

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on 7 January 2013

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	Councillor Peach and Councillor Saltmarsh declared that they knew Mr Langford Smith, the Applicant's Representative, however this would in no way affect their decision.
3. Application	New Premises Licence – 86-88 Star Road, Peterborough, PE1 5HQ
3.1 Application Reference	066073
3.2 Sub-Committee Members	Councillor Peach (Chairman) Councillor Saltmarsh Councillor Harrington
3.3 Officers	Terri Martin, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Gemma George, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Hakan Tas
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Application for a new premises licence.</p> <p>The premises were currently closed and had previously been a licensed bookmakers.</p> <p><u>Authorisations and Times Applied For</u></p> <ul style="list-style-type: none"> • Sale of Alcohol for Consumption off the premises Monday to Sunday 10.00am to 22.00pm • Hours premises are open to the public Monday to Saturday 08.00am to 22.00pm Sunday 09.00am to 22.00pm <p><u>Summary of New Premises Application</u></p> <p>The application had been submitted to the Licensing Authority on 7 November 2012 and had been forwarded to the required Responsible Authorities by the Licensing Department in accordance with the regulations and Section 8.24 of Guidance.</p> <p>Representations had been received from Cambridgeshire Constabulary and Trading Standards in their capacity as Responsible Authorities.</p>

	<p>Mediation had taken place between the Applicant's Representative and Trading Standards and both parties had agreed to the addition of conditions to the operating schedule if the premises licence was granted. These additional conditions were detailed within the Sub-Committee report.</p> <p>Further representations from 'Other Persons' had been received as follows:</p> <ul style="list-style-type: none"> • Three Ward Councillors; • A local resident's association, along with a petition containing 22 signatures; • The Islamic Community Centre, along with a petition containing 223 signatures; • A young local resident, along with a petition containing 12 signatures; • A local business, along with a petition containing 231 signatures; and • Three further letters of representation from local residents. <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> • The potential to increase and exacerbate existing alcohol related incidents of anti-social behaviour, public nuisance and crime and disorder in the area; • The potential to increase existing litter issues; • Concerns that the premises would attract loitering of persons outside, which would result in intimidation of residents and the fear of crime; • The premises was not appropriate for the locality due to the proximity of vulnerable persons, with two warden controlled retirement complexes, pre-school nursery and mainly residential properties; and • The alleged social spectrum for the area, which had a high dependency on alcohol with drunken persons walking the streets. <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. In accordance with Section 10.9 and 10.11 of the Guidance, these conditions were to be interpreted into enforceable conditions and only those appropriate and proportionate for the promotion of the Licensing Objectives would be included within the Operating Schedule.</p>
<p>3.6 Licensing Objective(s) under which representations were made</p>	<p>1. The Prevention of Crime and Disorder 2. The Prevention of Public Nuisance 3. The Protection of Children from Harm 4. Public Safety</p>
<p>3.7 Parties/Representatives and witnesses present</p>	<p><u>Applicant / Applicant's Representative</u></p> <p>Mr Haken Tas, the Applicant, who was represented by Mr Langford Smith.</p> <p><u>Responsible Authorities</u></p> <p>PC Grahame Robinson, who presented the case on behalf of Cambridgeshire Constabulary.</p>

	<p><u>Other Persons</u></p> <p>Councillor Marion Todd, Councillor Nabil Shabbir and Councillor Jo Johnson, East Ward Councillors.</p> <p>Mr Abbas Walji, President of the Husaini Islamic Centre.</p> <p>Mr Ashwani Sharma, Mr Varun Sharma and Mr James Mason, Star Road Off Licence.</p> <p>Mr Hutchings, on behalf of Mrs Hutchings, a local resident.</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 to be determined by the Sub-Committee.</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.</p> <p><u>Applicant / Applicant's Representative</u></p> <p>Mr Langford Smith addressed the Sub-Committee, on behalf of the Applicant. The key points highlighted in his address, and following questions from the Sub-Committee and Other Persons, were as follows:</p> <ul style="list-style-type: none"> • The objections made seemed to relate to the opening of another shop, rather than specifically to the sale of alcohol; • Littering could not be attributed to a specific premises; • Alcohol was not the catalyst for all anti-social behaviour; • The Applicant had no issues with the proposed conditions as detailed within the representation received from Cambridgeshire Constabulary; • The store would be a good amenity for local residents; • It appeared to be fashionable to blame alcohol for certain issues; • The name of the store had yet to be confirmed; • Anti-social behaviour issues tended to be more prevalent within high density areas. <p><u>Responsible Authorities – Cambridgeshire Constabulary</u></p> <p>PC Grahame Robinson addressed the Sub-Committee and provided an overview of the points raised within the representation submitted by Cambridgeshire Constabulary. The key points highlighted during his address, and following questions from the Sub-Committee, were as follows:</p> <ul style="list-style-type: none"> • Cambridgeshire Constabulary were not wholly opposed to the application, however the representation detailed a number of suggested conditions; • The conditions outlined within the representation had been verbally accepted by the Applicant; • The Applicant was known to PC Robinson and he was satisfied that he was qualified and suitable to run the venue; • Following a postcode search, since June 2012 there had been nine recorded crimes, one of which related to Star Road, and 12 recorded incidents, two of which related to Star Road;

