



**Meeting of the Licensing Act 2003 Sub-Committee
held at the Town Hall, Peterborough on Friday, 13 July 2018**

RECORD OF PROCEEDINGS

1. Election of Chairman	Following a nomination which was seconded, Councillor Hiller was appointed as the Chairman for this meeting.
2. Apologies for Absence	There were no apologies for absence received.
3. Declarations of Interest	There were no declarations of interest.
4. Application	New Premises Licence
4.1 Application Reference	077274
4.2 Sub-Committee Members	Councillor Hiller (Chairman) Councillor Allen Councillor Hogg
4.3 Officers	Simon Andrews, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
4.4 Applicant	Mr Karim International Food Centre - Unit 1 & 2, 41 Lincoln Road, Peterborough, PE1 2RH
4.5 Nature of Application	<p><u>Application Type</u></p> <p>Application for a new premises licence.</p> <p><u>Authorisations and Times Applied For</u></p> <ul style="list-style-type: none"> ● Sale of alcohol for consumption off the premises only Monday to Sunday 7am to 10pm ● Hours premises are open to the public Monday to Sunday 7am to 10pm <p><u>Summary of New Premises Licence Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for International Food Centre - Unit 1 & 2, 41 Lincoln Road, Peterborough, PE1 2RH, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p>

	<ul style="list-style-type: none"> • There was a history of anti-social behaviour fuelled by alcohol and drug abuse in the area. • The area was situated within the boundary of the “Can-Do” initiative. • The area was made a Cumulative Impact Zone whereby the applicant needed to prove that there was a need for selling alcohol “off sales”. • The area was very sensitive and volatile because of the ease of access to the purchase of alcohol often sold at a low prices. • The Millfield and New England and Can-Do areas had a phenomenal number of outlets selling alcohol “off-sales”.
<p>4.6 Licensing Objective(s) under which representations were made</p>	<ol style="list-style-type: none"> 1. The Prevention of Crime and Disorder 2. The Prevention of Public Nuisance 3. The Protection of Children from Harm 4. Public Safety
<p>4.7 Parties/Representatives and witnesses present</p>	<p><u>The Licensing Authority</u></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant</u></p> <p>The applicant Mr Raziq Karim</p> <p>The applicant’s representative, Mr Cave</p> <p><u>Other Persons</u></p> <p>Brian Gascoyne, Member of MANERP</p>
<p>4.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p>	<p>There were no pre-hearing considerations.</p>
<p>4.9 Oral representations</p>	<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 representation submitted against the application by Mr Gascoyne - Millfield and New England Regeneration Partnership (MANERP). In addition Members were advised that the premises was located on the corner of Lincoln Road and Geneva Street.</p> <p><u>Applicant</u></p> <p>Mr Cave, the applicant’s representative addressed the Sub-Committee. The key points raised during the address and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> • The applicant was fully aware that the premises was located in an area with a special licensing policy, namely Operation Can Do. • The Cumulative Impact Area Policy (CIA) was relevant at the time of implementation 10 years ago, however, it now requires updating to take into account the improvements which had been made as a result of the policy. • The city was constantly evolving.

- There had been much development within this area which had been ongoing and due to longer working hours the need for convenience stores of this type was increasing.
- It had not been the intention of the applicant to sell alcohol to those under 18 and he would operate within the Challenge 25 initiative.
- The International Food Centre was located on the edge of the CIA zone.
- There had previously been issues within the central part of the CIA zone however, not in the area relevant to this application.
- The Police and other authorities had not made any representations against the application for the International Food Centre although there had been another similar store in this area where problems had been reported.
- The CIA area needed a premises which operated efficiently to demonstrate a good example to other traders in the area to help raise standards.
- There was no evidence to suggest that the International Food Store would attract anti-social behaviour or crime and disorder should the premises be successfully awarded a premises licence.
- The applicant had offered to place refuse bins outside the premises and maintain them himself, which would address local residents concerns about littering.
- No alcohol would be sold as a sole purchase, alcohol would always be sold with an ancillary product.
- The applicant had operated another shop for three years on Oundle Road which had experienced no issues with the licensing authorities or the police, which demonstrated his ability to operate a successful business within the law.
- As the applicant was currently unable to sell alcohol prospective customers were shopping in outlets where alcohol was for sale and the longevity of the business could be at risk should the license not be granted.
- The shop had been developed to a high standard with the hope of attracting a higher class of customers who would not stand outside the shop drinking.
- The representative asked the committee if they could be sure that granting the licence would cause a problem in for the city as there was no evidence to suggest otherwise.
- The local authority could put a licence in place for a 12 month period with the option to reconsider a longer term dependant on any issues during that period.
- The applicant had considered the impact of selling alcohol in a CIA area and felt that there was a lesser concentration of premises compared to others within the central area of Lincoln Road, such as the Triangle.
- Mr Karim conducted a survey himself which indicated many of his customers wished to purchase alcohol from his premises, namely International Food Centre.
- The applicant intended to display notices in the store advising clients that they could not purchase alcohol without a non-alcoholic product being purchased. The applicant wanted to stress that this demonstrated his commitment to operating within the legal system however, it would be difficult to prevent a purchase of alcohol with a small item of confectionary.
- The applicant was aware of the responsibilities as a premises licence holder and that the licensing officer could visit his

premises and test the system at any time.

- One neighbouring business contested the previous application as they considered the granting of a licence would put their own business at risk however, they have not raised an objection for this application.
- The only objection was from the local residents association, MANERP.
- The residents could be assured there would be no impact on people's enjoyment of the city.
- The applicant did not realise he would not get a licence on his previous application and, had spent time and money renovating his premises there had been a financial implication on his business..
- Similar premises were located near the International Food Centre and were had been at a distance of 100mtres. The premises had sold alcohol and closed at 10pm. There was also a late licenced premises at a distance of 600 yards away that had operated until 2am.

