

Meeting of the Licensing Act 2003 Sub-Committee  
 held at the Town Hall, Peterborough on Wednesday 8 August 2012

**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 – Seven Eleven, 335 Lincoln Road, Peterborough, PE1 2PF
3.1 Application Reference	064478
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Hiller Councillor Saltmarsh
3.3 Officers	Terri Martin, Regulatory Officer – Licensing Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee Gemma George, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Seven Eleven PL Limited
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p>There had been no previous licence to sell alcohol at the premises and the premise was to be used as a general store and off licence.</p> <p><b><u>Authorisations and Times Applied For</u></b></p> <ul style="list-style-type: none"> <li>• <b>Sale of Alcohol for Consumption off the premises</b>        Monday to Saturday 09.00am to 21.00pm        Sunday 10.00am to 20.00pm</li> <li>• <b>Hours premises are open to the public</b>        Monday to Saturday 09.00am to 21.00pm        Sunday 10.00am to 20.00pm</li> </ul> <p><b><u>Summary of New Premises Licence Application</u></b></p> <p>The application had been submitted to the Licensing Authority on 15 June 2012 and had been forwarded to the required Responsible Authorities by the Licensing Department in accordance with the regulations and Section</p>

	<p>8.24 of Guidance.</p> <p>Representations had been received from Cambridgeshire Constabulary and Peterborough City Council Licensing Authority in their capacity as Responsible Authorities. A period of mediation had taken place which had resulted in the withdrawal of the representation made by Peterborough City Council Licensing Authority, this being in response to the Applicant agreeing to a number of additional mediated conditions. However, the Applicant had not agreed to a reduction in hours during which they wished to sell alcohol, as per the representation received from Cambridgeshire Constabulary. This was therefore the only issue for determination by the Licensing Act 2003 Sub-Committee.</p> <p>A summary of the issues raised by Cambridgeshire Constabulary included:</p> <ul style="list-style-type: none"> <li>• The premises was located centrally within the Operation CAN-do area; and</li> <li>• Granting the licence would contribute to an increase in anti-social behaviour and violent behaviour in the area.</li> </ul> <p>There had been no further representations made by any of the remaining Responsible Authorities and furthermore, there had been no representations received from any Other Persons.</p> <p>The Applicant's proposed conditions, including mediated conditions, under the four licensing objectives, these being 'The Prevention of Public Nuisance', 'Public Safety', 'The Prevention of Crime and Disorder' and 'The Protection of Children from Harm', were detailed within the application form and further outlined within the Sub-Committee report. In accordance with Section 10.9 and 10.11 of the Guidance, these conditions had been interpreted into enforceable conditions and only those appropriate and proportionate for the promotion of the Licensing Objectives had been included within the Operating Schedule.</p>
3.6 Licensing Objective(s) under which representations were made	1. The Prevention of Crime and Disorder
3.7 Parties/Representatives and witnesses present	<p><b><u>Applicant / Applicant's Representative</u></b></p> <p>Mrs Monika Borkoloska.</p> <p><b><u>Responsible Authorities</u></b></p> <p>PC Grahame Robinson, who presented the case on behalf of Cambridgeshire Constabulary.</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations or decisions taken by the Sub-Committee relating to ancillary matters.
3.9 Oral representations	The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.

### **Applicant / Applicant's Representative**

Mrs Monika Borkoloska addressed the Sub-Committee. The key points raised during her address and following questions from the Sub-Committee and the Responsible Authority, were as follows:

- The hours which had been requested for the sale of alcohol were to keep in line with the hours the premises were open to the public;
- There were a number of premises trading along Lincoln Road that were open until 02.00am in the morning. The hours requested for the licence were therefore reasonable;
- Mrs Borkoloska had many customers visit her shop after 20.00pm, if her hours were refused, she would be unable to sell alcohol during this busy time;
- Mrs Borkoloska had been running the shop for a year in June 2012 and had another shop situated in the city centre;
- The business was struggling without the sale of alcohol.

### **Responsible Authority – Cambridgeshire Constabulary**

PC Grahame Robinson addressed the Sub-Committee and provided an overview of the objections raised to the application by Cambridgeshire Constabulary. The key points raised were as follows:

- The representation submitted by Cambridgeshire Constabulary, although fair and impartial, reflected the ongoing problems in the Millfield area;
- The premise was a mid-terrace property situated centrally within the Operation CAN-do area. It was located within a densely occupied retail area with residential properties nearby;
- Operation CAN-do had been designed to improve the quality of life of people living and working in the Gladstone area of Central Ward, Millfield and New England;
- The operation had wide support from a number of organisations and agencies;
- The area had been specifically identified as having disproportionately high levels of community tension, crime, anti-social behaviour, dissatisfaction from all communities, and in particular, alcohol and licensing issues;
- There was a direct correlation between the location of licensed premises and reports of noise, littering, violence and other forms of anti-social behaviour;
- The area immediately around 335 Lincoln Road was already saturated with alcohol retail premises;
- There had been a high number of alcohol related incidents and violent crime incidents in the Park Ward and Central North Ward localities in the period between 1 June 2011 and 1 July 2012;
- Operation CAN-Do officers were confiscating alcohol on a daily basis from people drinking in the Lincoln Road area despite the area being under a Designated Public Place Order (DPPO);
- Evidence showed that if the application is granted as applied for it could contribute considerably towards the impact street drinkers had within the area mainly in the early morning and late at night;
- The Licensing Authority had encouraged new premises license

