

DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE

NEW PREMISES LICENCE HEARING - SUPER POLI, 613 LINCOLN ROAD, PETERBOROUGH, PE1 3HA

22 APRIL 2013

We have considered the representations made against the grant of the premises licence both in writing and here today, by:

- Trading Standards;
- The Licensing Authority;
- The Police;
- Children's Services;
- Public Health;
- The Victoria Park Resident's Association; and
- The Millfield and New England Regeneration Partnership

These representations related to all four of the Licensing Objectives.

We have considered the representations and submissions made in favour of the application, made by:

- The Applicant's Representative.

We have dismissed the petition as a valid representation for the following reasons:

- It clearly states 'to keep the licence' which was revoked on 28th February 2013 without appeal. This application is for a premises licence and therefore the keeping of the licence is not an issue;
- Save as to one person, all names appear to predate the application; and
- The Petition adds little in support of any of the Licensing Objectives.

THE APPLICANT

Mrs Hatice Koc, is the wife of Huseyin, who is the brother of Hasan. Both Huseyin and Hasan have been involved in running the business in the past although not holding any licences.

Ibrahim Koc is the cousin of Huseyin. He may or may not have had some responsibility for the business, as the Sub-Committee is unsure as to his role.

The Applicant agrees that the family have run the business in the past but as from now on, should a licence be granted, she will be the sole owner.

The reasons the family connections are relevant are that given the history of the premises, the Sub-Committee need to establish who will be the controlling influence behind the business.

SOLICITOR'S LETTER

This letter is dated 25th March 2013 and states that the Applicant instructed Sal and Co. Solicitors on 8th March to act on her behalf in the purchase of the business located at the premises.

As of the date of the letter the sale had not completed.

In the letter of 25th March the Applicant's solicitors' states that the Applicant has already paid some £8,000 for the stock prior to 25th March. This she says is the last instalment of purchasing the business and property from the current owner.

We are told today that the sale has not yet completed. Other than the solicitors' letter we have not had sight of any evidence to support the purchase.

CRIME, PUBLIC SAFETY AND THE PROTECTION OF CHILDREN FROM HARM

TEST PURCHASES

In October 2009, Ms Ewa Walas sold alcohol to an underage person. Ms Walas was the Premises Licence Holder in January 2013 when the licence was revoked.

In December 2009 the premises failed a test purchase.

In February 2011 the premises failed a test purchase.

In December 2011 the premises once again failed a test purchase.

ILLICIT ALCOHOL AND TOBACCO

In December 2011, a quantity of illicit tobacco was seen to be stored in a sack of potatoes. Mr Hasan Koc was working there at the time. Mr Hasan Koc was granted the premises licence in September 2011. The licence was transferred from Mr Hasan Koc to Ms Ewa Walas in November 2012.

In January 2012 Trading Standards/HMRC seized a small quantity of illicit hand rolling tobacco and some 880 cigarettes from a vehicle parked outside of the shop. This vehicle belonged to Mr Huseyin Koc, the brother of Mr Hasan Koc. Mr Hasan Koc was working in the shop at the time. HMRC did not receive a request to return the tobacco.

In October 2012 HMRC seized a total of 57.4 litres of illicit mixed spirits from Mr Serdari Koc who lives above the shop. No request for return was made to Revenue and Customs.

SATURATION

The premises are situated within the Op CAN-do area of the city, principally the Millfield and New England areas.

This area suffers from a proliferation of outlets selling alcohol. Many such outlets trade with 'off sales' licences. These premises are mainly off licences and small shops.

The CAN-do Operation partnership with the City Council, Police, NHS and community groups is designed to address the issues caused by the sale of alcohol in this area.

These issues include alcohol abuse which adversely affects the health of many of the residents who live within the CAN-do area; street crime; and alcohol fuelled anti-social behaviour. Such issues are a drain on the Police and city resources.

We are very concerned with the increase in alcohol consumption and the detrimental effects it has on the community at large. We weigh these concerns against the presumption to grant.

In our deliberations we considered the various options available, these being:

- Not to grant the premises licence;
- To grant the licence with conditions attached; and
- To grant the licence as applied for.

The Applicant has offered the following conditions:

- There will be two personal licence holders present during alcohol sales;
- Staff will be trained on preventing the sale of age restricted products to those underage;
- There will be a stock control system implemented;
- UV ID reading facility for alcohol purchased; and
- Copies of invoices to be kept on the premises and made available to officers for inspection

We do not believe that we can attach any conditions that would be appropriate in promoting the Licensing Objectives, and therefore we do not grant this application and reject it in its entirety for the following reasons:

- Given the intricate family connections, we do not believe that the Applicant is sufficiently distant from the previous premises licence holders and do not accept at face value the letter from Sal & Co., dated 25th March this year;
- The number and frequency of failed test purchases we find unacceptable. The Protection of Children from Harm caused by alcohol is a priority for central government and for the Peterborough City Council;
- The sale of illicit alcohol and tobacco we find unacceptable given that not only is it a crime, but we take the health of our communities very seriously as there can be no confirmation as to the contents of illicit bottles of alcohol;
- We believe that this type of business will add to the negative cumulative impact in the Operation CAN-do area. We believe that the grant of this premises licence in this area will give rise to a negative impact on one or more of the Licensing Objectives, mainly the:
 - Prevention of Crime and Disorder;
 - The Protection of Children from Harm; and
 - Public Safety

This is in line with our Statement of Licensing Policy at Paragraph 11.6 and Paragraph 13.32 of the Government Guidance.

The Applicant, any person lodging a valid representation, or a Responsible Authority may appeal this decision to the Peterborough Magistrates' Court (The Court House, Bridge Street, Peterborough, PE1 1ED) within 21 days of this decision.

Dated.....2013

Signed.....(Councillor Thacker)

Sub-Committee Chairman