

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on 1, April 2015

RECORD OF DECISION

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Application of Premises Licence – Ryllass Ltd, 489A Lincoln Road, Peterborough, PE1 2PE
3.1 Application Reference	MAU 070898
3.2 Sub-Committee Members	Councillor Thacker (Chairman) Councillor Hiller Councillor Davidson
3.3 Officers	Terri Martin , Regulatory Officer – Licensing Nigel Joseph , Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy , Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Ryllass Ltd, 489A Lincoln Road, Peterborough, PE1 2PE
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Application for a new premises licence.</p> <p>Authorisations and Times Applied for:</p> <ul style="list-style-type: none"> • Sale of alcohol for consumption off the premises Monday to Sunday 10.00 to 22.00 • Hours premises are open to the public Monday to Sunday 10.00 to 22.00 <p>Authorisations and Times Applied for after mediation</p> <ul style="list-style-type: none"> • Sale of alcohol for consumption off the premises Monday to Sunday 10.00 to 18.00 <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 Ryllass Ltd, 489A Lincoln Road, Peterborough, PE1 2PE, which had attracted representations in objection to</p>

	<p>the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> • The application fell within the Cumulative Impact (CI) Area, an area identified within the Councils Statement of Licensing Policy as already saturated with licensed premises; • A further off licence was likely to add to the existing crime and anti-social behaviour fuelled by alcohol in the area, which had been subject to a significant concentration of licensed premises; • Evidence exists of the negative impact on the licensing objectives caused by alcohol, and the ease and availability of low cost alcohol which was purchased and abused in the locality; and • The application did not address the CI policy and did not demonstrate that it would not contribute towards issues already experienced.
<p>3.6 Licensing Objective(s) under which representations were made</p>	<p>1. The Prevention of Crime and Disorder; 2. The Protection of Children from Harm; 3. The Prevention of Public Nuisance; and 4. The Protection of Public Safety.</p>
<p>3.7 Parties/Representatives and witnesses present</p>	<p><u>Applicant / Responsible 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>PC Grahame Robinson, who was present on behalf of Cambridgeshire Constabulary.</p> <p><u>Other Persons</u></p> <p>Brian Gascoyne, who was present on behalf of Millfield and New England Regeneration Partnership (MANERP).</p> <p><u>Applicant/Representative</u></p> <p>Mr Matas Bagociunas, the Applicant was in attendance and the Applicant's representative, Simon Milburn.</p>
<p>3.8 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's Representative</u></p> <p>The Applicant's representative Mr Simon Milburn 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 Applicant had opened a small groceries store, which offered organic products; • There had been a two year lease taken out by the Applicant; • Due to the niche market of products offered, the Applicant's business

had been slower than preferred;

- The application was not aimed to offer the sale of cheap alcohol;
- The Applicant had submitted the application in ignorance of the Cumulative Impact Area) CIA;
- The Applicant was fully aware and understood the issues highlighted within the representations;
- There had been two premises licence applications made in the area since 2013 for the sale of alcohol;
- The Applicant was mindful of the Licensing Objectives;
- The Applicant had reconsidered his application and had submitted a number of additional proposals on the licensing restrictions included within Appendix 1;
- The Applicant had taken on board the suggested additional conditions submitted by the Cambridgeshire Constabulary at Appendix 1 and had offered further enhancements such as the non-refrigeration of alcohol products and the storage of CCTV discs in a safe;
- The applicant wished to provide an all-round organic service, the sale of alcohol was intended to provide a boost to sales. However, a limited range of alcohol products would be made available, but would not necessarily be of organic origin;
- The condition in terms of the sale volume restrictions for alcohol was intended to deter customers that wished to purchase more than one single vessel;
- The applicant had undertaken a number of refurbishments to the premises and wished to see through his investment despite the two year lease remaining on the premises; and
- The applicant could not stop regular drinkers of the nearby park frequenting the Ryllass premises, however, he was fully aware of his responsibility under the licensing law and understood that the sale of alcohol would be scrutinised.

