

Representation from Councillor Ed Murphy

Hello,

I am concerned that an application has been made to sell alcohol from the premises at 77 Mayor's Walk and believe that this should not be accepted as there are a number of concerns which I have set out below:-

If alcohol is sold here I believe there may be crime and disorder. There was legal action and a prosecution in April 2011 because illicit items were being sold in significant quantities. In July there were test purchases made and it is clear that sales were made to minors which is also an offence. Alcohol can lead to disorder and there is a clear link between anti social behaviour and alcohol particularly from those outlets operating in the evenings. Parking is also an issue in this area.

I am aware of recent operations undertaken by the Police Service in West Town to deal with drugs misuse. I have regularly seen bottles and cans from alcoholic drinks in these crime hot spots near to Mayors Walk, An additional outlet here will exasperate the problem and result in public nuisance from anti social behaviour including littering The sale of alcohol by an outlet which has operated with poor standards and a disregard to public safety to date and where there has been the illegal sale of items, combined with concerns resident have of customers arriving by vehicles in this area raises fears for public safety. Some of the alcohol sold has come from dubious and potentially dangerous sources. Mayors Walk is a predominantly residential area with a limited capacity for parking at all times of the day. Residents have expressed concerns that an increase in outlets for alcohol in this area will have potential to create public nuisance and the consumption of alcohol in the vicinity will also exasperate nuisance from anti social activity.

Living on Mayors Walk there are a number of families with children, there are children's pre schools operating from St John's Hall nearby and the church on the corner of Mayors Walk and Midland Road. Behind the premises is the local primary school. I believe the safety of children is an important and pertinent issue if there are more people consuming alcohol and purchasing it in the area and I am very concerned that the outlet have sold alcohol to minors. The premises did apply for a license in 2010 and many of the problems I have outlined above arose and action had to be taken to protect children, public safety and to mitigate nuisance.

Please do not hesitate to contact me if you require any further information or clarification.

Ed Murphy
Labour and Co-operative Councillor for Ravensthorpe

MR A HUSSAIN
MAYORS WALK
PETERBOROUGH
PE3

05222482

To Whome IT MAY CONCERN

15.06.12

I UNDERSTAND THAT THE LOCAL SHOP HAS APPLIED FOR A ALCOHOL TRADING LICENSE AT 77 MAYORS WALK WEST TOWN PETERBOROUGH.

I AM MR HUSSAIN AND LIVE AT 9 MAYORS WALK WEST TOWN PETERBOROUGH AND I WISH TO OPPOSE THE LICENSE AWARD TO THE PREMISES AS FIRSTLY HE WAS TRADING ILLIALLY TO MINORS AND WITHOUT A LICENSE. SECONDLY DUE TO THE RISE IN ALCOHOL RELATED INCIDENTS AND NOISE,

MY DAUGHTERS AND NEPHEWS HAVE BEEN SHOUTED AT AND SWORN AT WHILST THEY WALK PAST THE PREMISES WHICH I AM SERIOUSLY NOT HAPPY ABOUT.

ON THE 8TH OR 9TH OF JUNE 2012 MY DAUGHTER TOLD ME SHE'S BEEN THROWN BEER CANS AT WHICH IS UNACCEPTABLE AS SHE IS 4 YEARS OLD.

WE ALREADY HAVE THREE OFF LICENCES WITHIN SHORT DISTANCES OF EACH OTHER AND I DO NOT FEEL WE NEED A FOURTH AS THEY ARE SECURE TRUSTWORTHY ESTABLISHED.

KIND REGARDS
PP

PETERBOROUGH CITY COUNCIL
15 JUN 2012
ENVIRONMENTAL HEALTH

Representation from Mr Adrian Day, Licensing Manager

Dear Terri

Supplementary representation further to email dated 15/6/12

As the Responsible Authority for the Licensing Authority I would like to bring this application to the attention of the Sub Committee for them to determine. Based on the details within the application, the conditions in the operating schedule and the applicant. I would like the committee to consider if it is appropriate to grant a premises licence to allow off sales of alcohol at 77 Mayors Walk, Peterborough. I raise objections under the crime and disorder objective, due to the history of the premises and it's association with prior breaches in several pieces of legislation and poor practices ultimately resulting in prosecution.

