

**Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on 18 January 2019**

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
3.1 Application Reference	078358
3.2 Sub-Committee Members	Councillor Ayres Councillor Hiller Councillor John Fox
3.3 Officers	Terri Martin, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Sengar Sadiq Majeed - Europoli Supermarket, 282 Lincoln Road, Peterborough, PE1 2ND; and The applicant's representative Asitha Ranatungaj
3.5 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> <p>Sale of alcohol for consumption off the premises only</p> <p>Monday to Sunday 8:00am to 9:00pm</p> <p>Opening hours of premises</p> <p>Monday to Sunday 8:00am to 11:00pm</p> <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 Europoli Supermarket, 282 Lincoln Road, Peterborough, PE1 2ND, 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"> • The premises was located within the cumulative impact boundary, an area identified as being saturated with licensed premises which was having a negative impact on the licensing

	<p>objectives;</p> <ul style="list-style-type: none"> ● The area suffered with anti-social behaviour fueled by alcohol, exacerbated by the rapid growth of off sales licensed premises; ● The impact of alcohol being sold at the premises was in a high density residential area; ● There was a strong relationship between alcohol outlet density and problems associated with social disorder which affected the health and wellbeing of the population; ● The applicant had not provide any details about how the sale and display of alcohol would be managed from 9:00pm (when the sale of alcohol was requested upto) to 11.00pm when the premises would close; ● The application, if granted, would add to the availability of off sales of alcohol and exacerbate the negative impact on all the objectives, particularly the prevention of crime and disorder and public nuisance; and ● The Cumulative Impact area was already subject to significantly higher frequency of cleansing due to alcohol related litter. The addition of another premises would add to this litter.
<p>3.6 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>3.7 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/representative</p> <p><u>Responsible Authority</u></p> <p>Katie Johnson - Public Health</p> <p><u>Other Persons</u></p> <p>Brian Gascoyne - 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.</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. The key points raised in her address included the representation submitted against the application by local residents and responsible authorities.</p> <p>The Regulatory Officer also provided an overview of the following updated information:</p> <ul style="list-style-type: none"> ● Councillor Ansar Ali's objection; ● The applicant's 11 additional conditions; and ● Katie Johnson had submitted corrections to the Public Health report.

Applicant

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

- The premises known as Europoli had been converted into a supermarket and had previously operated as a 99p shop.
- The Europoli premises was larger in size than a Tesco Express or a Sainsbury's Local supermarket.
- The premises would sell a full supermarket range such as European meats, delicatessen products and freshly baked products and breads.
- The premises would focus on providing consumers with a family shop opportunity as well as purchase alcohol.
- It was intended that customers would not need to visit a different shop to purchase their alcohol.
- The applicant had held 11 years experience operating similar supermarkets located in Leicester, Northampton and Bretton in Peterborough.
- Europoli was a small chain of supermarket outlets.
- The applicant would train a member of staff to operate as a Designated Premises Supervisor (DPS) for the Europoli premises located on 282 Lincoln Road, once the application was approved.
- The applicant would act as the premises DPS until the licence was in place.
- There was a member of staff currently employed at the 282 Lincoln Road premises, Mr Selwan, who currently held a personal alcohol licence. Mr Selwan had been employed at the premises for five years.
- It was envisaged that Mr Selwan would take over the DPS if the premises licence application was approved.
- The beer and wine products proposed would be located to the left hand side of the serving counter and spirits would be located behind the serving counter, under supervision of staff.
- There would be Closed Circuit Television in operation in every aisle throughout the premises.
- It would only be spirits under supervision in order to align with the concerns raised in representation made by police. Therefore, this requirement had been adopted within the set of operating conditions.
- The applicant could only speculate what situations may arising within a new premises when the sale of alcohol was undertaken. For this reason the applicant had agreed to adopt the stringent supervision of alcohol sales within the operating conditions.
- There would be no more than 10% of the shop where alcohol would be on sale, which would equate to two shelves.
- The percentage of 20% alcohol sales referred to within the report was the percentage anticipated turnover figures. The condition of 10% space to sell alcohol available within the premises was a separate to the turnover figures.
- There were a number of conditions within the operating schedule section such as the requirement of a DPS trained member of staff on duty, challenge 25 and notices to state no drinking was permitted on the street. In addition outside the premises would be kept tidy and the applicant was prepared to ensure this was monitored three times a day.
- There were a number of additional conditions submitted by the applicant, which were located at appendix 1 of the minutes.

