

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Monday, 13 January 2015

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	Little Europe, 715 Lincoln Road, Peterborough, PE1 3HD
3.1 Application Reference	070476
3.2 Sub-Committee Members	Councillor (Chairman) Thacker Councillor Hiller Councillor Casey
3.3 Officers	Terri Martin, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Philippa Turvey, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Aidas Meckauskas
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 <p style="margin-left: 40px;">Monday to Saturday 09.00 to 21.00 Sunday 10.00 to 20.00</p> <ul style="list-style-type: none"> • Hours premises are open to the public <p style="margin-left: 40px;">Monday to Saturday 09.00 to 21.00 Sunday 10.00 to 20.00</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 Little Europe, 715 Lincoln Road, Peterborough, PE1 3HD, which had attracted representations from a Responsible Authority, a Ward Councillor, a Councillor and Millfield and New England Regeneration Project (MANERP), 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"> • Application falls within the Cumulative Impact Area, an area identified

	<p>within the Councils Statement of Licensing Policy as already saturated with licensed premises.</p> <ul style="list-style-type: none"> • Area suffers with a high level of anti-social behaviour fuelled by alcohol, which could be exacerbated by another off licensed premises. • Evidence does still exist of a negative impact caused by alcohol within the area, e.g. street drinking, alcoholism and domestic violence. • High level of crime in the vicinity. • The proposed DPS (Designated Premises Supervisor) is already responsible for other licensed premises, suggest another DPS for this premises if the licence is granted. • Proposed extra conditions, if the licence is granted in relation to single and double vessels of alcohol above 6.5 abv (alcohol by volume) and public liability insurance. <p>A summary of the issues raised by persons supporting the application included:</p> <ul style="list-style-type: none"> • Alleged consumption of alcohol in the area is declining due to closure of on-licensed premises • Area improvements by various agencies mean that the problems historically experienced in the direct locality are declining. <p>The premises is located away from the high concentration area of Can Do.</p>
<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, Mr Aidas Meckauskas, and the Applicant's Representatives, Mr Daniel Oscroft.</p> <p><u>Responsible Authorities</u></p> <p>PC Grahame Robinson, Cambridgeshire Constabulary</p> <p><u>Ward Councillors</u></p> <p>Councillor Swift</p> <p><u>Other Persons</u></p> <p>Councillor Shearman</p> <p>Brian Gascoyne, MANERP</p>
<p>3.8 Pre-hearing considerations and any decisions taken by</p>	<p>There were no pre-hearing considerations.</p>

the Sub-Committee relating to ancillary matters	
3.9 Oral representations	<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 were the opening times applied for and the representations received. The Regulatory Officer clarified that the 715 Lincoln Road was situated near to 'Alexander Trading', an off licensed premises, 'The Crown Inn', a on and off licensed premises, 'Lithuanian Food', an off licensed premises and, further away, a mini-mart on Thistle Moor Road.</p> <p><u>Responsible Authorities – Cambridgeshire Constabulary</u></p> <p>PC Grahame Robinson addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> • The representation from Cambridgeshire Constabulary was comparatively neutral. • The applicant currently run a Russian restaurant on Broadway and had previously run a store on Lincoln Road. • There were no current concerns with the applicant, who operated his premises well. • Any concerns of the police in relation to the Cumulative Impact area were not considered to be relevant to the application location. <p><u>Other Persons – Councillor Shearman</u></p> <p>Councillor Shearman addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> • Councillor Shearman was in attendance as a local Councillor and as the Secretary of the Victoria Park Residents' Association. • The residents he represented were opposed to any further premises licences in the 'Op Can Do' area, as they had a knock on affect in Park Ward. • The local area had a high number of licensed premises and high crime levels had been recorded. • The main concern of those living locally was what happened to customers after they left the premises. • In October, in the area PE1 3HD, 475 crimes had been recorded. 165 of these were anti-social behaviour, 74 of these were violent in nature. A comparable number had been recorded for November. • Although these had not been recorded as resulting from alcohol, it was the case that street drinking, alcoholism and domestic violence were often as a result of alcohol. • Councillor Shearman did not agree with the assertion that crime had reduced in the area by up to 90%. <p>PC Grahame Robinson explained, in response to questions from the Sub-Committee, that often crime statistics from sources such as 'Police UK' were not reliable. He had carried out a search on the same area and had not found any record of crimes linked directly to alcohol consumption. There was a option to tag 'alcohol' when recording crime statistics.</p> <p><u>Other Persons – Brian Gascoyne, MANERP</u></p>