I understand the Police, Trading Standards, HMRC and the Environmental Health Department have all had particular concerns when trying to assist this premises to comply with legislation, to no avail in some circumstances, resulting in a prosecution by Environmental Health. Trading Standards have details of an underage sale, two HMRC seizures etc. Full details of which will be provided by them at the hearing, as will the issues raised by the police.

In considering this application I had to scrutinise the association in regards to the ownership of the business. I therefore tasked one of my officers to send an email to establish the applicant's involvement with the premises also requesting dates, providing sufficient information as to why we were requesting this additional information, due to the history. When I received the reply from their legal agent, I found it unsatisfactory and attach it to this supplementary representation for members consideration.

Whilst applicants have to show how they are going to actively promote the four objectives, consideration also has to be given to protecting the public and local residents from crime and disorder caused by irresponsible licensed premises. As each application has to be determined on it's own merits, examination of the history of the issues at this premises have to be scrutinised, this includes the ownership, the connection to the new applicant and other persons employed to work there. This premises and application gives rise to genuine concerns about the competency and structure of management who are charged with this responsibility.

The essential purpose of the licence is to regulate the sale of alcohol, whilst conditions can be added to try and promote the objectives, they have to be practical and achievable. Therefore would be ineffective if the owner /manager does not either adhere or actively promote them. I feel the applicant must convince the committee that they would be upheld and previous problems would not resurface. I have concerns that as Mrs Evelina Balzakeviciene is only the manager (as detailed with the application) that she is not the controlling influence in regards to decision making within the business.

In an effort for the applicant to demonstrate to the committee that a licence to sell alcohol should be granted and how the objectives will be upheld, I feel a hearing is required.

As you may be aware this premises was previously licensed, however, it was called into review by trading standards but was surrendered prior to the hearing.

Unless the applicant can establish to the satisfaction of the committee that they are in no way connected to the prior owner during the 'period of offences', I would think that a grant of a licence would be wholly inappropriate and therefore object.

Historically this premises has taken up a considerable amount of officer time and valuable resources from most regulatory services. Whilst I understand that not all issues raised fall within the objectives, full consideration must be made of the ability of the licence holder to actively promote all four of the objectives and therefore sell alcohol responsibly.

Should the applicant convince the committee that there is no connection with herself and the prior history of the premises and that she is the controlling mind and influence, then I would like an additional condition added to those put forward by the police and trading standards. That being~:

'No alcohol advertisements shall be on the window or the exterior of the premises'

Under the crime and disorder objective, as I feel it would prohibit the advertisement of cheap alcohol promotions.

Regards

Adrian Day
Licensing Manager
Strategic Regulatory Services
Peterborough City Council
Bayard Place
Peterborough.
PE1 1HZ

Email: adrian.day@peterborough.gov.uk
Telephone: 01733 454437

From: Day Adrian
Sent: 15 June 2012 10:23
To: Martin Teresa
Subject: Premise Licensing Application - Baltica 77 Mayors Walk, Peterborough.
Importance: High

Hi Terri

With reference to the above application, I would like to make a representation in relation to Crime and Disorder.

I have serious concerns in the way the premises is likely to be managed insofar as officers have struggled to clearly identify who will have the overall management responsibility. The applicant has indicated in her application that she holds a position of manager; however I have been informed that during their normal lines of enquiries officers from Responsible Authorities have not been able to clarify who is involved in the business. This is relevant as the history of the premises itself indicates serious breaches of legislation and criminal activity. It is therefore my suspicion that these activities may be continued if a licence is granted and if persons previously involved in the business still have control in some capacity.

Please would you accept this as my summary representation, I will be submitting a full detailed representation very shortly.

In my capacity of Responsible Authority for the Licensing Authority.