- None of the nine crimes recorded related to alcohol;
- Residents needed to report incidents to the Police.

Other Persons – Councillor Marion Todd

Councillor Marion Todd addressed the Sub-Committee and the key points raised were as follows:

- The area was a drug and alcohol hotspot;
- Although not all incidents were reported, Councillor Todd received complaint calls on a regular basis;
- The area had a high density of population, unemployment and deprivation;
- Introducing another licensed premises into the area would exacerbate the issues already being experienced;
- There were a number of licensed premises already selling alcohol in the area;
- There were a number of retirement homes in the area and the residents already felt threatened on occasions.

Other Persons – Councillor Nabil Shabbir

Councillor Nabil Shabbir addressed the Sub-Committee and the key points raised were as follows:

- The postcode crime search undertaken by the Police only covered a very small area, therefore nine incidents was quite high;
- There had been a number of distraction burglaries at Rutland Court;
- The area was a Police Panel priority area;
- There was a large amount of anti-social behaviour in East Ward;
- People living in the area were afraid to report incidents for fear of reprisal;
- CCTV located within a shop would not help combat street drinking;
- The Applicant's other licensed premises had overflowing bins and beer bottles strewn around the premises.

Other Persons – Councillor Jo Johnson

Councillor Jo Johnson addressed the Sub-Committee and reiterated the comments made by her fellow Ward Councillors.

Other Persons – Mr Abbas Walji

Mr Abbas Walji addressed the Sub-Committee on behalf of all the members of the Hasaini Islamic Centre and the key points raised were as follows:

- Eastgate was a somewhat deprived residential area of Peterborough;
- The introduction of another licensed premises would go towards removing any good work that was being undertaken and would lead to further deprivation;
- There were four shops located within walking distance of the application site, one of which was almost directly opposite;
- The application would bring the wrong type of people to the area and would encourage further loitering, blocking footpaths and

- creating an intimidating scenario for local residents;
- Fighting, vomiting and urinating were a common occurrence in the vicinity of the other licensed premises;
- The proposed application was located next to a bus stop. People standing at the bus stop would feel vulnerable;
- For many users of the Islamic Centre, walking from the Kesteven Walk side of Star Road was the only viable option for them. Children and women had been verbally abused in the past using this route;
- Refusing the licence would ensure no further threats to community safety and would go towards preventing further public nuisance;
- Bottles and cans littered the area already;
- The premises would increase the amount of traffic along the road;
- People had been seen drinking in the street on numerous occasions;
- The strength of feeling throughout the community was strongly against this application, hence the number of representations submitted against it;
- Peterborough was placed 37th from bottom on a list of 151 PCTs in relation to alcohol abuse;
- Peterborough City Council needed to promote its Alcohol Reduction Strategy by not easily promoting the opening of great numbers of licensed premises.

Other Persons

The remaining Other Persons present who had made representation were asked in turn by the Chairman if they had anything they wished to say.

There were no further points made by any of the remaining Other Persons present.

Councillor Harrington addressed the meeting and asked if there were any local residents present who had experienced issues they felt related specifically to alcohol.

A number of local residents addressed the Sub-Committee and the key points highlighted were as follows:

- There was rubbish dropped everywhere, as well as needles;
- Drunk people had jumped into local residents gardens;
- Local residents were too scared to go out due to the amount of street drinking;
- Local residents did not permit their children to go out in the evenings;
- A number of resident's cars had been damaged.

Summing Up

All parties were given the opportunity to summarise their submissions.

