

PETERBOROUGH

**Meeting of the Licensing Act 2003 Sub-Committee
held at the Town Hall, Peterborough on 3 December 2012**

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence – Central Food, 176 Lincoln Road, Peterborough, PE1 2NW
3.1 Application Reference	MAU 065897
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Serluca Councillor Saltmarsh
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee Gemma George, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Ergin Tasci
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Application for a new premises licence.</p> <p>There had been no previous licence to sell alcohol at the premises.</p> <p><u>Authorisations and Times Applied For</u></p> <ul style="list-style-type: none"> • Sale of Alcohol for Consumption off the premises Monday to Sunday 08.30am to 00.00am Bank Holiday Sundays / Christmas Eve / New Years Eve & Good Friday 08.30am to 03.00am • Hours premises are open to the public Monday to Sunday 08.30am to 00.00am Bank Holiday Sundays / Christmas Eve / New Years Eve & Good Friday 08.30am to 03.00am <p><u>Summary of New Premises Application</u></p> <p>The application had been submitted to the Licensing Authority on 17 October 2012 and had been forwarded to the required Responsible Authorities by the Licensing Department in accordance with the</p>

	<p>regulations and Section 8.24 of Guidance.</p> <p>Representations had been received from Cambridgeshire Constabulary, the Licensing Authority and the Local Health Authority in their capacities as Responsible Authorities. There had been no further representations made by any of the remaining Responsible Authorities.</p> <p>There had also been representations received from Other Persons, these being the Millfield and New England Regeneration Partnership (MANERP), a local Councillor acting in his capacity as both a Ward Councillor and as Secretary of the Victoria Park Resident's Association and the Operation CAN-do Neighbourhood Delivery Team.</p> <p>Further representation had been received from a local resident containing a petition which was disregarded as it had not been provided in the correct format.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> • An increase in anti-social behaviour in the area; • An increase in crime in the area; • An increase in street drinking in the area; and • The negative impact on the principles of the Operation CAN-do initiative. <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</p>
<p>3.7 Parties/Representatives and witnesses present</p>	<p><u>Applicant / Applicant's Representative</u></p> <p>Mr Ergin Tasci, the Applicant, who was represented by Mr David Dadds, Solicitor.</p> <p><u>Responsible Authorities</u></p> <p>Sgt. Stuart Saunders, who presented the case on behalf of Cambridgeshire Constabulary.</p> <p>Mr Peter Gell, Strategic Regulatory Services Manager, who presented the case on behalf of Peterborough City Council.</p> <p><u>Other Persons</u></p> <p>Ms Cate Harding, Neighbourhood Manager, Peterborough City Council.</p> <p>Councillor John Shearman, Park Ward Councillor and Secretary of the</p>

	<p>Victoria Park Resident's Association.</p> <p>Mr Brian Gascoyne, Millfield and New England Regeneration Partnership (MANERP).</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><u>Applicant / Applicant's Representative</u></p> <p>Mr David Dadds addressed the Sub-Committee and in the first instance stated that there was an amendment to the hours requested in the application, this being as follows:</p> <ul style="list-style-type: none"> • Sale of Alcohol for Consumption off the premises <p style="padding-left: 40px;">Monday to Sunday 08.30am to 22.30pm</p> <p>The hours the premises were open to the public was to remain as per the original application.</p> <p>Mr Dadds addressed the points raised within the representations received against the application and the key points highlighted during his address and following questions from the Sub-Committee and the Responsible Authorities, were as follows:</p> <ul style="list-style-type: none"> • The incidents reported to the Police where assistance had been expected for postcode area PE1 2PH could not all be directly attributed to 317 Lincoln Road, a second premises owned and operated by Mr Tasci. Where incidents had been related directly to the premises, positive steps had been taken, including reporting incidents to the Police; • A number of incidents directly relating to the premises had involved a specific individual known to the Police, who had a banning order of the city in certain areas; • The incidents outlined in relation to the premises at 317 Lincoln Road, were in any event, not relevant to the application to be determined by the Sub-Committee; • In relation to the Police Crime Data Analysis, it was difficult to understand without provision of a terms of reference and alcohol related offences averaged at around two a week; • The incidents arising appeared to occur later on a Friday and Saturday night, this would fit more with on premises pubs, bars and restaurants and not off licences due to a lack of a trend throughout the week; • The Police data for the last six months, from St Martins Street to Cobden Avenue was outlined including three burglaries, one drug related incident, one violent crime, one motor vehicle crime and two reports of anti-social behaviour. From these incidents, it was impossible to determine which were directly related to alcohol;

