

LICENSING ACT 2003 SUB-COMMITTEE

WEDNESDAY 18 OCTOBER 2017

1.30 PM

Forli Room - 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.

3. **Application for Premises Licence Review - Europe Plus, 77 Mayors Walk, PE3 6EX** 3 - 28



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 Karen Dunleavy on 01733 452233 as soon as possible.

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.

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at:

<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

Committee Members:

Councillors: Ayres (Chairman), P Hiller and B Saltmarsh

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 452233 or by email – karen.dunleavy@peterborough.gov.uk

| | | |
|---|---|----------------------------|
| LICENSING ACT 2003 SUB COMMITTEE | | AGENDA ITEM No. 3 |
| 18 OCTOBER 2017 | | PUBLIC REPORT |
| Contact Officers: | Kerry Leishman, Licensing & Business Manager Simon Andrews, Licensing Regulatory Officer | Tel: 453502 Tel. 453489 |

APPLICATION: PREMISES LICENCE REVIEW

APPLICANT: TRADING STANDARDS

REFERENCE NO: Review: 075842 Premises Licence: 074941

PREMISES: Europe Plus, 77 Mayors Walk, PE3 6EX

GLOSSARY OF TERMS: Attached at **Appendix A** on **Page 6**

1. PURPOSE OF REPORT

1.1 To consider and determine an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 served by Trading Standards in relation to the above premises. The review was bought under the Prevention of Crime and Disorder objective. A copy of the application can be found at **Appendix B on page 9.**

2. BACKGROUND INFORMATION

2.1 During 2009 the Westwood Hotel PH was converted into retail units, 77 Mayors Walk (Baltica) was first licensed for the sale of alcohol 15/12/2010. Trading Standards submitted a premises licence review for illicit tobacco and non duty paid alcohol 29/06/2011. The review hearing was not required due to the premises licence being surrendered 28/07/2011. Another premises application was submitted 18/05/2012 but due to the ambiguity of the applicant/proposed licence holder and the belief that the applicant was directly connected with previously owner the licence application was refused by the sub-committee.

2.2 Mr Idris Kurda submitted a premises licence application via consultants 'Licensing Inn Tuition' 13/03/2017 which was granted as applied for 11/04/17. Mr Kurda remains the licence holder and DPS. The premises currently benefits from a premises licence for the sale of alcohol Monday to Sunday between 08:00hrs and 22:00hrs. A copy of the current premises licence can be found at **Appendix C on page 15.**

3. APPLICATION

- 3.1 In accordance with section 51 of the Licensing Act 2003 following the submission of an application to review the premises licence from Trading Standards, a Responsible Authority, the licensing authority must hold a hearing.
- 3.2 A letter of support has been received from PC Grahame Robinson Cambridgeshire Constabulary. This letter of support is attached at **Appendix D on page 27**.
- 3.3 No representations have been received from any other of the Responsible Authorities i.e. Home Office, Public Health Authority, Cambridgeshire Fire and Rescue Service, Licensing Authority, Peterborough City Council Planning Department, Peterborough City Council Health & Safety Department, Peterborough City Council Environmental Pollution Team, or Children's Services.
- 3.4 A statutory 'Notice' was displayed on the premises in accordance with Part 5 no. 38 of Statutory Instruments 2005 No. 42 – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

4. SUMMARY OF ISSUES RAISED BY TRADING STANDARDS

- On the 12th of June 2017 a Trading Standards test purchase proved positive in the sale of Lithuanian branded tobacco.
- On the 28th of June 2017 a joint enforcement visit between Trading Standards and HM Revenue and Customs resulted in a seizure of (non duty paid) 225 packets of cigarettes and 2 pouches of hand rolling tobacco.

5. POLICY & GUIDANCE IMPLICATIONS

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

5.2 Council's Statement of Licensing Policy

- Objectives, Section 4 on Page 7 and 8
- Fundamental Principles, Section 6 on Page 6 and 7
- Licence Conditions, Section 14 page 17
- Delegation / Decision Making / Administration, Section 17 on Page 19 and 20

5.3 Guidance Issued under Section 182 of the Licensing Act 2003 April 2017

- The Licensing Objectives – Section 2 pages 7 to 17
- Applications for Premises Licences – Section 8 pages 52 to 62
- Determining applications – Section 9 pages 70 to 78
- Conditions Attached to Premises Licences – Section 10 page 79 to 90

6. LEGAL OFFICER'S COMMENTS

- 6.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a review of a premises licence following the application by Trading Standards (Responsible Authority) to review the premises licence made under section 51 of the Licensing Act 2003.
- 6.2 In this case, the application was received at these offices on 28 August 2017.

6.3 The application before this committee will consider –

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

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

- (a) to modify the conditions of the premises licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premises supervisor from the licence
- (d) to suspend the licence for a period not exceeding three months, or
- (e) to revoke the licence

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

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

‘The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder. However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.’