Regards

Adrian Day
Licensing Manager
Strategic Regulatory Services
Peterborough City Council
Bayard Place
Peterborough.
PE1 1HZ

Email: adrian.day@peterborough.gov.uk
Telephone: 01733 454437

Dear Teeri Martin,

The owners of the business are Mrs Evelina Balzakeviciene and Mr Tomas Balzakevicius. Mrs Evelina Balzakeviciene will be running the business.

Kind regards,

Dave Pavilion
Accountancy & Law Firm (London) Ltd.
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S david-ucl

on 14/6/12 10:20 AM, Martin Teresa <teresa.martin@peterborough.gov.uk> wrote:

Dear Mr Povilonis

Due to the historic problems with this premises in the past, Responsible Authorities have requested that I ask for further information from you in relation to the above application, premises and it's management structure.

The application has been submitted by Evelina Balzakeviciene in the Capacity as manager of the business. But they would like to know who is the owner of the business. (This does not mean who is the owner of the building).

If the business is has recently changed hands the names and dates of these changes, and if the business has joint interests the names of those persons.

Therefore please could you provide this extra information as soon as possible to avoid any unnecessary representations and clarify the situation.

I can further advise that if this information is not forthcoming or is inconsistent with known facts then representations are likely to be received from Trading Standards the Police and the Licensing Authority. The result of which will mean that the application will have to be determined by a committee at a hearing.

I look forward to receiving your prompt reply.

Kind regards

Terri Martin
Regulatory Officer (Licensing)
Peterborough City Council
Operations Directorate
Fourth Floor
Bayard Place
Broadway
Peterborough
PE1 1HZ

Representation from Trading Standards

The Trading Standards team are submitting an objection to the grant of a premises licence for **77 Mayors Walk Peterborough PE3 6EX** on the grounds of the prevention of crime and disorder and the protection of children from harm.

Trading Standards have had a number of dealings with the premises and been the recipient of numerous complaints relating to the sale of alcohol to children and selling illicit tobacco.

In April 2011 Trading Standards and HM Revenue and Customs visited the shop following intelligence of illicit alcohol and tobacco.

HMRC officers seized 49 Litres of Spirits, 72 Litres of Beer and 2920 Cigarettes. The revenue due on the seized goods was £1472.42.

In May 2010 HMRC also seized 0.5 kilos of Hand Rolling Tobacco.

In June 2011 a test purchase of alcohol was made at the premises by Trading Standards and Cambridgeshire Police. The two volunteers both aged 16 were able to purchase 2 bottles of Grand Beer.

The seller of the alcohol did not challenge the volunteers on their ages or ask for identification and she could not effectively communicate due to her inability to speak English.

A review of the licence was served by Trading Standards in June 2011 and the licence was surrendered in July 2011 prior to any formal hearing.

On the 15th May 2012 an inspection of the premises was carried out by Trading Standards and HMRC following complaints of selling illicit tobacco. HMRC officers seized 5320 cigarettes from the premises. There was also beer at the premises and this was claimed to be for personal use.

Our records show that Audrius Stalioraitis and Tomas Balzaravicius are joint owners of the business and are also registered as the food business operators.

In a recent Trading Standards investigation, Audrius advised that from February 2012 he no longer works for the business, however a food inspection was carried out in March 2012 where Audrius signed the report as Manager.

It has been alleged a new owner took over in February 2012 and from 1st June 2012 Tomas has taken on full ownership of the business and changed the name of the premises.

To date this new business and ownership has not been registered within our Environmental Health Department.

In working in partnership with Cambridgeshire Police and the Licensing Department, Trading Standards have concerns with the ambiguity over who is concerned with the premises and who in fact is responsible of running the shop.

The applicant Evelina Balzakeviciene wishes to apply for a new premises licence in the role of a Manager. If the licence is granted and persons previously involved in the business still have control in some capacity then further concerns that reports of illegal activity would continue and would not promote or uphold the licensing objectives.

