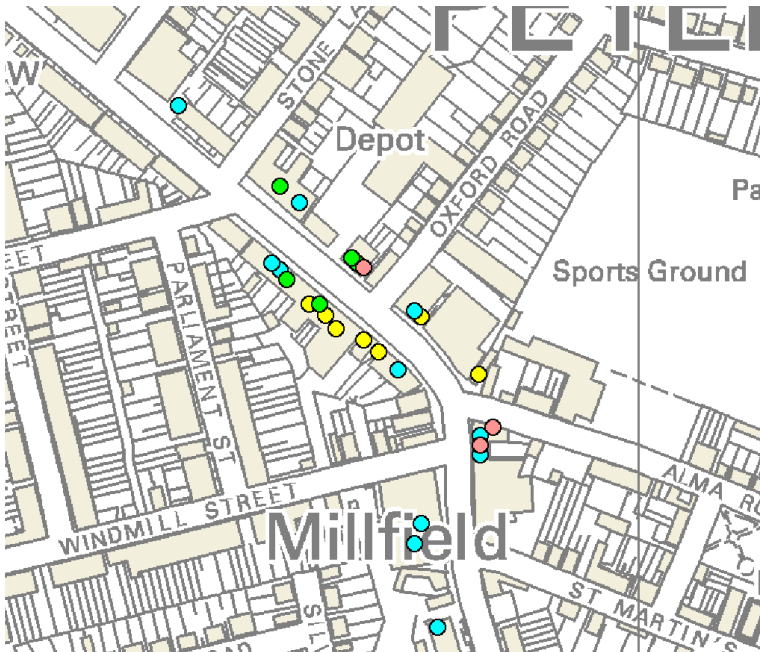
<sup>4</sup> Alcohol-related violence offences and ASB were measured using an i2 query searching notes for key words of 'alchoh', 'drinking', 'drunk' or intoxicated'.

**Map 1: Licensed premises in the Can Do zone and in the area to the immediate south 2012-13<sup>5</sup>**



**Key**  
Yellow = alcohol not sold  
Blue = off licence  
Green = on and off licence  
White = on licence

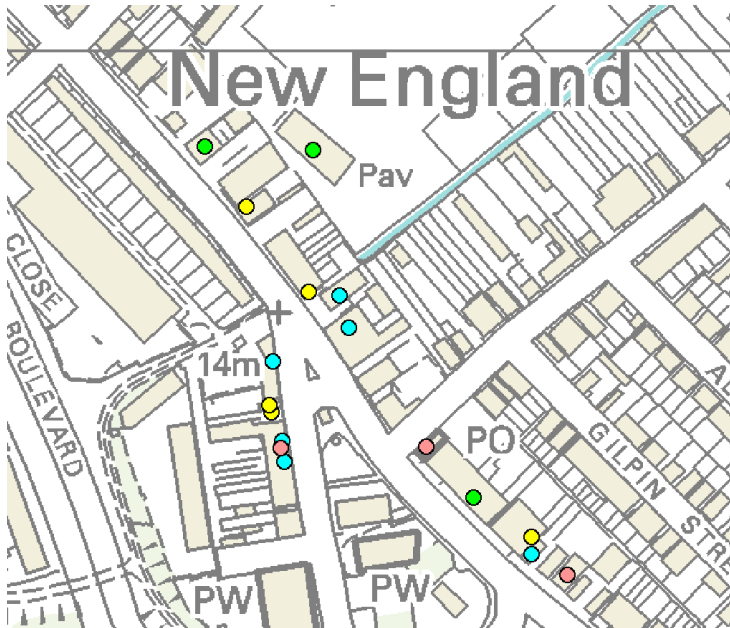
**Map 2: Licensed premises between St Martin's Street and Stone Lane on Lincoln Road 2012-13**



