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Meeting of the Licensing Act 2003 Sub-Committee
held at the Town Hall, Peterborough on Friday, 25 November 2016

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	New Premises Licence
3.1 Application Reference	074179
3.2 Appointment of Chairman	Following a nomination, which was seconded for the position of Chairman to preside at this Panel Hearing, Councillor Hiller was duly appointed.
3.3 Sub-Committee Members	Councillor Hiller (Chairman) Councillor Saltmarsh Councillor Brown
3.4 Officers	Andrew Simons, Regulatory Officer – Licensing Nigel Joseph, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.5 Applicant	Co-operative Group Food Ltd
3.6 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 <u>on & off</u> the premises Monday to Sunday 06.00 to 23.00 • Hours premises are open to the public <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 Co-operative Group Food Ltd "Winchester Place", 80 Thorpe Road, Peterborough, PE3 6AP, which had attracted representations in objection to the application, 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"> • Residents and other parties believed that granting an alcohol licence in the residential area and near to schools and Public

	<p>Health/NHS buildings would have a detrimental effect on the persons attending, as well as leading to street drinking in the area and associated anti-social behaviour;</p> <ul style="list-style-type: none"> • If a licence was granted there would be an increase in alcohol related incidents; • An increase in littering in the vicinity of the premises; • Increased traffic in an already congested area; and • Noise from the premises affecting nearby residents.
<p>3.7 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>3.8 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's Representative</u></p> <p>The Mr Richard Arnot, who presented the case on behalf of the Co-operative Group Food Ltd "Winchester Place", 80 Thorpe Road, Peterborough, PE3 6AP.</p> <p><u>Other Persons</u></p> <p>Mark Murphy, Barry Butler, Susan Hodson S Garnish, I Garnish and Dr Izibeya Otobo who presented the case as local residents.</p>
<p>3.9 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p>	<p>There were no pre-hearing considerations.</p>
<p>3.10 Oral representations</p>	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in his/her address included the representation submitted against the application by local residents.</p> <p><u>Application's representative – Richard Arnott</u></p> <p>The applicant's representative, Richard Arnot 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-op Group Food Ltd (Co-op), were the fifth largest retailer in the country with 76,000 people employed in food, with 2000 plus stores; • The premises, Winchester Place, 80 Thorpe Road, was due to open in April 2017; • Planning permission had been granted for retail use in December 2014; • The shop was to operate as a convenience store where customers could purchase regular groceries products and alcohol; • The sale of alcohol for Co-op Group Food Ltd stores, represented

around 15% of the company turnover;

- The Co-op was not intended as a sole off licence to purchase only alcohol;
- Each Co-op store had regional risk managers who were also responsible for liaising with the statutory authority, manage relationships and the development of policies and procedures for the Co-op;
- The Co-op had a training document which included an induction process with an exam to be undertaken by staff following training;
- New members of staff would also benefit from a buddy system;
- There had been a lock down procedure applied for new staff to ensure they could apply the training on sale of alcohol. The lock down procedure would apply until staff were confident with procedures, which would typically take around four weeks to complete;
- Typically Co-op stores would install five external CCTV cameras with 21 internal cameras;
- Age prompt tills would be in operation with each product bar coded to remind staff how to apply the procedure in terms of restricted product sales;
- The Co-op operated an electronic refusals register in order to identify those underage trying to purchase alcohol. The refusals register was checked on a weekly basis by a manager;
- Challenge 25 would apply;
- A layout plan of the Co-op, had demonstrated a one way in and one way out set up, which made the store easy to supervise;
- There would be five personal license holders for the 'Winchester Place' Coop store;
- Local community champions would support communities with products donated to local causes;
- Shareholder memberships;
- The Co-operative Group Food worked to ensure that all stores operated without any issues in order to avoid legal proceedings;
- The proposed opening times were from 6am – 11pm and was a standard arrangement for most convenience stores in the UK and was in line with the secretary state guidance paragraph 10.15 and PCC licensing policy paragraph 12.7;
- The Co-operative Group Food had engaged with the local police, who had supported the application as crime had been limited in the area and had not caused them concern;
- There were no other statutory authorities in objection to the license application for Cooperative Winchester Place;
- The Cooperative Group Food had introduced robust conditions;

In response to the objections raised by local residents the Cooperative Group Food commented that:

- In relation to the comments about 'need', 13.19 of the 102 licensing guidance excluded 'need' from being a relevant licensing consideration;
- The residents could not speculate over late drinkers and behaviour as there was no evidence and the police had not raised concerns or objection;
- Litter concerns would be managed by placement of bins to ensure the store was an attractive place to visit;
- There was no evidence that 'a certain type of person' as stated by

residents within their representation, would be attracted to the store and was mere speculation;