LICENSING ACT 2003 GLOSSARY OF TERMS

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

‘Child’

(a) means an individual aged under 16

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

DCMS: Department for Culture Media and Sport

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

‘Other Persons’:

- persons who live, or are involved in a business, in the relevant licensing Authorities area and who are likely to be affected by the application and are not a Responsible Authority.

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

‘Licensable Activities’ means: -

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

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

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

‘Licensing Objectives’

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

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

- The relevant Licensable Activities

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

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

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

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

Except where there is an exemption under the Live Music Act 2012 or Statutory Instrument 2013 No. 1578 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013.

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

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

'Responsible Authority' means any of the following: -

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

'Supply of alcohol':

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

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

- Duration – they are limited to events lasting for up to 168 hours (7 days);
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year and another person to 5 notices in a similar period.

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

'the Act': means the Licensing Act 2003

START 24 TH. AUG. END DATE FOR REPS 21 ST SEPT.

APPENDIX B

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Trading Standards

(Insert name of applicant)

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

Part 1 – Premises or club premises details

| | |
|--|-------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description Europe Plus 77 Mayors Walk | |
| Post town Peterborough | Post code (if known) PE3 6EX |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) Mr Idris Kurda |
|---|

| |
|---|
| Number of premises licence or club premises certificate (if known) 074941 |
|---|

Part 2 - Applicant details

I am

Please tick yes

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

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

Trading Standards are requesting a review of the premises licence for Europe Plus under the prevention of crime and disorder following a joint operation by Trading Standards and HM Revenue & Customs to clamp down on the illicit tobacco and alcohol trade.

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

On the 12th June 2017 a test purchase exercise was carried out by Trading Standards on the sale of foreign labelled cigarettes. A purchase was made of a Lithuanian packet of Marlboro Gold for £5 at Europe Plus 77 Mayors Walk, Peterborough.

On the 28th June 2017 a joint initiative by Trading Standards and HM Revenue and Customs was carried out to clamp down on the illicit tobacco and alcohol trade.

A seizure was made of 225 packets of cigarettes (9 brands) and 2 pouches of hand rolling tobacco that were concealed under the counter.

Recommendations;

A revocation of the alcohol licence.

Reasons for the above recommendation;

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

This is supported by guidance issued under section 182 of the Licensing Act 2003 11.27 There is a certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously.

One of them being;

- for the sale or storage of smuggled tobacco and alcohol.

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

Please tick yes

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

If yes please state the date of that application

Day Month Year

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

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

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature

.....

Date

24/8/17

.....

Capacity

REGULATORY OFFICER

.....

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

.....

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

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

PART A**Premises Licence**

Peterborough City Council, Resources Directorate,
 Town Hall, Bridge Street, Peterborough, PE1 1FA

Premises Licence Number

074941

Part 1 - Premises Details**Postal address of premises, or if none, ordnance survey map reference or description**

Europe Plus Ltd
 77 Mayors Walk
 West Town

Post Town Peterborough**Post Code** PE3 6EX**Telephone Number****Where the licence is time limited the dates**

Start Date N/a
 End Date N/a

Licensable activities authorised by the licence**Sale by retail of alcohol**

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

The times the licence authorises the carrying out of licensable activities**Sale by Retail of Alcohol**

Monday - Sunday Between 08:00hrs and 22:00hrs

The opening hours of the premises

Monday - Sunday Between 08:00hrs and 22:00hrs

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

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

Part 2

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

Mr Idris Kurda

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

N/a

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

Mr Idris Kurda

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

Licence Number

074227

Issuing Authority

Peterborough City Council

Annex 1 - Mandatory conditions

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

Supply of alcohol (Premises Licence)

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

1. No supply of alcohol may be made at a time when
 - (a) there is no designated premises supervisor in respect of the premises licence, or
 - (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3.
 - (a) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (b) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

Games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) Drink as much alcohol as possible (whether within a time limit or otherwise);

(c) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective.

(d) Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(e) Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to

refer to the effects of drunkenness in any favourable manner.

(f) Dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
 - (a) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (b) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (c) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (i) a holographic mark or
 - (ii) an ultraviolet feature.
6. The responsible person shall ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”
7.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty

were charged on the date of the sale or supply of the alcohol, and
(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a

premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.—(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door Supervision (where supervisors are engaged this condition applies)

8. All door supervisors will be Security Industry Authority registered.

Annex 2 - Conditions consistent with the Operating Schedule

All Licensing Objectives

Crime and Disorder

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.
2. Cameras shall encompass all ingress and egress to the premises and all areas where the sale/ supply of alcohol occurs.
3. 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 minimum period of 28 days and handed to Police on demand.
4. The Premises licence Holder must ensure that at all times the DPS and all appointed members of staff are capable and competent at downloading CCTV footage in a recordable format either disc or VHS to the Police/Local Authority on demand.
5. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual.
6. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS must report the failure to the Police.