**Key**  
Yellow = alcohol not sold  
Blue = off licence  
Green = on and off licence  
Pale pink = on licence

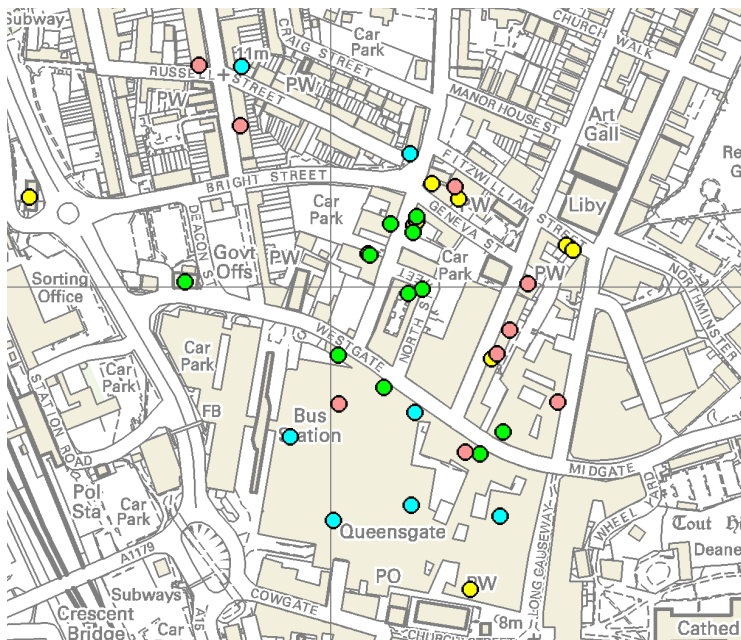
<sup>5</sup> Due to the vagaries of the mapping system some premises that are in close proximity to each other on this map and the following maps may be superimposed on each other, with the result that there may appear to be fewer licensed premises on the maps than are in fact represented there.

**Map 3: Licensed premises around the junction of Lincoln Road with St Paul's Road 2012-13**



**Key**  
Yellow = alcohol not sold  
Blue = off licence  
Green = on and off licence  
Pale pink = on licence

**Map 4: Licensed premises at the southern end of Lincoln Road and in the surrounding City Centre area 2012-13**



**Key**  
Yellow = alcohol not sold  
Blue = off licence  
Green = on and off licence  
Pale pink = on licence

**Part three: violent crime offences and anti-social behaviour incidents in the Can Do zone and associated wards**

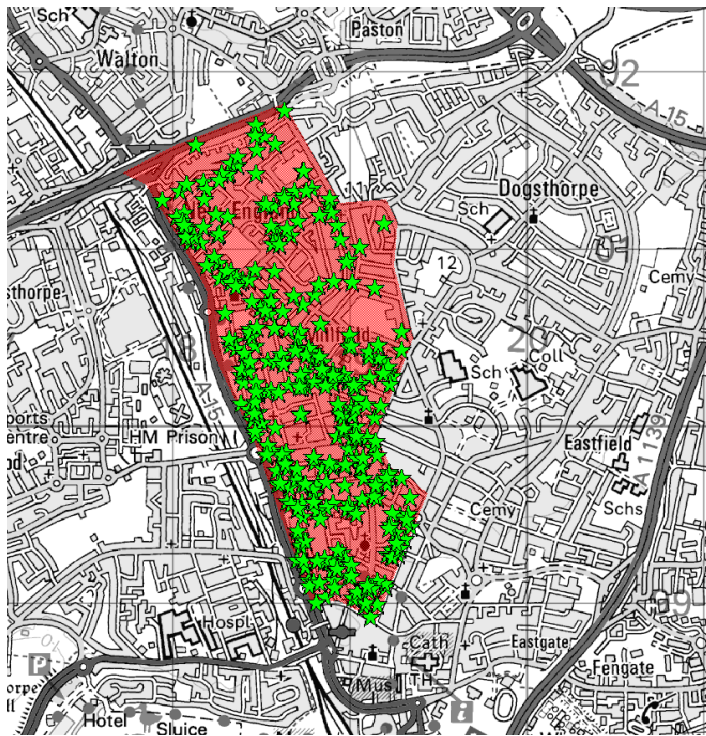
	2010-11		2011-12		2012-13	
	Ward total	Can Do total	Ward total	Can Do total	Ward total	Can Do total
Violent crime	1769	806	1587	697	1272	524
<b>Alcohol related violent crime</b>	794 (45% of all violent crime)	<b>370 (46% of all violent crime)</b>	718 (45% of all violent crime)	<b>307 (44% of all violent crime)</b>	613 (48% of all violent crime)	<b>232 (44% of all violent crime)</b>
ASB	4122	2330	3285	1832	2625	1386
<b>Alcohol related ASB</b>	1212 (29% of all ASB)	<b>469 (20% of all ASB)</b>	1047 (32% of all ASB)	<b>591 (32 % of all ASB)</b>	860 (33% of all ASB)	<b>449 32% of all ASB)</b>