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

- Mr Gascoyne's understanding of the Cumulative Impact Area was that applicants were required to prove a need for further premises licences. There was no need.
- There had been no changes in the area with regard to alcohol related crimes and anti-social behaviour.
- In 2002 the Millfield and New England Regeneration Area had 16 off licenced outlets. In 2015 there was 71 outlets.
- The Millfield area was overrun with off licences, it was suggested that this should not be extended to the northern section of the Cumulative Impact Area as well.

The Regulatory Officer advised the Sub-Committee that the 'need' for a premises licence was not something that could be taken into consideration when deciding whether to grant the premises licence or not.

Applicant's Representative

Mr Daniel Oscroft addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- The applicant understood the opposition attracted by his application, however believed that the application would not add to the cumulative impact in the area.
- It was considered unfair to rely on statistics where the source was not set. The area referred to in relation to statistics was wide ranging and could include hot spots unrelated to the vicinity of the application premises.
- The premises would not primarily function as an off licence. The store small in size and would mainly sell goods other than alcohol.
- The opening hours proposed were less than those of the surrounding premises.
- The premises was located a significant distance away from the more densely licensed area in the 'Op Can Do' zone.
- Cambridgeshire Constabulary had proposed several additional conditions within their representations, should a premises licence be granted. The applicant was happy to include conditions 15 and 17 in his application, subject to the alteration of the word 'measures' to 'vessels'.
- Other than these additions, the proposed conditions reflected the conditions already submitted by the applicant.
- Concern had been raised in relation to the application holding the position of DPS, as they also did for a number of premises.
- As such, it was proposed that an alternative DPS could be found. Two alternative candidates had been found and the proposal accepted, in principal, by the police.
- It was considered that there was no real objection from the police and the applicant would not attract problems to the area.

Ward Councillors – Councillor Swift

	<p>Councillor Swift, Ward Councillor, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> • This was the first time Councillor Swift had supported an application for a premises licence. • A significant number of public houses had disappeared from the area surrounding the application premises. The one remaining public house operated at 50% fewer house than it had done in the past. • The high level of off-licence saturation was within the Millfield area, not the area of this application. • The character of the area had changed. There were no problems with anti-social behaviour or high levels of crime. • The hours applied for by the applicant would not have any additional impact on the area. • Customers should be able to undertake all their shopping in one trip. • It was Councillor Swift's understanding that permission had been given to a superstore in the vicinity. The difference in impact between that and this application was unclear.
<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 a Responsible Authority.</p> <p><u>Ward Councillors</u></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from Councillor Swift, Ward Councillor.</p> <p><u>Other Persons</u></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from Councillor Shearman and from Brian Gascoyne, MANERP.</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	<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>In deliberations the Sub-Committee considered:</p> <ul style="list-style-type: none"> - The Council’s own Statement of Licensing Policy at paragraph 11, - The Government guidance at paragraph 13.29 and 13.30, - The representation from the Police and from the Licensing Authority, and - The operating schedule within the application. <p>The options available to them were:</p> <ul style="list-style-type: none"> - To grant this licence as applied for, - To grant with additional conditions, or - To reject the application. <p>The Sub-Committee believed that to grant the licence would further add to the cumulative impact within the ‘Op Can Do’ area and would undermine the promotion of the licensing objectives, during the times applied for, for the sale of alcohol.</p> <p>The Cumulative Impact Area was already saturated with such premises and the ‘Op Can Do’ initiative was making progress, and the granting of this licence would impact on the northern area of the cumulative impact policy.</p> <p>The Sub-Committee therefore, decided to refuse the application for a licence for the premises, known as Little Europe, 715 Lincoln Road, Peterborough.</p> <p>The Sub-Committee advised that any party in objection to the decision could appeal to the Peterborough Magistrates Court within 21 days of receiving the formal decision notice.</p>

Chairman Cllr Thacker M.B.E
Start 1:30pm – End 3:15pm