

**Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Thursday, 4 APRIL 2019**

RECORD OF PROCEEDINGS

1. Apologies for Absence	Apologies were received from Councillor Ayres, Councillor Nawaz was in attendance as a substitute.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence - Little Europe Store, 2 St Martins Street, Peterborough, PE1 3BD
3.1 Application Reference	078636
3.2 Sub-Committee Members	Councillor Nawaz Councillor Fuller Councillor John Fox
3.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Legal Advisor to the Sub-Committee Karen S Dunleavy, Clerk to the Sub-Committee
3.4 Applicant	Mrs Lenke Stumpf
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> <ul style="list-style-type: none"> ● Sale of alcohol for consumption off the premises only Monday to Sunday - 08:00am to 11:00pm ● Opening hours of premises Monday to Sunday - 08:00am to 11:00pm <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 Little Europe Store, 2 St Martin's Street, Peterborough, PE1 3BD, 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 (CI) boundary, an area identified as being saturated with licensed premises which had a negative impact on the licensing objectives; ● The area suffered with anti-social behaviour fueled by alcohol,

	<p>exacerbated by the rapid growth of off sales licensed premises;</p> <ul style="list-style-type: none"> • The impact of alcohol being sold at the premises 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 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. • The CI area was already subject to significantly higher frequency of cleansing due to alcohol related litter. The addition of another premises would add to the litter. • There were ambiguities within the conditions being offered by the applicant to appease the licensing objectives. These ambiguities had been removed from Part 7 (Applicants proposed conditions under the licensing objectives) of the report.
<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>Responsible Authorities</u></p> <p>Katie Johnson, Public Health. PC Grahame Robinson, Cambridgeshire Constabulary.</p> <p><u>Other Persons</u></p> <p>Brian Gascoyne, Millfield and New England Regeneration Partnership.</p> <p><u>Applicant</u></p> <p>The applicant, Mrs Lenke Stumpf.</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 regard to the application. The key points raised in his address included the representation submitted against the application by local residents.</p> <p><u>Responsible Authorities</u></p> <p>Katie Johnson, Consultant in Public Health, addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> • The health and well-being of residents near premises that sold alcohol was a key concern for the Public Health department.

- The Public Health representation was made on the basis that premises was located within a Cumulative Impact Area (CIA).
- The policy stated that the applicant was required to rebut the presumption that being granted a premises licence would not add to the issues already being experienced in the area. However, the applicant had not evidenced how they would not add to the issues within the area.
- High levels of alcohol outlet density had contributed to alcohol related harm issues such as road traffic incidents and child neglect.
- The National Institute for Health and Care Excellence (NICE) guidelines stated that a reduction of outlets selling alcohol was an effective way of reducing alcohol related crime.
- Research had demonstrated that areas with more deprivation tended to have higher alcohol outlet density within a CI area, which had impacted on residents' health. The evidence demonstrated that there was a need to restrict the number of alcohol outlets within a CI area.
- Eight out of the eleven Lower Layer Super Outlet Areas (LSOA) within the CIA were within 20% of the worst in Peterborough for Crime and disorder.
- Alcohol mortality rates, road traffic incidents, injuries and violence were high in Peterborough compared to national figures due to alcohol. This was affecting the public safety of residents.
- Children were at risk of harm as a result of alcohol related issues, such as absence from school, neglect, abuse and witnessing violence.

PC Grahme Robinson, Cambridgeshire Constabulary, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- The premises was located within the CI area and was surrounded by 13 other premises that sold alcohol.
- The premises was also located near a residential area and local Doctors surgery.
- Crime data had shown that there had been 72 alcohol related crimes in the area, however, this was not a complete figure as some types of alcohol related incidents were not currently recorded by Cambridgeshire Constabulary.
- PC Robinson felt that to grant the license applied for would add to the saturation of alcohol sales establishments in the CI.

Other Persons

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

- The applicant had not demonstrated that they would not add to the issues already being experienced within the CI area.
- There had been evidence submitted by the Police, which demonstrated that there were issues being experienced in the area, such as antisocial behaviour as a result of alcohol.

Applicant

Mrs Lenke Stumpf, the Applicant, addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-

	<p>Committee were as follows:</p> <ul style="list-style-type: none"> ● The Applicant stated that she would ensure that no awkward conversations would take place near the premises. ● The Applicant would ensure that challenge 25 would be implemented and adhered to. ● There would be no alcohol consumed on the premises. ● The Applicant was not aware that the premises had been located within a CI area. ● Members commented that the applicant should have been aware that the premises was located within a CI area. ● The Applicant had been informed by Council Officers, that the premises known as Little Europe was located within a CI area. ● The applicant had not had sight of the CI policy <p><u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions.</p>
<p>3.10 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>Responsible Authorities</u></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from three Responsible Authorities, Cambridgeshire Constabulary, Public Health and Prevention and Enforcement Services.</p> <p><u>Other Persons</u></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from one local residents.</p>
<p>3.11 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>

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:-

The Sub-Committee considered the representations made at the hearing and in writing from:

- Cambridgeshire Constabulary;
- Public Health;
- Prevention and Enforcement Services; and
- Millfield and New England Regeneration Partnership.

The Sub-Committee considered:

- 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 objectives;
- 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 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 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;
- The CI area was already subject to significantly higher frequency of cleansing due to alcohol related litter. The addition of another premises would add to the litter;
- Public Health were concerned with the health and wellbeing of residents in the area and stated that further such premises would not alleviate their concerns, and may well add to the issues;
- Also, the potential for harm to children caused by additional alcohol outlets.

The Applicant stated that she was unaware that the premises was in the CI area and had not read the Authority's Statement of Licensing Policy. This was of some concern to the Sub-Committee.

The Sub-Committee were referred to the Licensing Authority's Statement of Licensing Policy and the Government Guidance.

The Government Guidance and the Licensing Authority's Statement of Licensing policy, stated that there was a rebuttable presumption that new applications for premises licences in the Cumulative Impact Zone would normally be refused unless the applicant successfully rebutted this presumption.

The Sub-Committee attached much weight to what the Police and Public Health had stated.

There were a number of mixed outlets in the immediate vicinity; two being in close proximity. The Sub-Committee were satisfied that there existed alcohol related issues in the CI policy area.

The Sub-Committee believed that the immediate area where this premises was located had been saturated with off sales premises.

The Sub-Committee was not assured that the applicant had sufficiently addressed the issues within the CI policy area, in the application. There was no evidence that if granted, this premises would not add to the cumulative impact.

The Sub-Committee therefore, **REFUSED** the licence for the premises, known as Little Europe Store, 2 St Martin's Street, Peterborough.

Chairman
Start 1:30pm – End 2:26pm