	<p>applicants to amend and reduce their hours of sale of alcohol to 18.00pm. This has been positively adopted by all recent applicants;</p> <ul style="list-style-type: none"> <li>• It was requested that the applied licensable hours of 09:00am to 21:00pm Monday to Saturday and 10:00am to 20:00pm on Sunday (as per application) be reduced to 09:00am to 18:00pm – Monday to Saturday and 10:00 to 18:00pm on Sundays.</li> </ul> <p><b><u>Summing Up</u></b></p> <p>Both parties were given the opportunity to summarise their submissions.</p> <p><b><u>Responsible Authority – Cambridgeshire Constabulary</u></b></p> <p>PC Grahame Robinson stated that the representation submitted was fair and proportionate in relation to the serious ongoing issues in the Millfield area. There were no issues in relation to the Applicant and the acceptance of the additional conditions specified was appreciated, however the Applicant was urged to recognise the issues in the area and to continue working with the authorities to help turn the area into a better safer place for the community.</p> <p><b><u>Applicant / Applicant’s Representative</u></b></p> <p>Mrs Borkoloska stated that there were many other premises selling alcohol until late into the night in the area and if her hours were not granted she would lose custom.</p>
3.10 Written representations and supplementary material taken into consideration	<p><b><u>Applicant / Applicant’s Representative</u></b></p> <p>Consideration was given to the application submitted by Seven Eleven PL Limited.</p> <p><b><u>Responsible Authority – Cambridgeshire Constabulary</u></b></p> <p>Consideration was given to a letter from Cambridgeshire Constabulary as a Responsible Authority detailing additional requested conditions and variations to the times applied for in relation to the sale of alcohol.</p>
3.11 Facts/Issues in dispute	<p><b><u>Issue 1</u></b></p> <p>Whether the granting of a new premises licence application would be detrimental to the ‘Prevention of Crime and Disorder’ Licensing Objective.</p>
4. Decision	<p><b>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 also considered all of the various options available, those being:</b></p> <ul style="list-style-type: none"> <li>• Not to grant the premises licence;</li> <li>• To grant the premises licence with additional conditions or a reduction in hours; and</li> <li>• To grant the premises licence as applied for.</li> </ul>

Although the Sub-Committee fully supported the ethos of Operation CAN-do, it was in the opinion of the Sub-Committee that there was no evidential basis sufficient to justify a rejection of the new premises application or a reduction in the proposed hours. It was therefore in the view of the Sub-Committee that the hours applied for were not unreasonable for the area.

### **Decision**

The decision of the of the Licensing Act 2003 Sub-Committee was therefore to grant the application as applied for, along with the mediated conditions proposed by Cambridgeshire Constabulary, with the exclusion of the condition relating to the licensable hours.

- The sale of alcohol for consumption off the premises to be:

Monday to Saturday 09.00am to 21.00pm

Sunday 10.00am to 20.00pm

- The hours the premises are open to the public to be:

Monday to Saturday 09.00am to 21.00pm

Sunday 10.00am to 20.00pm

### **Additional Conditions Proposed by Cambridgeshire Constabulary**

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. A means of two way communication will be maintained between the premises and the local Police or CCTV monitoring centre to report incidents.
11. No customers will be admitted, or permitted to leave with open vessels or bottles of alcohol.
12. No alcohol shall be consumed on the premises.
13. The premises license holder will be responsible for prevention and disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises.
14. No single vessel of beer, lager or cider to be offered for sale.
15. No beer, lager or cider beverage above 6.5% abv to be displayed or offered for sale.
16. All alcohol must be displayed from behind the counter and therefore not accessible to the public.
17. No alcohol to be stored in any area of the premises where the public have access.
18. A refusals log must be kept and made available to an authorised officer upon request.
19. Any persons selling alcohol must be trained and the relevant training records kept up to date.
20. Regular staff training must be carried out in relation to the sale of alcohol and training records updated.
21. Where the DPS is not on site, a specific member of staff must be specified as responsible for the sale of alcohol.

The Sub-Committee was satisfied that the mechanism for reviewing licences was robust and understood that should any issues arise in the future, the licence would be brought back for subsequent review.

Cambridgeshire Constabulary appeared to have a good working relationship with the Designated Premises Supervisor and the Sub-committee hoped that this would continue going forward and a continuation of dialogue was expected between the parties, not only to resolve any issues but to continue and progress the objectives of Operation CAN-Do which were being promoted within the area.

Any Responsible Authority or Other Person, who made relevant representation within the statutory period, could appeal this decision to the Peterborough Magistrates Court, within 21 days of the date of the decision.

Chairman  
9.30am – 11.00am

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