Responsible Authority – Cambridgeshire Constabulary

- Recent crime statistics had reduced in the area and was anticipated to continue to fall due to the Community Impact Policy in place and Operation Can-Do;
- In light of the amended conditions put forward by the Applicant, the responsible authority had nothing further to add to their representation and would probably not have objected to the application;
- There were two premises, Mini Market and Hypermarket on Lincoln Road, which had been granted licences within the area, which had not contributed to the Cumulative Impact issues; and
- The enhanced conditions put forward by the Applicant had satisfied the Police that there were robust measures to grant the licence.

Other Persons – Mr Gascoyne

- Recent Anti-Social Behaviour (ASB) reports with regards to the park had raised concerns for MANERP;
- The Applicant had indicated that he would be in control of the business on a long-term basis which was positive; and
- In light of the Cambridgeshire Constabulary reconsidered representation, MANERP was mindful to withdraw the representation

	<p>made subject to the implementation of the stated conditions.</p> <p><u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions and included the following:</p> <ul style="list-style-type: none"> • Mr Milburn reiterated that the Applicant would not sell single or double vessels of Alcohol; and • Given the Applicant's apparent financial commitment, he intended to strive to run a successful business despite the two year lease; and • PC Grahame Robinson commented that the submission of additional conditions by the Applicant was encouraging and would remain in place for any new premises holder, should the licence be granted.
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><u>Applicant</u></p> <p>Consideration was given to the Application from Mr Matas Bagociunas and the additional conditions attached to the Sub-Committee report.</p> <p><u>Responsible Authorities</u></p> <p>Consideration was given to the written submissions and conditions attached to the Sub-Committee report from Cambridgeshire Constabulary.</p> <p><u>Other Persons</u></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from Mr Gasgoyne (MANERP).</p>
<p>3.11 Facts/Issues in dispute</p>	<p><u>Issue 1</u></p> <p>Whether the application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the application would further support 'Public Safety' Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p>
<p>4. Decision</p>	<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>

During its deliberations, the Sub-Committee considered the various options available, including:

- Decide to grant the licence in the same terms as it was applied for;
- Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives);
- Exclude from the scope of the licence a licensable activity; and
- Decide to refuse to grant the licence.

The Sub-Committee also gave consideration to the additional conditions submitted by the Applicant, Mr Bagociunas to compliment his original application, in addition to the Pollution Control Conditions agreed.

In addition, the Applicant, also agreed to accept all of the Police conditions submitted within their representation with the addition of:

- I. Recording equipment and discs would be stored in a safe;
- II. A specific wholesale supplier, would be utilised for the purchase of alcohol stock;
- III. A limited range of alcohol would be provided;
- IV. Would not sell any beer, larger or cider above 6.5% abv;
- V. There would not be sale of refrigerated alcohol whatsoever;
- VI. That alcohol would be kept behind the service counter;
- VII. Alcohol would be covered up outside of the sale of alcohol time restrictions;
- VIII. No special offers on the sale of alcohol would be provided;
- IX. There would be no shop frontage advertisement of the sale of alcohol products; and
- X. The sale of alcohol would to be restricted to 10:00am to 6:00pm to replace the original application times of 10:00am to 10:00pm.

The Sub-Committee has also placed great emphasis to a more positive attitude to the application from both the Police and MANERP in light of the additional conditions offered by the Applicant, with MANERP expressly withdrawing their objection and the apparent withdrawal of the Police objection.

The Sub-Committee noted and listened carefully to the representations made to the Committee and considered para 11.5, 11.6 and 11.7 of the Council's special policy with regard to Cumulative effect. The Sub-Committee agreed that granting this licence subject to the specified conditions would not add to the Cumulative Impact on the Licensing Objectives and therefore agreed to GRANT the licence for the premises, known as Ryllass Ltd, 489A Lincoln Road, Peterborough, PE1 2PE subject to the conditions at Appendix 1.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:

Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel No. 0845 3100575. There is a fee to pay.