Whilst we would strenuously object, if the Licensing Committee decide that the applicant be granted with the licence then we would like to see the following conditions added –

- No alcohol drinks will be purchased by the store owners or staff from sellers calling at the store
- All invoices (original and copies) for all alcoholic goods for sale on the premises will be kept at the shop and made available to Police, Council and HMRC officers upon request
- A strict control system will be introduced so that the licensee can quickly identify where and when alcoholic drinks have been purchased
- An ultra-violet light will be available at the premises for the purposes of checking the UK Duty Stamp on all spirits as soon as practical after they have been purchased
- If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or otherwise suspicious, the licensee shall identify the supplier to Trading Standards and HMRC as soon as possible
- Staff training in relation to identifying and preventing sales of alcohol to underage children such as challenge 21 or challenge 25 and be recorded in a written format and be available to an authorised officer upon request
- Any person employed at the premises must be able to verbally challenge any customer attempting to purchase alcohol

Ref: 77 Mayors Walk / License Applications



Thursday 14th June 2012

Teresa Martin
Regulatory Officer (Licensing)
Peterborough City Council
Bayard Place
Peterborough
PE1 1Hz

Dear Terri,

Re: New Premises License Application – 77 Mayors Walk (Baltica), Peterborough.

On 15th May 2012 Cambridgeshire Constabulary received notification from the Licensing Authority at Peterborough City Council of an application for a new premises license for 77 Mayors Walk, Peterborough, PE3 6EX. A duplicate copy of that license application has been received by Cambridgeshire Constabulary.

The applicant Evelina Balzakeviciene wishes to apply for a new premises license for the supply of alcohol Monday to Sunday between the hours of 09:00am and 22:00pm, and wishes to apply herself as the designated premises supervisor (DPS).

This premises is known to me. I have had a number of dealings with the management and property since taking up my post in June 2011, and I am aware of issues which pre-date that. The current manager is Audrius Stalioraitas who continues to work at the store. He has verbally registered his intention with the licensing authority to hand over the business to Evelina Balzakeviciene and her partner Tomas Balzarevicius once the premises license has been granted. There is no guarantee of this.

The premises has been the recipient of numerous complaints relating to the unauthorized sale of alcohol and tobacco and allegations of being involved in the sale of counterfeit and/or illicit goods. These complaints have been made by local residents and the local councillor. Various test purchase visits have taken place, conducted by Cambridgeshire Constabulary, Trading Standards, Her Majesty's Revenue & Customs (HMRC) and Peterborough City Council Licensing Officers. Please find listed below a list of those visits and eventual outcome:

1. 07/10/2010 – following complaints from local residents about the sale of alcohol where there was no license in place, 252 cans of alcohol were found on the premises and the manager Audrius stated they were for his own consumption. Although kept within the store Audrius does not live at or near to the premises.
2. 19/04/2011 – an inspection of the premises was carried out by HMRC & Trading Standards – 2920 cigarettes, 49 litres of spirits and 72 litres of beer were seized with a total duty evasion of £1472.42. A license was in place during this period. A review of the premises license was served by Trading Standards on 29th June 2011, but the license was surrendered on 28th July 2011 prior to any formal hearing.

Cambridgeshire Constabulary, Bridge Street Police Station, Bridge Street, Cambridgeshire, PE1 1EQ
Telephone: 0345 456 456 4, Website: www.cambs.police.uk

3. 15/05/2012 – an inspection of the premises was carried out by HMRC and Trading Standards following complaints of non duty paid cigarettes being sold. 5320 illicit cigarettes were seized. There was also beer at the premises but this again was claimed to be for personal use.
4. Further complaints have been received about the sale of alcohol. On these occasions I have made visits to the store but have not found anything untoward or illegal.

On receiving the application for a new premises license I arranged a visit to the premises with Teresa Martin on 22/0/2012 to discuss the issue with Audrius. He explained that he was in 50:50 business with the applicant until the middle of June 2012 whereby he would hand over the business to the applicant and work in the butchery / meat serving place in the shop. It was also mentioned that the applicant was a friend. Food items were found to be out of date.

I am advised by Teresa Martin that during her enquiries she has identified that a Food Registration form dated October 2010 had the business operators for 77 Mayors Walk listed as Audrius and Tomas.