Other Persons – Mr Gascoyne

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

- Mr Gascoyne was no longer the Chair of MANERP however, he had remained their representative.
- There was no suggestion of doubt on Mr Karim's character, however it was felt that the Op Can Do and CIA policy was implemented to deal with excessive alcohol consumption in the area of New England and Millfield and at the time of its implementation, the Police felt it necessary to extend the scheme to the bottom of Lincoln Road.
- The International Food Centre, was in close proximity to other premises selling alcohol so the need for an additional premises had not been justified.
- Whilst there was sympathy for Mr Karim's losing business the CIA policy should not be compromised to accommodate the need to make money.
- The condition to purchases ancillary products alongside alcohol was open to abuse.
- It was assumed that most customers who purchased alcohol were street drinkers.
- The Police had not recorded instances of street drinking.
- The Op Can Do Policy was formed by the Local Authority, the Police, the NHS and the local residents associations. The only interested party to attend the meetings seemed to be MANERP.
- The bin condition offered by the application seemed pointless and there location had been irrelevant as people should not be drinking on or outside the premises.
- The size of the vessel was irrelevant, as 330ml had not been the standard size to sell beer.
- Members commented that antisocial behaviour had reduced in the area since the introduction of Op Can Do which was the objective.
- The Police had made no representations to the application and Mr Gascoyne questioned their understanding and support of the

	<p>Op Can Do area.</p> <ul style="list-style-type: none"> • The fact that the premises was located on the edge of the CIA area should be a relevant consideration, as the policy had applied to all areas. <p>Summing Up</p> <p>All parties were given the opportunity to summarise their submissions.</p> <p>The Applicant's Representative:</p> <ul style="list-style-type: none"> • The suggestion of the bins were for the residents in the area to use to address a previous comment regarding rubbish on the street and were offered by the applicant as a gesture of goodwill. • Op Can Do was implemented by the Council eight years ago. There had been a trading nightclub in the area close to the International Food Centre. The night club had closed and the area had become less polluted with noise as a result, which demonstrated the intensity of the problem had changed and was no longer experienced the same issues. • The area was being redeveloped and offices converted into flats where people were likely walk to purchase their provisions, including alcohol from local convenience stores such as the International Food Centre.
<p>4.10 Written representations and supplementary material taken into consideration</p>	<p><u>Applicant</u></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><u>Other Persons</u></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from Mr Gascoyne.</p>
<p>4.11 Facts/Issues in dispute</p>	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the premises licence application would further support the 'Public Safety' Licensing Objective.</p>

5. 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:-

- The Applicant, Mr Razaq Karim, applied for a new premises licence for the premises known as International Food Centre, 41 Lincoln Road, Peterborough.
- The premises was open from 7am to 10pm on a daily basis. The applicant has applied to sell alcohol on the same basis.
- The premises was located within an area designated as a cumulative impact area and a special policy applied pursuant to the Government Guidance issued under Section 182 of the Act. The policy was designed to restrict the numbers of premises selling alcohol and other licensable activities, within the area.

The Special Policy was introduced to help combat alcohol induced anti-social behaviour and minor criminality, noise disturbance and other such matters associated with the consumption of alcohol. The policy was not a blanket ban on granting licences, however there was a 'rebuttable presumption' that a licence should not be granted in the area as the Licensing Authority had deemed that area was at saturation point for such licences, and to grant further licences may add to the alcohol induced anti-social behaviour and minor criminality associated with the density of licensed premises in the area.

The policy had not removed the Licensing Authority's discretion to grant applications for licences where it considered them to be appropriate based on the individual circumstances of the case. It was for the Applicant to show that the operating schedule, in particular the conditions attached to the licence were sufficient as not to add to the negative cumulative impact.

There were no representations from any Responsible Authority. There was a representation from one 'other person', being the representative on behalf of Millfield and New England Regeneration Partnership (MANERP).

The concerns raised were linked by MANERP to the four licensing objectives.

MANERP were concerned with:

- The number of 'off-sales' premises in the area that added to the anti-social behaviour
- The area was sensitive and volatile due to the ease of access to alcohol, often sold at low prices
- The premises lay within a special policy zone
- There was no evidence of need (the Committee recognises that 'need' was not a material consideration under the Act)

The representative acting for the Applicant, informed the Sub-Committee:

- That his client wished to work with the Local Authority to uphold the licensing objectives.
- His client recognised the reasons why the Authority had such a

special policy in place.

- His client was a responsible and trusted individual

The Applicant supplied five character references in support of his application. These were noted by the Sub-Committee.

The Sub Committee referred to:

- The Government Guidance issued under section 182 of the Act.
- The Licensing Authority's Statement of Licensing Policy, in particular the Special Policy.
- The proposed Operating Schedule and conditions therein.

The Sub-Committee noted that the Police had been working with the Applicant regarding the conditions.

The Applicant operated another such business and there was no information provided to suggest that he had not been running this business, not in accordance with his licence.

The Sub-Committee disregarded irrelevant matters such as 'need' and the profitable viability of the premises. These matters were not relevant under the Licensing Act 2003.

The Sub-Committee noted that there were a few similar premises within the vicinity with like licences and no information had been provided that if the application was granted, there would be additional issues that offend the Special Policy.

The Sub-Committee therefore **GRANTED** the premises licence as applied for, relating to the premises known as International Food Centre, Unit 1&2, 41 Lincoln Road, PE1 2RH.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.

Chairman
Start 1:30pm – End 3:26pm