Chairman - Start 1:30pm – Finish 3:30pm

Cambridgeshire Police Conditions:

The Prevention of Crime and Disorder

1. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions in particular facial recognition. Cameras shall encompass all entrances and exits to the premises, fire exits and all area where the sale / supply of alcohol occur. A camera will be positioned outside the premises covering the shop frontage.
2. CCTV equipment must be maintained in good working order, be correctly time and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 28 days.
3. The Premises License Holder must ensure at all times a Designated Premises Supervisor or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format and hand this footage over to the Police / Local Authority on demand.
4. The recording equipment and discs / usb pen drives shall be kept in a secure environment under the control of the DPS or other responsible named individual.
5. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings of the system actions taken are to be recorded.
6. In the event of a technical failure of the CCTV equipment the Premises License Holder / Designated Premises Supervisor must report the failure to the Police or local authority immediately.
7. 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.
8. 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 on-going training to prevent underage sales (Challenge 25) should be recorded in a written format and be available to an authorised officer upon demand.
9. A refusals log will be maintained on a daily basis recording all refused attempted purchases of alcohol.
10. No alcoholic drinks will be purchased by the store owners or staff from sellers calling at the store.
11. All invoices (originals or copies) for all alcoholic goods for retail sale on the premises will be kept at the licensed premises and made available to Police, Council and HMRC Officers upon request.
12. A strict stock control system will be introduced so that the licensee can quickly identify where and when alcoholic drinks have been purchased.

13. 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.
14. 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.
15. No single or double vessels of Beer, Lager or Cider above 6.5% Abv (alcohol content) will be offered for sale in the premises.

Promote Public Safety

16. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
17. Valid Public liability Insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request.
18. No person will be allowed to enter or leave the licensed premises (as defined by the plan) with an open vessel of alcohol and the licensee will actively discourage and prevent anyone congregating or drinking outside the premises.

The Protection of Children from Harm

19. Signage will be prominently placed within the premises advertising the fact that the premises operate the 'Challenge 25' initiative.
20. Any person selling or supplying alcoholic drink under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to believe that the individual may be less than 21 years of age.
21. A refusal log will be accurately maintained on every refusal made in relation to the attempted purchase of alcohol by a juvenile or intoxicated person.

Peterborough City Council – Pollution Control Conditions:

1. Music played at the premises shall be background only - For the purposes of this condition, 'background' means music that is inconspicuous i.e. it is possible to hold a conversation at normal volume with the music playing.
2. Disposal of waste bottles into external receptacles where noise will be audible to neighbouring properties must not occur between 23:00 and 07:00 hours.
3. Arrangements must be in place to ensure that waste collection contractors do not collect refuse between 23:00 and 07:00 hours.
4. An adequate number of suitable (lidded) receptacles shall be provided to receive and store refuse from the premises/site.

The Applicant's Supplementary Conditions:

1. The premises is monitored by CCTV internally and externally. All recordings are available on request for 30 days;

2. The premises licence holder will be on duty at the premises at most times that the premises are open to the public;
3. Internal and external lighting fixed to promote the public safety objective;
4. Customers will be asked not to stand around loudly talking in the street outside the premises. Customers will not be admitted to premises above opening hours;
5. All employees of the premises will receive initial and regular six monthly refresher training by the premises licence holder with regards to the conditions attached to the premises licence and the law in relation to the Licensing Act 2003. All training will be recorded and up to date training records of all training given and by/to whom, will be maintained at the premises and produced and made available for immediate inspection upon request;
6. Any incidents of crime and disorder will be recorded in an incident register which will be produced and made available for immediate inspection upon request by the Police;
7. No persons will be allowed to enter or remain on the premises if they are displaying any signs of drunkenness through speech, manner or tone, or their disposition or steadiness on their feet;
8. Any persons who appear to be under the age of 25 will be challenged to produce identification prior to being allowed to purchase alcohol. The only acceptable forms of customer identification will be a valid passport, valid photo ID driving licence or a PASS approved document; and
9. Challenge 25 is in operation and will be displayed inside the premises, at the main entrance to the premises and through any advertising, any literature, notices or websites promoting the premises.

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