**Key findings – violent crime**

- Between 2010 and 2013 alcohol-related violent crime represented a substantial proportion of all violent crime in the Can Do zone. **Between 44 per cent and 48 per cent of all violent crime was alcohol related** both in the wards associated with the Can Do zone and when considering the Can Do zone alone.
- Alcohol-related violent offences appear in general to be concentrated in the vicinity of clusters of licensed premises, for example, along parts of Lincoln Road and the streets radiating away from it (Map 6).
- Overall, the distribution of alcohol-related violent crime follows the distribution of all violent crime in the area under consideration, although there is perhaps a greater concentration of all violent crime in the southern tip of the zone than seen with alcohol-related violent crime (Maps 5 and 6).

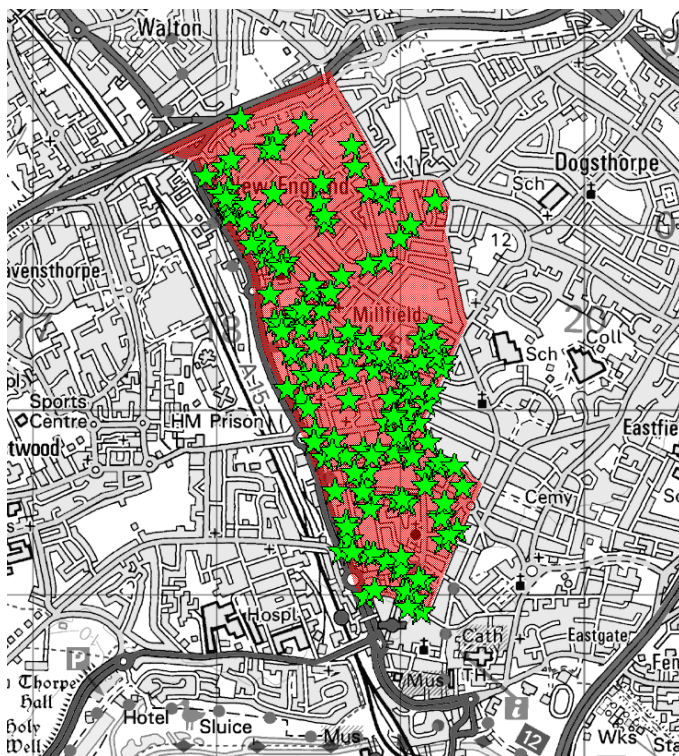


**Map 5: All violent crime in Can Do area 2012-13**



Green star = violent crime offence.

**Map 6: alcohol-related violent crime within the Can Do area 2012-13**

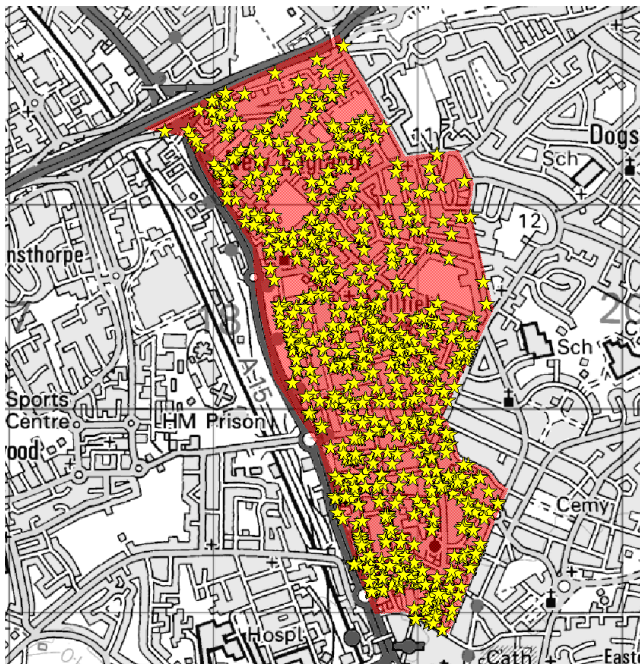


Green star = alcohol-related violent crime offence.

