

**Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Thursday, 26 June 2014**

**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 – General Store, 48 Oundle Road, Peterborough
3.1 Application Reference	069399
3.2 Sub-Committee Members	Councillor (Chairman) Thacker Councillor Saltmarsh Councillor Khan
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee Philippa Turvey, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Adem Xhemajli
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p><b><u>Authorisations and Times Applied For</u></b></p> <ul style="list-style-type: none"> <li>• <b>Sale of alcohol for consumption off the premises</b> <p style="margin-left: 40px;">Sunday to Wednesday – 9:00am to 9:00pm Thursday to Saturday – 9:00am to 11:00pm</p> </li> <li>• <b>Hours premises are open to the public</b> <p style="margin-left: 40px;">Sunday to Wednesday – 9:00am to 9:00pm Thursday to Saturday – 9:00am to 11:00pm</p> </li> </ul> <p><b><u>Summary of New Premises Licence Application</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for General Store, 48 Oundle Road, Peterborough, which had been received from a Ward Councillor and local residents the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• The already high level of off-licensed premises in the surrounding area, and</li> <li>• The concern that the sale of alcohol at the hours applied for would increase the prevalence of street drinking in the area.</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> <li>3. The Prevention of Public Nuisance</li> <li>4. The Protection of Public Safety</li> </ol>
3.7 Parties/Representatives and witnesses present	<p><b><u>The Licensing Authority</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Applicant</u></b></p> <p>The Applicant, Mr Adem Xhemajli and the Applicant's Representative, Miss Claire Trolove of Roythornes Solicitors</p> <p><b><u>Ward Councillor</u></b></p> <p>Councillor Thulbourn</p> <p><b><u>Other Persons</u></b></p> <p>Miss Avril Lavender and Mrs Creed.</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.
3.9 Oral representations	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in his address included the hours applied for being from 9:00am to 9:00pm, Sunday to Wednesday and 9:00am to 11:00pm, Thursday to Saturday.</p> <p><b><u>Applicant</u></b></p> <p>Claire Trolove, representative for Adem Xhemajli, 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>• Her client had taken advantage of a gap in the market to cater for demand for eastern European food and drink.</li> <li>• The amount of alcohol sold would not be significant.</li> <li>• CCTV would be installed to help promote public safety, prevent crime and disorder and protect staff.</li> <li>• Signage would be displayed requiring patrons who looked under 25 to present photo identification and notifying patrons that litter should be placed in bins.</li> <li>• All relevant fire and safety regulations would be adhered to. Staff would be trained on how to deal with challenging situations.</li> <li>• The current business attracted an amount of traffic and the increase anticipated if the licence were to be granted was negligible.</li> <li>• Her client wanted to run his shop in a nice area and did not want to contribute to anti-social behaviour. It was not expected that individuals would gather at the shop front, as this was small in area.</li> <li>• The commercial demand for the shop was part of her client's risk in setting up business and was not relevant to the licence application.</li> </ul>

The Regulatory Officer advised, in response to a question, that any condition relating to CCTV would have to be enforceable and workable.

It was clarified that the proposed DPS had taken all the relevant exams but did not yet have her licence. In this instance the premises licence could still be granted, though no alcohol could be sold until the DPS had their personal licence granted.

### **Ward Councillor**

Councillor Thulbourn, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- A large amount of work had been undertaken by the community, working with the police, to improve upon the previous problems with street drinking in the area.
- It was suggested that the proposals would attract the street drinkers back and it appeared that the area was being punished for success.
- It was believed that this licence would be the 'saturation point' for off-licensed premises.
- In response to questions regarding the lack of objection from the police or local community groups the Ward Councillor said the police had raised concerns and that community groups had given up.

### **Other Persons**

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

- She could not identify any need for the premises, as there were plenty of business already catering to demand.
- It was believed that the situation of off-licence saturation needed to be addressed before it reached tipping point.
- There was very little parking provided in the area and litter was already a problem for residents.
- It was the wrong shop in the wrong location.

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

- The opening hours until 11:00pm were unnecessary and excessive.
- The area no longer catered for the whole community, with too many off-licences in the vicinity.
- Anti-social behaviour caused by late night drinking gave the area an intimidating feel.

### **Summing Up**

All parties were given the opportunity to summarise their submissions.

### **Applicant's Representative**

Miss Trolove explained that her client wished his business to succeed and

	<p>was invested in the community, and that he would work with the Council on any relevant matters. She suggested that it would be inappropriate to expect her client to be responsible for the actions of third parties once they leave the premises.</p> <p><b>Ward Councillor</b></p> <p>Councillor Thulbourn clarified that he would be happy to see the shop succeed, but without the selling of alcohol. He suggested that if alcohol was to be sold, it should be done so at more reasonable hours. He believed the application would impact on disorder.</p> <p><b>Other Persons – Avril Lavender</b></p> <p>Ms Lavender reiterated that she did not believe there was a need for such a shop in the vicinity.</p> <p><b>Other Persons – Mrs Creed</b></p> <p>Mrs Creed restated her concerns regarding anti-social behaviour outside the shop.</p>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><b><u>Ward Councillor</u></b></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from four Responsible Authorities.</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from the Residents’ Association.</p>
<p>3.11 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the premises licence application would further support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the premises licence application would further support the ‘Protection of Children from Harm’ Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the ‘Prevention of Public Nuisance’ Licensing Objective.</p> <p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the ‘Protection of Public Safety’ 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:-**

During its deliberations, the Sub-Committee considered the following:

- The representations from the Ward Councillor and residents, and the absence of representations from any Responsible Authorities.
- That the premises should not be held responsible for the behaviour of patrons once they left the shop.
- That the commercial demand for the shop was not a relevant consideration.
- The premises was not located in the Operation Can-do area, however arguments in relation to negative cumulative impact could be considered.

The Sub-Committee therefore, decided to grant the application for a licence for the premises, known as General Store, 48 Oundle Road, Peterborough.

It was suggested that, if the community remained concerned about the licences in the area they may wish to investigate whether a special policy on cumulative impact could be employed.

The Sub-Committee advised that any party in objection to the decision could appeal to the Peterborough Magistrates Court within 21 days of receiving the formal decision notice.

Chairman Cllr Thacker M.B.E  
Start 1:30pm – 2:40pm