- There was no Cumulative Impact Policy for the area;
- A judgement on an application should be evidence based, as stated in both National and Council guidance;
- The Police had not evidenced that the incidents related to alcohol;
- The additional conditions specified by Cambridgeshire Constabulary in their representation where agreeable with the Applicant apart from:
 - i) The start time outlined in the first condition;
 - ii) The removal of the words 'Local Authority' from condition six in relation to the provision of CCTV footage as requested;
 - iii) The removal of condition eight in relation to maintaining an operational daily CCTV log;
 - iv) The inclusion of a specified timescale within condition nine for reporting a technical failure of the CCTV equipment;
 - v) The removal of condition 11 in its entirety;
 - vi) The removal of condition 14 in its entirety;
 - vii) The removal of condition 15 in its entirety;
 - viii) The removal of condition 16 in its entirety.
- The Police had not provided any data specifically relating to off licences and the impact they would have on the Licensing Objectives;
- You wouldn't expect the Licensing Authority to act as a Responsible Authority where representations had been received from other parties and the representation made reference to guidance that was no longer in date;
- The change in hours was for each day of the year and any specific notable dates would be dealt with via a temporary event notice should the need arise;
- The Police had not evidenced why the store should not be opened until 10.00am.

Responsible Authorities – Cambridgeshire Constabulary

Sgt. Stuart Saunders addressed the Sub-Committee and provided an overview of the objections raised to the application by Cambridgeshire Constabulary. The key points raised during his address and following questions from the Sub-Committee and the Applicant's Representative, were as follows:

- The Police objected to the granting of a licence in principle due to the number of incidents relating to the premises. Although there were a number of incidents following which positive action had been taken by the Applicant, this did not counteract the fact that there had been repetitive occurrences, particularly in relation to the known individual;
- Another licensed premise in the area would increase the problem of street drinking and nuisance individuals gathering in specific locations. This would impact on the Licensing Objectives;
- To provide evidence for a new premises application was extremely difficult;

- Opening another licensed premise in an area that already had 80 plus licences premises, would have an impact on all of the Licensing Objectives, whether small or significant;
- The CAN-do area was highly diverse in its cultures and was one of the busiest areas in Peterborough;
- There had been a small decrease in crime and anti-social behaviour since Operation CAN-do had been implemented and increasing the number of licensed premises in the area would go against all the hard work undertaken;
- Although the decrease in crime for the area was a good news story, the National statistics showed that there had been a decrease in crime nationally;
- There had been grants of alcohol licences at the same time as there had been a decrease in crime in the area;
- The plan which had been submitted, showing the layout of the shop, detailed one area where alcohol could not be secured outside of licensed hours. Should the Police conditions requesting this be accepted, the plan would need to be revised;
- A 10.00am start in the area was viewed as being suitable, particularly in relation to children walking past.

Other Persons – Councillor John Shearman

Councillor John Shearman addressed the Sub-Committee on behalf of the residents living in the area of Park Ward surrounding the Lincoln Road area and also on behalf of the Victoria Park Residents Association. The key points raised during his address and following questions from the Sub-Committee and the Applicant's Representative, were as follows:

- In terms of the Prevention of Public Nuisance, the general feeling of local residents was that there were too many alcohol outlets in the area;
- It was difficult to prove that opening another store would have a detrimental effect on the area;
- It was recognised that there was not a Cumulative Impact Policy currently in place in Peterborough;
- Many members of the community felt intimidated both in the daytime and evening walking through the area;
- Many residents would not go out at night, due to the number of people drinking and congregating along footpaths, blocking the way;
- Every morning the area along Taverners Road down towards the Triangle, there are people from Enterprise cleaning up the streets of faeces, urine and vomit;
- The store owner applying for the new premises licence could not be held accountable for that, however an increase in the licensed premises in the area, even by one, would only exacerbate the situation;
- Councillor Shearman was in regular contact with the Neighbourhood Delivery Team in relation to problems in the area.

Other Persons – Mr Brian Gascoyne

Mr Brian Gascoyne addressed the Sub-Committee and the key points

raised during his address and following questions from the Sub-Committee and the Applicant's Representative, were as follows:

- Operation CAN-do would not be in operation at all had there not been problems in the area;
- The situation in the area, particularly in relation to people being drunk in the street, was a day to day problem for local residents and affected them considerably;
- In 2005 there were only 16 places you could purchase alcohol along Millfield, this had risen to around 80 and with it and increase in anti-social behaviour and drunken behaviour;
- Whilst it was conceded that the Sub-Committee had to act within the law, the residents of the area should not be overlooked and forgotten.

Other Persons – Ms Cate Harding

Ms Cate Harding addressed the Sub-Committee and stated that she did not wish to reiterate the points contained within the representation made by the Neighbourhood Delivery Team, but she was available to answer any questions relating to Operation CAN-do.

Summing Up

All parties were given the opportunity to summarise their submissions.

Responsible Authority – Cambridgeshire Constabulary

Sgt. Stuart Saunders stated that the application, within the CAN-do area, was objected to as another licensed premises would contribute significantly to the ongoing problems of crime and disorder and public nuisance, and that being irrespective of the good work undertaken by the Applicant.

Other Persons

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

Applicant / Applicant's Representative

Mr Dadds stated that it was the responsibility of the Sub-Committee to work within the law and decisions must be based on evidence. Undue weight must not be given to local politics or local knowledge rather than on the facts before the Sub-Committee.

There had only been two recorded incidents of anti-social behaviour between St Martins Street and Cobden Avenue within the last six month period.