- There had been a change to the sale of alcohol times submitted by the applicant, to state that there would be no alcohol sales before 12 noon on a daily basis.
- The premises licences outlined on page 69 of the report within the police representation had listed 11 establishments that had sold alcohol within the area. Included within the list were two premises that ceased to sell alcohol at 9pm, whereas other premises sold alcohol after 9pm and were alcohol led off licenses. Some of these off licences had the ability to sell alcohol from 6:30am in the morning.
- The Europoli supermarket would not be alcohol led as an operation and the further condition of no alcohol sales before 12 noon, was thought to deter street drinkers wishing to purchase alcohol in the early hours of the morning.
- There would be no way to regulate what time customers would consume the alcohol they had purchased.
- There would be no beer on sale over the 5.5 ABV percentage and this would be a standard condition where a concern had been raised in relation to a premises licence application within a problem area.
- Conditions six and seven within the report covered the concerns regarding street drinking, where no single can or minimum litre bottle of alcohol could be purchased.
- The single can purchase condition had not been intended to encourage customers to buy more alcohol. The condition had intended to deter street drinkers, who would usually only have enough money to make one purchase.
- There would be no alcohol pops on sale to discourage underage drinking.
- There would be no alcohol advertisements inside or outside the premises.
- There would be shutters and locked fridges to stop access to alcohol after 9:00pm to address the police concerns.
- It was felt that the introduction of the operation schedule and extra conditions would not adversely add to the issues already being experienced in the area, as a result of alcohol sales.
- The Cumulative Impact Policy on page 21 of agenda had stated the policy was not absolute. The applicant had addressed the special policy issues within his operating schedule and had introduced extra conditions in order to rebut the presumption that the premises would add to the issues already being experienced within the CI area, as a result of alcohol sales.
- There was a public space protection order within the CI area that would address the issues of street drinking.
- The applicant was aware that a review of the licence could be applied for if he had not operated his premises within the conditions and operating procedures.
- The application had been completed by NARTS and there had been an oversight into the number of premises within the area that had sold alcohol; in that only two premises had been quoted in appendix D of the agenda.
- There had been 15 staff employed at the premises and a significant amount of investment had been made at the premises.
- Members commented that the additional conditions seemed appropriate, however, they were not submitted until the morning of the hearing, which they found disappointing.

Responsible Authorities

Kaite Johnson, Public Health Consultant addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:

- An outline of the public health aspects and the effect of alcohol on public health and wellbeing was provided. The negative impacts included issues such as leading to poor health, inequalities, social deprivation and associated harm and premature death.
- Representation had been made on the basis that the Europoli Supermarket was located within CI area.
- Section 11.6 of the CI policy stated that the premises needed to outline within their operating schedule, how they would not add to the issues already being experience within the CI area. Public health believed that the extra conditions had not demonstrated how the premises would not add to the CI issues.
- It had been noted that section 11.12 of the CI policy referred to a concentration of premises that sold alcohol would increase the alcohol related issues already being experienced in an area.
- Alcohol outlet density and alcohol related harm in a higher concentration of premises selling alcohol had contributed to issues such as increase in social disorder, greater alcohol consumption, road traffic incidents and child neglect.
- The national institute for health and care excellence guidelines states that a reduction of premises selling alcohol in a concentrated area could reduce alcohol related harm issues.
- It was recommended that a CIA policy was adopted in such areas of saturation with alcohol related harm issues.
- The application would further increase the density of outlets selling alcohol in the CI area.
- Hospital admissions for alcohol related issues for Peterborough residents aged under 40 years old was significantly higher than the national average. This demonstrated that alcohol was significantly affecting the health of people in Peterborough.
- Road traffic incidents were higher in Peterborough than the national average.
- Children were susceptible to experiencing the effects of alcohol abuse such as violence, financial problems and disruptive relationships.
- There had been no evidence about the effect of alcohol related incidents specifically in respect of the CI area, the data provided by Public Health had related to Peterborough as a whole.

Other Persons – Mr Gascoyne

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

- The Cumulative Impact policy, can do and public protection orders were in place in Milfield and the Lincoln Road areas as this was an extremely affected area for saturation of alcohol premises.
- There were in excess of 70 outlets that sold alcohol, which had been why a CIA policy was adopted in the first place.
- Street drinking was a 24/7 issue.
- There had been no evidence that alcohol related issues were being

dealt with in the area.