On 03rd April 2012 Audrius stated he was going to apply for a premises license. He was advised against this.

I have experienced that throughout my enquiries in partnership with either Trading Standards or Peterborough City Council Licensing Authority there appears to be a very real sense of ambiguity over who is concerned with the premises and who is in fact responsible and who will be running the business. Tomas appears to be involved with Audrius at this premises and another in Lincolnshire. Tomas was present at an interview at the store when Ms Martin and I attended to speak to the applicant and her legal advisor and state he would be working at the store.

Cambridgeshire Constabulary wish to make representation against this license application on the grounds of crime and disorder and public safety. It is highly suspected that given the recent circumstances that current reports of illegal activity would continue if a license were to be granted. The applicant is concerned with Tomas who is believed to have a vested interest in the premises and business over several months, and can be linked to Audrius. There is no guarantee that despite this, they would not be a direct influenced over the partner / applicant.

Should the license application be considered I would ask that the following conditions are added to the license to assist in preventing any further breaches to the principles of licensing.

1. Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk should be undertaken on a monthly basis. This training, together with ongoing training to prevent underage sales, such as challenge 21 or challenge 25, should be recorded in a written format and be available to an authorised officer upon demand.
2. No alcoholic drinks will be purchased by the store owners or staff from sellers calling at the store.
3. All invoices (originals or copies) for all alcoholic goods for retail sale on the premises will be kept at the shop and made available to Police, Council and HMRC Officers

upon request.

4. A strict stock control system will be introduced so that the licensee can quickly identify where and when alcoholic drinks have been purchased.
5. A ultra-violet light will be available and maintained at the store for the purpose of checking the UK Duty Stamp on all spirits as soon as practical after they have been purchased.
6. If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to the Trading Standards department and HMRC as soon as possible.
7. CCTV recording equipment shall be installed and associated cameras will be maintained once a week, and will record and store digital images for a period not less than 28 days. A record of maintenance is to be kept and made available to an authorised officer upon demand.
8. CCTV cameras will be positioned so that they cover the front aspect / entrance of the property in addition to internal public rooms and the customer service area.
9. Notices advising that CCTV has been installed on the premises shall be posted so that they are clearly visible to the public within the licensed premises.
10. No single vessel of beer, lager or cider to be offered for sale.
11. No beer, lager or cider beverage above 6.5% abv to be displayed or offered for sale.

These additional conditions are deemed necessary to effectively protect the licensee, staff, customers and property from any negative issues which may impact upon the principles of licensing.

Yours faithfully,

Grahame Robinson
Police Constable 1572
Licensing Officer
Northern Division
Cambridgeshire Constabulary
Tel: 0345 456 4564 Xtn:4438
Email: grahame.robinson@cambs.pnn.police.uk

Our ref: AL/mw/77mayorswalk
Your ref: 95763
12 June 2012



NHS Cambridgeshire and NHS Peterborough
working in partnership

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Dear Licensing Team

Reference 95763 – 77 Mayors Walk

Thank you for sending us a copy of this faxed application. I confirm that as Director of Public Health I have not received a copy of this application directly from the applicant.

While we have no grounds upon which to oppose this license, we have observations on the application in relation to the protection of children from harm. While the statement “alcohol is not to be sold for younger than 18 years old” (sic) indicates compliance with the law, further clarification of how this will be achieved - and notably responding to the relevant points in Section 13 of the Peterborough City Council *Statement of Licensing Policy* such as proof of age – would be welcomed.

I also note that granting this licence will create a further outlet for alcohol sales in a relatively short distance of Mayor’s Walk. There has not yet been formal discussion of a Cumulative Impact Policy for Peterborough, but in the light of concerns in the Millfield area about effect of the number of alcohol-selling premises along Lincoln Road, we ought to be concerned for other neighbourhoods in the city, too.

Please do not hesitate to contact if we can be of further assistance, on Peterborough 758526.

Yours faithfully

Dr Andy Liggins
Director of Public Health

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