Responsible Authority – Cambridgeshire Constabulary

PC Grahame Robinson stated that he was concerned to hear about the levels of anti-social behaviour in the area and even more concerned that this was not being reported. Further links would be made with Inspector Dominic Glazebrook, the East Community Inspector, and PC Robinson

	<p>was aware of how hard the neighbourhood policing teams worked alongside the local communities.</p> <p>It was unfortunate in this case that there was no credible evidence available to PC Robinson to oppose the application in its entirety and to recommend refusal of the application in accordance with the Licensing Act, however relevant conditions had been requested, and subsequently agreed for inclusion within the operating schedule by the Applicant.</p> <p><u>Other Persons</u></p> <p>Councillor Todd stated that the local PCSO had not been made aware of the application, had she been, the representation received against the application from Cambridgeshire Constabulary may have been somewhat different.</p> <p>Councillor Shabbir stated that there was only one PCSO servicing the area and granting the application would go towards increasing anti-social behaviour.</p> <p>Mr Abbas Walji stated that the Police check, undertaken on one particular postcode, had not covered the majority of the area. If a further check was undertaken, with an expanded radius, it would most likely highlight an increase in incidents.</p> <p><u>Applicant / Applicant's Representative</u></p> <p>Mr Smith stated that the Applicant was readily prepared to comply with any conditions placed onto the operating schedule and there was no reason to believe that a further licensed premise would increase anti-social behaviour in the area.</p>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><u>Applicant / Applicant's Representative</u></p> <p>Consideration was given to the application submitted by Mr Hakan Tas and the proposed conditions under the Licensing Objectives, including those proposed by Trading Standards.</p> <p><u>Responsible Authorities</u></p> <p>Consideration was given to the representation submitted by Cambridgeshire Constabulary as a Responsible Authority, including the 15 recommended conditions relating to the four Licensing Objectives, as subsequently agreed for inclusion within the operating schedule by the Applicant.</p> <p><u>Other Persons</u></p> <p>Consideration was given to the following:</p> <ul style="list-style-type: none"> • The representations submitted by the three East Ward Councillors; • The representation submitted by Rutland Residents Association and the attached petition; • The representation received from the President of the Husaini Islamic Centre and the attached petition; • The representation and petition submitted by Ali Kanji, a young local resident;

	<ul style="list-style-type: none"> • The representation submitted by Mr Ashwani Sharma, the owner of Star Road Off Licence, and the attached petition; • The representations submitted by three further local residents.
3.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the granting of a new premises licence application would be detrimental to the 'Protection of Children from Harm' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the granting of a new premises licence application would be detrimental to 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 of the representations and verbal submissions made in relation to it. The Sub-Committee also considered all of the various options available, those being:</p> <ul style="list-style-type: none"> • Not to grant the premises licence; • To grant the premises licence with additional conditions and/or a reduction in hours; and • To grant the premises licence as applied for. <p>During its deliberations, the Sub-Committee noted that those representations received against the application were mainly concerned with the potential for an increase in alcohol related anti-social behaviour and in anti-social behaviour generally; the intimidation of the general public by those intoxicated through alcohol; an increase in alcohol related crime and an increase in alcohol related litter.</p> <p>It was further noted that Cambridgeshire Constabulary had not sought refusal of the licence, but rather the grant of the licence with certain conditions attached to the operating schedule.</p> <p>The Trading Standards Department of Peterborough City Council had objected to the granting of the licence, but had withdrawn this objection following successful mediation in the form of additional conditions attached to the operating schedule.</p> <p>The Sub-Committee was concerned with the limited number of crime reports which had been forwarded in connection with the limited postcode area searched by the Police. The community at large had expressed that a large number of alcohol related incidents had been reported to the Police outside of the immediate area of this postcode, or had gone unreported generally.</p>

The Sub-Committee considered that any proposed conditions attached to the licence would not alleviate the fears and concerns of the community and the Sub-Committee was extremely concerned with the increase in alcohol consumption and the detrimental effect on the community at large.

The Sub-Committee was therefore in agreement in its support of the community. The granting of another premises licence in the area would give rise to negative cumulative impact on one or more of the Licensing Objectives, those being 'The Prevention of Crime and Disorder', 'The Protection of Children from Harm', 'The Prevention of Public Nuisance' and 'Public Safety'. This was in line with Peterborough City Council's Statement of Licensing Policy at Paragraph 11.6 and Paragraph 13.32 of the Government Guidance.

Decision

The decision of the Licensing Act 2003 Sub-Committee was therefore to refuse the application outright.

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
13.30pm – 15.55pm