### Key findings – anti-social behaviour

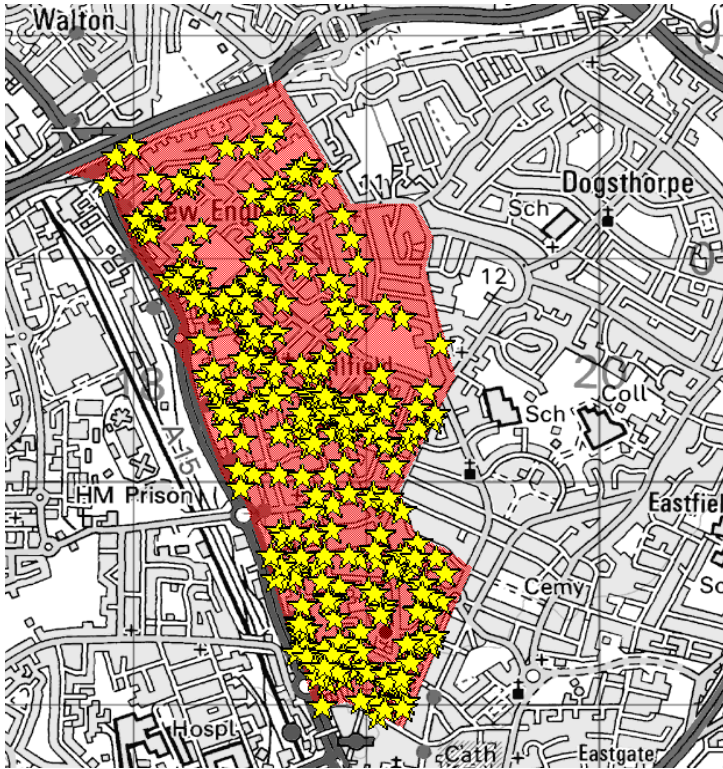
- Between 2010 and 2013 alcohol-related anti-social behaviour incidents represented **between 29 per cent and 33 per cent** of all anti-social behaviour incidents in the wards that cover the Can Do zone and **between 20 per cent and 33 per cent** of all anti-social behaviour incidents in the Can Do zone itself. As anti-social behaviour is a very broad category, these figures show the substantial role alcohol plays in anti-social behaviour overall.
- The distribution of anti-social incidents and alcohol-related anti-social incidents, as with violent crime, is most concentrated in areas where there are greater numbers of licensed premises (Maps 7 and 8).
- Again, the distribution of alcohol-related anti-social behaviour seems in general to follow the distribution of all anti-social behaviour (Maps 7 and 8)..

### Map 7: all ASB in Can Do area 2012-13



Yellow star = ASB incident.

**Map 8: alcohol-related ASB in Can Do area 2012-13**



**Appendix A****Licensed Premises in the Can Do zone and its immediate southern vicinity**

<b>Name</b>	<b>Type</b>	<b>Licence</b>
2 Tasty	Take away	Alcohol not sold
AFC	Take away	Alcohol not sold
Ali's Balti House	Restaurant/Cafe	Alcohol not sold
Ali's Kebab House	Take away	Alcohol not sold
Azad Kashmir Balti House	Restaurant/Cafe	Alcohol not sold
Balti Hut	Take away	Alcohol not sold
Chicken Palace	Take away	Alcohol not sold
Chicken Palace	Take away	Alcohol not sold
Chicken Paradise	Take away	Alcohol not sold
Chilli Hut	Take away	Alcohol not sold
Chilli Hut	Take away	Alcohol not sold
Curry & Pizza Hut	Take away	Alcohol not sold
Curry Masters	Take away	Alcohol not sold
Eastern Delight	Take away	Alcohol not sold
Express Burger	Take away	Alcohol not sold
Gladstone Park	Community Hall with Kitchen	Alcohol not sold
HFC	Take away	Alcohol not sold
Hot Pot Takeaway	Take away	Alcohol not sold
Istanbul	Take away	Alcohol not sold
McDonalds	Take away	Alcohol not sold
McDonalds	Take away	Alcohol not sold
Millfield Community Assoc	Community Hall with Kitchen	Alcohol not sold
Punjab Balti House	Restaurant/Cafe	Alcohol not sold
Roshni Takeaway	Take away	Alcohol not sold
Sunrise	Take away	Alcohol not sold
UK Chicken & Pizza	Take away	Alcohol not sold
Alexandra News	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
Alexandra Trading	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
B H S	Department Store (With food)	Alcohol sold for consumption OFF the premises
Best Deli	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
Bill's Off Licence	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
Bodrum Kebab & Pizza	Take away	Alcohol sold for consumption OFF the premises
Boots UK Ltd	Department Store (With food)	Alcohol sold for consumption OFF the premises
Co-operative Group	Supermarket	Alcohol sold for consumption OFF the premises
Corner Shop	Off Licence	Alcohol sold for consumption OFF the premises
Cromwell Road Stores	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
Drinks Plus Off Licence	Off Licence	Alcohol sold for consumption OFF the premises
Exeter Road P.O. & Store	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
Express Booze	Off Licence	Alcohol sold for consumption OFF the premises
Express Booze Market	Off Licence	Alcohol sold for consumption OFF the premises
Fleur	Florist	Alcohol sold for consumption OFF the premises
Golden Dragon	Take away	Alcohol sold for consumption OFF the premises
Gulmohur Mini-Market	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
Iceland	Supermarket	Alcohol sold for consumption OFF the premises