Public Safety

7. The premises will conform to all statutory health and safety requirements.

Public Nuisance

8. Persons shall be discouraged from congregating outside of the premises.
9. No alcohol purchases to be consumed in the near vicinity of the premises.
10. The licence holder shall operate and maintain a refusals register in respect of declined sales of alcohol where the attempted purchaser was suspected of being under 18 years of age or drunk.
11. The refusals register shall be kept on the premises and be made available immediately upon request to an authorised officer of the Police or Local Authority.
12. Customers will not be permitted to consume alcohol on the premises as per the mandatory conditions for off – licence sales only.

Protection of Children from Harm

13. The Challenge 25 scheme will be implemented.
14. To ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder follows the guidelines of the Challenge 25 scheme and asks for photo ID proof of age where they have reason to suspect that the individual maybe under 25 years of age and to ensure that signs relevant to this condition are prominently displayed at the premises.

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

Annex 4 – Plans

PART B

Premises licence summary

Peterborough City Council, Governance Directorate,
Town Hall, Bridge Street, Peterborough, PE1 1FA

Premises Licence Number

074941

Premises Details

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

Europe Plus Ltd
77 Mayors Walk
West Town

Post Town Peterborough

Post Code PE3 6EX

Telephone Number

Where the licence is time limited the dates

Start Date N/a
End Date N/a

Licensable activities authorised by the licence

Sale by retail of alcohol

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

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol

Monday - Sunday Between 08:00hrs and 22:00hrs

The opening hours of the premises

Monday - Sunday Between 08:00hrs and 22:00hrs

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

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

Name, (registered) address of holder of premises licence

Mr Idris Kurda

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

N/a

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

Mr Idris Kurda

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

Restricted

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Creating a safer
Cambridgeshire

Ref: Trading Standards Review – Europe Plus 77 Mayors Walk

Wednesday 20th September 2017

Darren Dolby
Licencing Officer
Peterborough City Council
Town Hall
Bridge Street
Peterborough
PE1 1HG

Dear Darren,

Re: HMRC / Trading Standards review – Europe Plus Off License, 77 Mayors Walk, Peterborough, PE3 6EX

On the 25th August 2017 Cambridgeshire Constabulary received notification of a Licencing review application submitted by Peterborough City Council Trading Standards. The review application refers to the 'Off' Licensed premises called 'Europe Plus' at 77 Mayors Walk, Peterborough, PE3 6EX. The Premises Licence reference 074941 is held by Mr. IDRIS KURDA of

He is also the designated premises supervisor and holds an Alcohol Personal Licence No: 074227 issued by Peterborough City Council.

Mr. Kurda was issued with a new premises license in March 2017 for 77 Mayors Walk. The license allows for the 'Off' sale of alcohol daily between 08:00am and 22:00pm. There are no other licensable activities permitted.

Cambridgeshire Constabulary are fully aware and support the ongoing operation involving Trading Standards and HMRC in a positive effort to prevent and deter the sale of counterfeit / illicit cigarettes and alcohol being sold in Peterborough.

The positive seizure made by Trading Standards and HMRC on 28th June 2017 - of 225 packets of foreign labelled cigarettes and 2 pouches of hand rolling tobacco - which were concealed under the counter - came as a result of a positive test purchase carried out on the 12th June 2017.

The effected premises initially failed a test purchase and this alone should have set a clear and present warning to the shop owner and staff about such sales, but obviously knowing the wrongs in such activity, has continued to secrete goods within the store, to sell for their own gain. This leads me to seriously doubt that Mr Kurda is fit and proper to sell alcohol or hold a premises license.

Cambridgeshire Constabulary take a very serious view on the sale of illicit and/or counterfeit goods. This is a serious breach upon the licencing objective to prevent crime and disorder, and in my opinion does not promote public safety. Such crime has a detrimental effect upon the immediate community and can

be harmful to unwitting customers including children. Foreign cigarettes and hand rolling tobacco are not subject to the strict regulation and control measures that would benefit UK authorised sale items and in most cases have not had UK duty paid on them. Distribution and sale of illicit / counterfeit goods is linked to serious and organised crime and nationally is a drain on the economy.

Section 182 Guidance - Licensing Act 2003 Para 11.27 states –

“There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously”.

This includes amongst other criminal activity –

“The sale or storage of smuggled tobacco and alcohol”.

Para 11.28 states –

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

Cambridgeshire Constabulary support Trading Standards in submitting their review application and also ask for the Licensing Sub-Committee to seriously consider revoking the Premises licence held by Mr Kurda.

Yours faithfully,
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