The analysis report from the Police contained no methodology and it did not distinguish the different types of premises. There also appeared to be an upward trend at the weekends which indicated that the issues were more conducive with on-sale premises rather than off-sale premises.

There had been no complaints made to the Environmental Health

	<p>Department by the Ward Councillor and there were no individual letters of representation made by residents.</p> <p>The CAN-do area was being tackled by a multi-agency partnership, working towards tackling a number of issues within the community.</p> <p>In relation to the crime data provided, the hours requested would not undermine the Licensing Objectives.</p> <p>There had been a grant of other licences in the area whilst there also being a drop in crime. There was therefore not a direct correlation between more licences being granted and an increase in crime.</p> <p>Mr Tasci ran his businesses responsibly and the Sub-Committee were to be mindful that for any condition to be imposed there had to be evidence supporting its need.</p>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><u>Applicant / Applicant's Representative</u></p> <p>Consideration was given to the application submitted by Mr Ergin Tasci as well as a supporting three page statement and related appendices, dated 21 November 2012.</p> <p><u>Responsible Authorities</u></p> <p>Consideration was given to the following:</p> <ul style="list-style-type: none"> • The representation submitted by Cambridgeshire Constabulary as a Responsible Authority. This representation included 16 recommended conditions including a variation to the times applied for in relation to the sale of alcohol; • The representation submitted by the Licensing Authority in their capacity as a Responsible Authority; • The representation submitted by the Local Health Authority in their capacity as a Responsible Authority. <p><u>Other Persons</u></p> <p>Consideration was given to the following:</p> <ul style="list-style-type: none"> • The representation submitted by the Millfield and New England Regeneration Partnership (MANERP); • The representation submitted by Councillor John Shearman in his capacity as a Park Ward Councillor and Secretary of the Victoria Park Resident's Association; • The representation received from the Operation CAN-do Neighbourhood Delivery Team (NDT); and • The representation received from a local resident.
<p>3.11 Facts/Issues in dispute</p>	<p><u>Issue 1</u></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><u>Issue 2</u></p>

	<p>Whether the granting of a new premises licence application would be detrimental to the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Protection of Children from Harm' Licensing Objective.</p>
4. Decision	<p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application, the additional supporting statement received from the Applicant 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:</p> <ul style="list-style-type: none"> • Not to grant the premises licence; • To grant the premises licence with additional conditions and/or a reduction in hours; and • To grant the premises licence as applied for. <p>Although the Sub-Committee fully supported the ethos of Operation CAN-do, it was in the opinion of the Sub-Committee that there was no evidential basis sufficient to justify a rejection of the new premises application or a reduction in the proposed hours. It was therefore in the view of the Sub-Committee that the hours applied for were not unreasonable for the area.</p> <p><u>Decision</u></p> <p>The decision of the Licensing Act 2003 Sub-Committee was therefore to grant the application as applied for, along with the imposition of additional conditions as proposed by Cambridgeshire Constabulary.</p> <ul style="list-style-type: none"> • The sale of alcohol for consumption off the premises to be: Monday to Sunday 08.00am to 22.30am • The hours the premises are open to the public to be: Monday to Sunday 08.00am to 22.30am <p><u>Conditions proposed by Cambridgeshire Constabulary</u></p> <ol style="list-style-type: none"> 1. Alcohol sales will be between the hours of 08:30am and 22:30pm daily, and all alcohol will be secured from public view outside of these hours. 2. Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk should be undertaken on a monthly basis. This training, together with ongoing training to prevent underage sales, such as challenge 21 or challenge 25, should be recorded in a written format and be available to an authorised officer upon demand. 3. CCTV will be provided in the form of a recordable system, capable of

providing pictures of evidential quality in all lighting conditions in particular facial recognition. Cameras shall encompass all entrances and exits to the premises, fire exits and all areas where the sale / supply of alcohol occurs.

4. CCTV equipment must be maintained in good working order, be correctly time and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 31 days and handed to the Police on demand.
5. The Premises License Holder must ensure at all times a Designated Premises Supervisor or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police on demand.
6. The recording equipment and discs / usb pen drives shall be kept in a secure environment under the control of the DPS or other responsible named individual.
7. In the event of a technical failure of the CCTV equipment the Premises License Holder / Designated Premises Supervisor must report the failure to the Police or local authority as soon as possible and within 12 hours.
8. Notices advising that CCTV has been installed on the premises shall be posted so that they are clearly visible to the public within the licensed premises.
9. No customers will be admitted, or permitted to leave with open vessels or bottles of alcohol.
10. The premises license holder will be responsible for prevention and disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises.

The Sub-Committee was satisfied that the mechanism for reviewing licences was robust and that should any issues arise in the future, the licence would be brought back for subsequent review.

Cambridgeshire Constabulary appeared to have a good working relationship with the Designated Premises Supervisor and the Sub-committee hoped that this would continue going forward and a continuation of dialogue was expected between the parties, not only to resolve any issues but to continue and progress the objectives of Operation CAN-do which were being promoted within the area.

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.