Not Protectively Marked

Inter-World Cafe	Leisure Services	Alcohol sold for consumption OFF the premises
Lithuanian Food	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
Marks & Spencer	Department Store (With food)	Alcohol sold for consumption OFF the premises
Mini Market	Off Licence	Alcohol sold for consumption OFF the premises
Mini Poli	Off Licence	Alcohol sold for consumption OFF the premises
Murco Costcutter Express	Shop at Petrol Station	Alcohol sold for consumption OFF the premises
Nectar	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
New England Supermarket	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
News N Booze	Off Licence	Alcohol sold for consumption OFF the premises
One Stop Stores Ltd	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
Peterborough Bargain 'n' Booze Centre	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
Peterborough Food & Wine Centre	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
Piccolo Guadagno	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
Savers	Chemist/Pharmacist (Retail)	Alcohol sold for consumption OFF the premises
Seven Eleven PL Ltd.	Butcher (Retail)	Alcohol sold for consumption OFF the premises
Steps Off-Licence	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
Sweet Wine Centre	Off Licence	Alcohol sold for consumption OFF the premises
The Triangle Supermarket	General Grocers (Retail)	Alcohol sold for consumption OFF the premises
Vodka Plus	Other Licence Premise	Alcohol sold for consumption OFF the premises
Waitrose	Supermarket	Alcohol sold for consumption OFF the premises
Zorba	Take away	Alcohol sold for consumption OFF the premises
Burghley Square Limited	Members' Club (Proprietary)	Alcohol sold for consumption ON and OFF the premises
Cafe 24	Night Club	Alcohol sold for consumption ON and OFF the premises
Cafe Mix	Restaurant/Cafe	Alcohol sold for consumption ON and OFF the premises
Cafe Vilamoura	Restaurant/Cafe	Alcohol sold for consumption ON and OFF the premises
Clarkes/The North Street	Restaurant/Cafe	Alcohol sold for consumption ON and OFF the premises
Coffee and Sandwich Bar Algarve	Restaurant/Cafe	Alcohol sold for consumption ON and OFF the premises
Conservative Bowls Club	Members' Club (Non Proprietary)	Alcohol sold for consumption ON and OFF the premises
Crown Inn	Public House with meals	Alcohol sold for consumption ON and OFF the premises
Embe Restaurant/The Rose	Public House with meals	Alcohol sold for consumption ON and OFF the premises
Espirito Da Coisa/Cafe Sussana	Restaurant/Cafe	Alcohol sold for consumption ON and OFF the premises
Euro Mini Market	Restaurant/Cafe	Alcohol sold for consumption ON and OFF the premises
Gecko Bar	Night Club	Alcohol sold for consumption ON and OFF the premises
Hand & Heart	Public House No Meals	Alcohol sold for consumption ON and OFF the premises
Kaimas Lithuanian Restaurant	Restaurant/Cafe	Alcohol sold for consumption ON and OFF the premises
Mai Thai	Restaurant/Cafe	Alcohol sold for consumption ON and OFF the premises
Mansfield Snooker Club	Leisure Services	Alcohol sold for consumption ON and OFF the premises
Millfield Off-Licence	Off Licence	Alcohol sold for consumption ON and OFF the premises
Northfield Inn	Public House No Meals	Alcohol sold for consumption ON and OFF the premises
Parkway Sports & Social Club	Members' Club (Non Proprietary)	Alcohol sold for consumption ON and OFF the premises
Parkway Sports & Social Club	Members' Club (Non Proprietary)	Alcohol sold for consumption ON and OFF the premises
Pizza Santino	Take away	Alcohol sold for consumption ON and OFF the premises

