

Minutes of a meeting of the Licensing Act 2003 Sub Committee held at the
Town Hall, Peterborough on Monday 28 July 2008 at 9.30am

Members Present Councillors Thacker (Chairman), Morley & Swift

Officers Present Terri Martin Licensing Enforcement Officer
 Jane Bosworth Licensing Enforcement Officer
 Amy Brown Solicitor – Legal Advisor to the Committee
 Lindsay Tomlinson Clerk to the Committee

Application for a New Premises Licence – 27 Oakleigh Drive, Orton Longueville, Peterborough, PE2 7BG

During her opening statement, the Chairman advised all present of the procedure to be followed.

There were no declarations of interest and no objections were made to any of the Members of the Sub Committee taking part in the Hearing. All parties confirmed that they had received the report and the procedure.

List of speakers:

Applicant

Mrs K Kaur Applicant
Mr Desi Applicant's husband
Mr Simon Milburn Solicitor representing the applicant

Interested Parties

Cllr Sheila Scott Ward member representing a number of local residents

The Licensing Enforcement Officer informed the sub-committee that the application was for a new Premises Licence for 2 Oakleigh Drive, Orton Longueville, Peterborough made by Mrs K Kaur. The application was for opening hours of 9am to 10pm Monday to Sunday and for the sale of alcohol for consumption off the premises from 9am to 10pm Monday to Sunday.

Representations from eleven interested parties and a petition with 28 signatories had been received in respect of all four licensing objectives: Prevention of Crime & Disorder; Prevention of Public Nuisance; Protection of Children from Harm and Public Safety. No representations had been received from any Responsible Authority

Mr Milburn advised the sub-committee that the applicant's husband had run the premises as a motor spares shop for 25 years. The applicant and her family lived in the area and were therefore aware of local problems and sympathetic to local community needs. The applicant had previous experience of running an off licence and this was the reason for her applying for the licence rather than her husband. The proposed off licence would be a family run

business with the applicant and her husband being present most of the time along with other family members. Alcohol would be kept behind the counter in the shop and sales would be done personally. Strict measures would be put in place for example a challenge policy, incident book for refusals of alcohol sales, CCTV inside and outside the premises and staff training records would be kept. In response to a question Mr Milburn confirmed that Mrs Kaur would be in day-to-day control of the premises.

Councillor Scott spoke on behalf of a number of local residents who had made representation. The objections arose from the history of the site and alcohol related problems that had arisen a few years previously, for example broken glass, graffiti, drunkenness and fighting. The problems had been so serious that a Designated Public Places Order had been put in place. There were a number of elderly people living close to the premises and they were extremely worried about the effect of allowing sales of alcohol in the area.

Mr Milburn advised the sub-committee that in view of the objections and concerns of local residents the applicant was willing to reduce the hours for the sale of alcohol from 9am until 10pm to 9am until 9pm. Councillor Scott responded that she was grateful for the concession but still felt that the hours were too long.

The sub-committee retired to consider the application.

RESOLVED

The sub-committee unanimously agreed to grant the New Premises Licence subject to the hours for the sale of alcohol being limited to 10am until 2pm and 6pm until 9pm, and to the conditions as set out in the report and additional conditions imposed by the sub-committee.

The Hours of operation of this Licence would therefore be:

Hours premises are open to the public

Monday to Sunday 9.00am until 10.00pm

Sale of alcohol for consumption off the premises

Monday to Sunday 10.00am until 2.00pm
6.00pm until 9.00pm

Conditions detailed in paragraph 7 on page 3 of the committee report:

Prevention of crime and disorder

- Video / CCTV equipment shall be installed inside / outside the premises and maintained in working order.
- Video / CCTV equipment will be set to record from the time that the premises open to the public until the premises close and all members of the public have left.
- Digital images shall be retained for at least one month and shall be produced to an authorised officer on demand.
- Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.

Public safety

- A fire risk assessment conforming to the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.

The prevention of public nuisance

- Prominent, clear and legible notices at all exits shall be displayed on the premises requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

The protection of children from harm

- New staff to receive training in respect of age restricted sales and all staff to receive regular training no less than every six months and the record to be documented and made available for inspection by an authorised officer.
- The 'Challenge 21' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises.
- Signage will be prominently placed within the premises advertising the fact that the premises operate the 'Challenge 21' initiative.
- A log book will be provided for all staff to record all incidents. This book will be made available to any authorised officer upon request.

Additional conditions imposed by the sub-committee:

- Alcohol sales to be restricted to the hours of 10am to 2pm and 6pm to 9pm
- Alcohol not to be visible to the public during the hours that sales are prohibited
- Appropriate signage to be displayed within the shop to advise customers of the Designated Public Places Order

Reasons for the decision:

In making their decision and in view of the findings of fact, the sub-committee was satisfied on a balance of probability and considering all the circumstances that the proposed and additional conditions imposed were necessary and proportionate to promote and safeguard the four licensing objectives.

In coming to its decision, the Sub-Committee also had regard to Peterborough City Council's Statement of Licensing Policy and the National Guidance, in particular, those sections highlighted at paragraphs 8.2 and 8.3 of the committee report.

9.30am to 11.00am
Chairman

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