- There was a concentration of litter issues in the area which was demonstrated within the photo evidence submitted
- Alcohol had been the one driving force for people leaving the area.
- To allow another alcohol outlet in the area would to be detrimental.
- The alcohol products would be seen from the premises window despite a no advertisement condition.
- It was not apparent that the applicant knew how bad the alcohol issues were in the area.
- The photo evidence showing the litter issues had been taken on Occupational Road which was on the corner of Lincoln Road.

Summing Up

All parties were given the opportunity to summarise their submissions.

Applicant's Representative

- The applicant had demonstrated that he would not operate in a way that would add to the negative alcohol issues within the CI area as per the policy.
- The applicant had held retail experience in the area.
- The Europoli was not intended to operate as an alcohol led premises in the area.
- There were conditions proposed about the amount of alcohol the supermarket aimed to sell.
- Conditions proposed were beyond what any other licence had offered in the CI area, such as a change to the sale hours, no sale of single vessels and no advertisement.
- The Public Health submission was about Peterborough as a whole.
- The CI policy ensured that responsible operators should be in place in a CI area.
- Europoli Supermarket would operate as a responsible retailer offering fresh meat, deli and baked goods alongside the offer of a bottle of wine. It was believed that this would not add to the negative impact of the area.

3.10 Written representations and supplementary material taken into consideration

Applicant

Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.

Responsible Authorities

- Cambridgeshire Constabulary
- Public Health
- Prevention and Enforcement Services

Ward Councillor

Consideration was given to the written submission attached to the supplementary documentation submitted by Councillor Ansar Ali.

Other Persons

Consideration was given to the written submission attached to the Sub-Committee report from local residents.

3.11 Facts/Issues in dispute	<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>
4. Decision	<p>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:-</p> <p>The Sub-Committee considered the representations made at the hearing and in writing against the application by:</p> <ul style="list-style-type: none"> ● Dr Richard Ferris; ● PC Grahame Robinson on behalf of Cambs Constabulary; ● Clair George on behalf of the Prevention and Enforcement Service (PES); ● Katie Johnson on behalf of Public Health; ● MANERP (Millfield and New England Regeneration Partnership); and ● Councillor Ali. <p>The Sub-Committee were informed that the Applicant also submitted additional conditions. These were:</p> <ol style="list-style-type: none"> 1. No alcohol shall be sold before 12 noon each day; 2. No more than 10% of the shop floor shall be given over to the sale of alcohol; 3. All alcoholic drinks displayed for sale shall be in sight of the till; 4. All spirits shall be kept behind the counter; 5. No beer or cider over 5.5% ABV shall be sold; 6. Cans of alcohol shall not be sold singly; 7. Bottles of beer of under one litre shall not be sold singly; 8. No alcopops (a ready-made drink that resembles a soft drink but contains alcohol) shall be sold; 9. There shall be no advertisements for alcohol in the shop window; 10. There shall be no display boards or other advertising for alcohol showing on the shop floor; and

11. At times when alcohol is not permitted to be displayed for sale, it shall not be accessible to members of the public either through use of shutters or locks on refrigerators.

The Applicant also agreed to an additional condition. That being:

'There would be no sale of alcohol without the purchase of food. For the purposes of this condition only, confectionary was not considered to be food'.

The Sub-Committee believed that the revised operating schedule and the additional conditions offered during the mediation process satisfied the licence objectives.

Therefore, the application for a licence for the premises, known as Europoli Supermarket, 282 Lincoln Road, Peterborough, PE1 2ND, was **GRANTED**, subject to the operating schedule and additional conditions.

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

The Chairman advised residents that if they were unhappy with the operation of the premises licence they could seek a review of the licence.

Chairman
Start 1.30pm – End 2:45pm

Europoli Supermarket: Further Conditions offered by the Applicant

- (1) No alcohol shall be sold before 12 noon each day.
- (2) No more than 10% of the shop floor shall be given over to the sale of alcohol.
- (3) All alcoholic drinks which are displayed for sale shall be in sight of the till.
- (4) All spirits shall be kept behind the counter.
- (5) No beer or cider over 5.5% ABV shall be sold.
- (6) Cans of alcohol shall not be sold singly.
- (7) Bottles of beer of under 1litre shall not be sold singly.
- (8) No alcopops (a ready-made drink that resembles a soft drink but contains alcohol) shall be sold.
- (9) There shall be no advertisements for alcohol in the shop window.
- (10) There shall be no display boards or other advertising for alcohol showing on the shop floor.
- (11) At times when alcohol is not permitted to be displayed for sale, it shall not be accessible to members of the public either through use of shutters or locks on refrigerators.