Not Protectively Marked

Restaurant O Sado	Restaurant/Cafe	Alcohol sold for consumption ON and OFF the premises
Steps Cafe	Restaurant/Cafe	Alcohol sold for consumption ON and OFF the premises
Taj Mahal Restaurant	Restaurant/Cafe	Alcohol sold for consumption ON and OFF the premises
The Banyan Tree	Restaurant/Cafe	Alcohol sold for consumption ON and OFF the premises
The Brewery Tap	Public House with meals	Alcohol sold for consumption ON and OFF the premises
The Bull Hotel	Hotel	Alcohol sold for consumption ON and OFF the premises
The Old Still	Public House with meals	Alcohol sold for consumption ON and OFF the premises
The Ostrich (formerly Bogarts)	Public House with meals	Alcohol sold for consumption ON and OFF the premises
Wortley Almhouses	Public House with meals	Alcohol sold for consumption ON and OFF the premises
Yin Dee Thai Restaurant	Restaurant/Cafe	Alcohol sold for consumption ON and OFF the premises
A Tasca	Restaurant/Cafe	Alcohol sold for consumption ON the premises
Asian Fuzion	Restaurant/Cafe	Alcohol sold for consumption ON the premises
Carla Coffee	Restaurant/Cafe	Alcohol sold for consumption ON the premises
Club Revolution/District 7	Night Club	Alcohol sold for consumption ON the premises
Club Revolution/District 7	Night Club	Alcohol sold for consumption ON the premises
Da Rosalia Hotel	Hotel	Alcohol sold for consumption ON the premises
Emperor Restaurant	Restaurant/Cafe	Alcohol sold for consumption ON the premises
Geneva Bar	Public House with meals	Alcohol sold for consumption ON the premises
John Lewis	Department Store (With food)	Alcohol sold for consumption ON the premises
Lahore Tandoori Restaurant	Restaurant/Cafe	Alcohol sold for consumption ON the premises
M&B American Italian Restaurant	Restaurant/Cafe	Alcohol sold for consumption ON the premises
Marisqueira	Restaurant/Cafe	Alcohol sold for consumption ON the premises
Peterborough Bridge Club	Members' Club (Non Proprietary)	Alcohol sold for consumption ON the premises
Peterborough Post Office Sports & Social Club	Members' Club (Non Proprietary)	Alcohol sold for consumption ON the premises
Peterborough Snooker Centre	Leisure Services	Alcohol sold for consumption ON the premises
Pulse 8	Night Club	Alcohol sold for consumption ON the premises
Roast & Rice	Take away	Alcohol sold for consumption ON the premises
Royal Spice	Restaurant/Cafe	Alcohol sold for consumption ON the premises
Sabores Latinos	Public House with meals	Alcohol sold for consumption ON the premises
Shah Jehan	Restaurant/Cafe	Alcohol sold for consumption ON the premises
Shanghai Garden Restaurant Ltd	Restaurant/Cafe	Alcohol sold for consumption ON the premises
Tabanka	Restaurant/Cafe	Alcohol sold for consumption ON the premises
The Studio Four Club	Members' Club (Non Proprietary)	Alcohol sold for consumption ON the premises



This page is intentionally left blank



This document, if approved, will be incorporated within the council's Statement of Licensing Policy.

