

Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on 15, May 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	New Premises Licence – Co-operative Food, (formerly Texaco Petrol Filling Station), Oundle Road, Peterborough, PE2 7DF
3.1 Application Reference	MAU 071103
3.2 Sub-Committee Members	Councillor Thacker MBE (Chairman) Councillor Hiller Councillor Jamil
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Co-operative Group Food Ltd
3.5 Nature of Application	<p><u>Application Type</u></p> <p>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 06.00 to 23.00 • Hours premises are open to the public • Not declared on application <p><u>Summary of Review Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a premises licence from the Co-operative Group Food Ltd, a Responsible Authority, the licensing authority was required to hold a hearing.</p> <p>Representations in objection to the application had been raised by ‘Other Persons’.</p> <p>A summary of the issues raised within the representations included:</p>

	<ul style="list-style-type: none"> • Residents believed that granting an alcohol licence in the residential area and near to a children’s play area would lead to street drinking and associated anti-social behaviour; • If a licence was granted there would be an increase in alcohol related incidents which the overstretched Police resources would have to deal with; and • An increase in littering in the vicinity of the premises.
<p>3.6 Licensing Objective(s) under which representations were made</p>	<ol style="list-style-type: none"> 1. The Prevention of Nuisance; 2. The Protection of Children from Harm; 3. The Protection of Public Safety; and 4. The Prevention of Crime and Disorder.
<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>Licensee / Representative</u></p> <p>Members of the Co-operative Group, the Applicant were in attendance. The Applicant was represented by Richard Arnot.</p> <p><u>Ward Councillor</u></p> <p>The Ward Councillor, who was present to represent residents.</p>
<p>3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p>	<p>A late request had been received from a Ward Councillor, North to be permitted to address the Sub-Committee.</p> <p>The Sub-Committee, agreed to permit Councillor North to speak.</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’s Representative</u></p> <p>Richard Arnot, the Applicant’s representative 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 Co-operative Group Food Ltd (Co-op) was the fifth largest retailer in the country with 8.2m members; • The former Texaco Garage site was currently in a dishevelled state; • The alcohol sale turnover for Co-op stores nationally was 15% which was considered low; • The Applicant did not intend to become a dedicated Off Licence; • Robust policies were in place for employee training and safeguarding during the purchase of alcohol from any Co-op store; • Each Co-op store employed a risk manager who would be trained to safeguard the community and mitigate any issues should they arise from the sale of alcohol; • An example was provided on how the Co-op training system was

delivered to employees new and existing and the length of the course undertaken;

- Co-op employees training included the provision of information on age restricted products and exams undertaken, which was complemented by a buddy system;
- Each Co-op employee was allocated a unique identification number in order to log onto the till cashier system, which also restricted the sale of alcohol by those competent to do so;
- A sale of alcohol refresher training course with exams were undertaken by Co-op employees on an annual basis;
- Internal and external CCTV cameras had been proposed within the Applicant's conditions;
- There was a scan and barcode system installed on cashier tills to remind employees of the alcohol licence responsibility;
- The employee unique identification number provided information about how each sale of alcohol had been applied despite a customer's age. The information would be checked on a regular basis by the Co-op Store Manager;
- The Co-op store would hold an electronic refusals register, which would hold information about whether a store had experienced any issues related to the sale of alcohol;
- Beers and wines would be stored to the back left hand side of the shop with spirits located behind the sales counter to deter shoplifters;
- There would be five personal licence holders out of 20 employees, with at least one always present on site;
- The Committee would be made aware of any systemic failure;
- If the Co-op store presence was to cause intimidation in the area, the Co-op group would relocate the business;
- In terms of the proposed sale of alcohol times between 6am – 11:00pm, the Co-op Group were mindful of the Secretary of State guidance, which advised that sales should be available at shop opening times, which was why the Coop had applied for the specified hours;
- The Police held no objection to the application;
- The only objections received against the application were from two local residents;
- The Coop were aware of the risk of rigorous prosecutions in place under licensing legislation;
- The issues highlighted by the two representatives were historic and could not be attributed to the Co-op;
- The Co-op did not intend to sell fast food;
- The Co-op would provide litter bins;
- The nearby school had not objected to the application;
- It was anticipated that 16 year olds would not want to frequent a camera intensive and illuminated shop front;
- The Co-op was aware that the statement made with regards to the volume of shops within the area was not a licensing consideration;
- It was not known to the Co-op how other businesses operated in terms of the sale of alcohol;
- The Coop held little control in regards to whom would frequent the bus shelter;
- Advice on deliveries had been received from counsel Susanna Fitzgerald Q.C., which had detailed the relevance of the Committee's