## 11. CUMULATIVE IMPACT

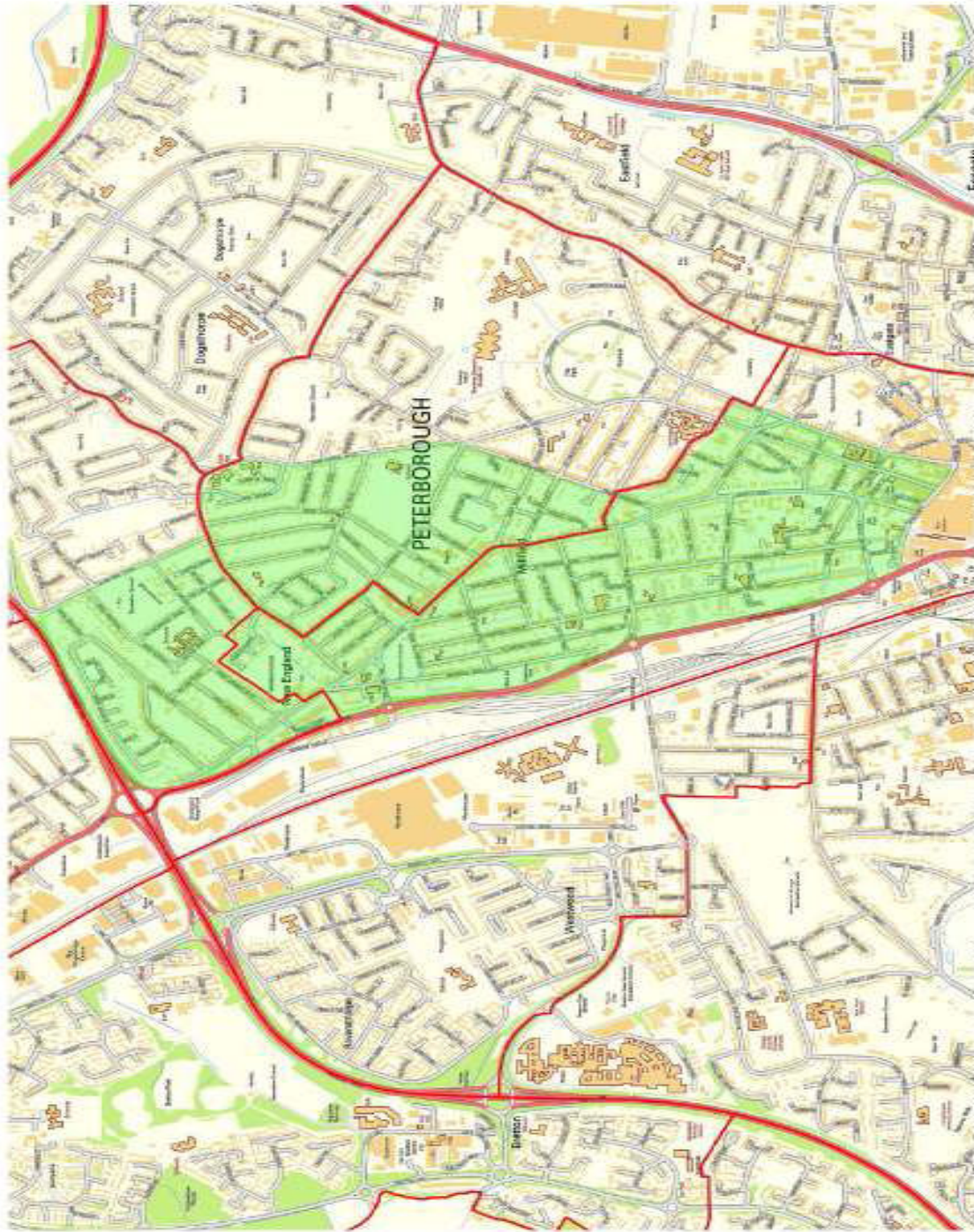
- 11.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a matter which the Council can consider within its licensing policy statement. This should not, however, be confused with 'need' which concerns the commercial demand for a particular type of premises, e.g. a pub, restaurant or hotel. The issue of 'need' is therefore primarily a matter for the market to decide and does not form part of this licensing policy statement.
- 11.2 The licensing authority can only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area is causing a cumulative impact on one or more of the licensing objectives.
- 11.3 Following concerns as to the perceived saturation of licensed premises in the area known as Op Can Do attached as Appendix 1 with a list of streets attached as Appendix 2, the licensing committee approved the consultation of a review of the Statement of Licensing Policy to include a special policy in that area.
- 11.4 The following steps were undertaken by the licensing authority in considering whether to adopt a special policy on cumulative impact for the Op Can Do area:
- Identified concern about the negative impact on the licensing objectives
  - Considered whether there is evidence to support the concerns identified that crime and disorder and nuisance is occurring and is associated with licensed premises
  - Consulted with those specified in section 5(3) of the Licensing Act 2003, on the proposal for a special policy in relation to new applications and variations to existing premises licences and club premises certificates and considered the outcome of the consultation
  - Having considered the available evidence and undertaken consultation, the licensing authority determined that it is appropriate to control cumulative impact.

### Special Policy on Cumulative Effect

- 11.5 [The Licensing Authority has adopted (following a meeting of the full council on 17 April 2013) a special policy relating to cumulative impact in respect to the following types of licences [this section will be completed once a decision has been made by the licensing committee as to the premises affected by the policy] for the Op Can Do area]
- 11.6 This special policy creates a rebuttable presumption that applications within the Op Can Do area for new premises or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.

**Comment [a1]:** This paragraph will be finalised following the relevant committees

- 11.7 Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.
- 11.8 Despite the presumption against grant, responsible authorities and/or other persons will still need to make a relevant representation before the licensing authority may lawfully consider giving effect to its special policy i.e. if no representation is received, the application must be granted (subject to such conditions as are consistent with the Licensing Act 2003). Responsible authorities and other persons can make a written representation referring to information, which had been before the licensing authority when it developed its statement of licensing policy.
- 11.9 This licensing authority recognises that a special policy should never be absolute. The circumstances of each application will be considered properly and applications for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence or certificate, the licensing authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of the licensing objectives and that necessary conditions would be ineffective in preventing the problems involved.
- 11.10 A special policy will not be used as a ground for revoking an existing licence or certificate when representations are received about problems with those premises.
- 11.11 The “cumulative impact” on the promotion of the licensing objectives of a concentration of multiple licensed premises should only give rise to a relevant representation when an application for the grant or variation of a licence or certificate is being considered.
- 11.12 A review must relate specifically to individual premises, and by its nature, “cumulative impact” relates to the effect of a concentration of many premises. Identifying individual premises in the context of a review would inevitably be arbitrary.
- 11.13 A special policy relating to cumulative impact cannot justify, and will not include provisions for a terminal hour in a particular area or impose quotas - based on either the number of premises or the capacity of those premises.
- 11.14 This special policy will be reviewed regularly in line with the statutory requirements to review the Statement of Licensing Policy unless the licensing authority deems it appropriate to review in the interim period.
- 11.15 The absence of a special policy however, does not prevent any responsible authority or other persons making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.



© Crown Copyright 1998. Reproduced from Ordnance Survey Land - Line data with the permission of the controller of the controller of Her Majesty's Stationery Office. Ordnance Survey and Land - Line are registered trademarks

APPENDIX 2

Streets in the Op Can Do area		
Alexandra Road	Keats Way	1-359 Dogsthorpe Road
Allen Road	Keeton Road	40 - 50 Bright Street
Alma Road	Kipling Court	Beckets Close
Bamber Street	Lammas Road	Berry Court
Beech Avenue	Lawn Avenue	Boswell Close
Belham Road	Lime Tree Avenue	Burghley Mansions
Bourges Boulevard	Lincoln Road	Burns Close
Brassey Close	Link Road	Burrows Court
Brownlow Road	Lister Road	Carl Hall Court
Burghley Road	Lynton Road	Caroline Court
Burmer Road	Maskew Avenue	Cecil Pacey Court
Cambridge Avenue	Norfolk Street	Century Square
Cecil Road	North Street	Claridge Court
Chantry Close	Northfield Road	Coleridge Place
Chaucer Road	Norton Road	Connaught Mews
Church Walk	Nursery Close	Cromwell Court
Clare Road	Occupation Road	Dogsthorpe Grove
Clarence Road	Park Road	Dyson Close
Cobden Avenue	Parliament Street	Gillwell Mews
Cobden Street	Peveril Road	Gray Court
Cowper Road	Pope Way	Hamilton Court
Craig Street	Portland Avenue	Ingleborough
Cromwell Road	Russell Street	Johnson Walk
Crown Street	Scotney Street	Kimbolton Court
Dryden Road	Searjeant Street	Lincoln Gate
Eaglesthorpe	Shakespeare Avenue	Loire Court
English Street	Sheridan Road	Manor House Street
Exeter Road	Silverwood Road	Old Court Mews
Fitzwilliam Street	Springfield Road	Oxford Road
Foxdale	St James' Avenue	Parkodi Court
Fulbridge Road	St Mark's Street	Popley Court
Geneva Street	St Martins Street	'Raedwald Court
Gilpin Street	St Paul's Road	Rock Road
Gladstone Street	Stone Lane	Rosehall Court
Granville Street	Summerfield Road	Russell Mews
Green Lane	Taverners Road	Salaam Court
Hankey Street	Tennyson Road	Shelley Close
Harris Street	Thistle Moor Road	St Marks Apartments
Henry Court	Towler Street	St Marks Court
Henry Street	Vere Road	St Martins Mews
Herrick Close	Victoria street	The New Haven
Highbury Street	Warbon Avenue	Tom Lock Court
Windmill Street	Waterloo Road	up to 135 Park Road
Bamber Court	Wilberforce Road	Victoria Place
Walpole Court	York Road	