	<p>consideration in respect of the store operation times;</p> <ul style="list-style-type: none"> • It was felt by the Co-op that residents would welcome a refurbishment of the site; and • Any complaints received from residents would be dealt with immediately by the store Risk Manager, with thefts dealt with promptly in order to avoid prosecution. <p><u>Ward Councillor</u></p> <p>Councillor North addressed the Sub-Committee. The key points raised during his address were as follows:</p> <ul style="list-style-type: none"> • A recent door knocking undertaken had ascertained local residents opinion and demonstrated that there had been in the region of 80/20 against the sale of alcohol in the area; • In the main, residents voiced concerns with regards to the safety and up keep of the green areas such as parks and had highlighted historic problems experienced with alcohol consumption with broken glass; • The underage sale measures proposed by the Co-op appeared to be reassuring, however there were concerns raised over how they would stop adults abusing the system; • A local shop's licence on Oakleigh Drive had been revoked at some point for the reasons stated. In addition an alcohol licence application had also been refused about seven years ago on Oakleigh Drive also for the reasons stated; • The community would welcomed somewhere to shop, but concerned about the sale of alcohol and drink in places where children want to play; and • The park area had benefited from no sale of alcohol for a long time. <p><u>Summing Up</u></p> <p>The Applicant's representative summarised the application and responded to points raised. In summary responses included:</p> <ul style="list-style-type: none"> • The Cooperative Group Food Ltd could not be held accountable for issues that happened ten years ago, however, they had no interest in contributing to behaviour experienced in the past; • Sales of alcohol by proxy would be dealt with by enforcement of a ban applied by the stores Risk Manager to offenders; and • If bottles, which belonged to the Coop were found in park, the Police would take action as necessary under the Licensing Act 2003.
<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>Other Persons</u></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from list other persons.</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 Public Nuisance’ 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 the ‘Protection of Public Safety’ Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the application would further support the ‘Prevention of Crime and Disorder’ 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> <p>During its deliberations, the Sub-Committee considered the various options available, including:</p> <ul style="list-style-type: none"> • 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); or • Decide to refuse to grant the licence. <p>The Sub Committee also gave consideration to the conditions (appendix 1), proposed by the applicant, which included:</p> <ul style="list-style-type: none"> • The CCTV system coverage, availability, incident logging and storage; • The premises operation of a proof of age scheme, such as a Challenge 25, • Burglar alarm system; • Panic button system for staff to utilise in the case of an emergency; • Complaints procedure arrangements, such as availability in store and upon request. • Training in relation to age restricted products and in particular the sale of alcohol; • An age cashier till prompt system will be utilised at the premises in respect of age restricted products; • A refusals register arrangement to be maintained; and • Appropriate fire safety and health and safety regulation

arrangements to be in place at the store.

The Sub Committee, was satisfied that the Applicant's operating schedule was sufficiently robust to address the concerns of the local residents who made representations.

The Sub Committee therefore GRANTED the licence for the premises, known as Co-operative Food, Oundle Road, Peterborough, PE2 7DF, as applied.

Chairman
Start 10.30 am – Finish 11.23am

APPLICANT'S PROPOSED CONDITIONS UNDER THE LICENSING OBJECTIVES:

Crime and disorder

- The premises shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.
- There shall be 'CCTV in Operation' signs prominently displayed at the premises.
- An incident log (whether kept in written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.
- The premises shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.
- The premises will be fitted with a burglar alarm system.
- The premises will be fitted with a panic button system for staff to utilise in the case of an emergency.

Prevention of Public Nuisance

- A complaints procedure will be maintained, details of which will be made available in store and upon request.

Protection of children from harm

- All staff will receive comprehensive training in relation to age restricted products and in particular the sale of alcohol. No member of staff will be permitted to sell age restricted products until such time as they have successfully completed the aforementioned training.
- An age cashier till prompt system will be utilised at the premises in respect of age restricted products.
- A refusals register (whether kept in written or electronic form) will be maintained at the premises and will be made available for inspection upon request by an authorised Officer of the Police or the Local Authority.

Public Safety

- The premises licence holder shall ensure that the appropriate fire safety and health and safety regulations are applied at the premises.

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