- The traffic concerns raised regarding Thrope Road was irrelevant as this had been a planning consideration;
- Heavy litter in the area could not be apportioned to the Co-operative Food Group;
- The use of the premises as a convenience store and planning permission had been granted;
- Concerns raised in regards to location next to schools would be protected by challenge 25 and would safeguard children;
- The photo of rubbish which surrounded a nearby Cooperative Group Food store, which was located on Mayor's Walk had also been located next to a Chinese takeaway and cannot be attributed to the Coop. It had also been evident from street view that there had been rubbish within the doorway of the neighbouring Chinese takeaway and post office. The Cooperative Group Food would always clear litter from the location at the front of a shop;
- Local opposition concerns raised was not referendum on whether the Cooperative Group Food 'Winchester Place' should sell alcohol;
- The health concerns raised was not a licensing objective;
- Road access was not a licensing consideration;
- CCTV would provide control outside the Co-op shop curtilage, however, licence guidance stated that no licensee could be held responsible for issues that arose outside the shop, which had been out of their control;
- The crime and disorder concerns raised, such as mugging and burglary issues including concerns raised about Thorpe Lodge Hotel in relation to vulnerable adults, cannot be blamed on the Cooperative Group Food, as the shop was not in operation;
- Vulnerable people would not be served alcohol in a Cooperative store due to the measures that would be in place through preventatives such as challenge 25;
- There would be provision for 13 parking spaces at the Co-op store;
- The Oundle Road store, which was opened recently had received positive feedback from residents;
- It was not evident that residents that lived on Oundle Road area were selling their properties due to a Cooperative Group Food store being in operation in the area;
- The Oundle Road Co-op premises was located on an old petrol station site, which had been revitalised through the recent store construction;
- Thorpe road would continue to be decent place to live and would not change if the Co-operative Group Food convenience store was to open;
- The Cooperative Group Food would only sell good quality products;
- The Co-operative Group Food stores would locate in residential areas as this was a convenience to local residents;
- The Area Co-operative Manager had attended a positive meeting with the representatives of the City Care Centre, where the Co-op policies and procedures were discussed;
- The Co-op worked rigorously in line with policies to protect children and communities;
- A meeting had been held with the NHS Trust. Discussions that took place outlined that the service which offered mental health to children and adolescents was due to relocate to the Peterborough City Hospital (PCH). It was also highlighted that there were other stores in

operation in the area that could provide alcohol to those likely to cause issues due to misuse. In addition parking, disability access to the Winchester Place building and NHS staff discount for those that worked on the first floor of the building was discussed. The NHS Trust was satisfied with the outcome of the discussions; and

- The store would only open when all local authority requirements were in place.

Other Persons – Mark Murphy

Mark Murphy, local resident addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- Most residents present at the hearing had lived in the Thorpe Road area for a while;
- Recent advice sought from a local politician suggested that alcohol sales for convenience stores such as the Co-operative Group Food, was 30% and not 15% of turnover as suggested by the Co-operative and there had been no reason to doubt the advice provided;
- There were people with alcohol misuse issues residing in Ashfield's, which was located directly opposite the Co-operative store, Winchester Place;
- It seemed apparent that the main reason for the store closure time of 23:00 applied for, had been due to the potential sale of alcohol;
- There had been a mugging due to a late party held at the Ashfield's and opening a convenience store opposite a facility with vulnerable people could contribute to the recent incidences experienced in the area;
- Thorpe Lodge Hotel including unit 53 could possible become an outlet for alcohol sales;
- It would be difficult for the Co-op store at Winchester Place to differentiate young people that looked 18 in regards to the sale of alcohol;
- It seemed that the Co-operative Group Food was hiding behind the licensing law;
- There would be litter issues in the street as soon as the store opened;
- People commuting to London already used the Thorpe Road area for parking;
- Residents did not feel that the Co-op shop would be successful and most people that lived on Thorpe Road were elderly and would not want to purchase alcohol;
- Ashfield's currently experienced parking from staff working at the drop in centre and the Co-op would exacerbate the parking issues; and
- Concerns were raised over the highway issues of traffic as a result of housing development, schools and a drop in centre and a new Co-op convenience store; and
- Vawser Crescent and Belgravier House were nice areas to live and residents wanted to maintain that.

Other Persons – Barry Butler

Mr Barry Butler, local resident addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- It appeared that the Co-operative Group Food Limited were very dismissive of all the issues that could occur in the future particularly as a result of late night alcohol sales and litter issues;
- People would not use litter bins outside convenience stores with late night opening;
- There were already many convenience stores in the West Town area that opened until late at night and residents felt that another one was not necessary; and
- Although the Co-op store was not currently open, the litter issues could create problems in the future.

Other Persons – Sue Hudson

Sue Hudson, local resident addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:

- The Co-operative Group Food limited were very inward thinking to the store during their address;
- It could be assumed that all antisocial behaviour involved under 18 year old people hence the challenge 25 directive operated in the store. This had not been the case and it did not prevent other people from antisocial behaviour;
- There had been plans to place CCTV in store and the car park but not on Thorpe Road to prevent people creating antisocial behaviour in the area;
- Parking and volume of traffic was felt by residents to be an issue;
- Residents felt excluded from the planning process in terms of the Co-operative Group Food, Winchester Place application;
- There would be public nuisance due to the operation of early store delivery; Vawser lodge was very secluded and dark, and would suffer from light coming from the car park;
- Residents had not been aware of the opening hours until the licensing application was advertised; and
- It was felt that residents were being advised that all the issues raised such as public nuisance and protection of children from harm were planning considerations and residents felt they were not being listened to.

Other Persons – Mr Garnish

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

- The favourable comments made in regards to the NHS representatives could not be confirmed by a letter and there was no evidence;
- It had been witnessed during regular bike rides along Mayors Walk and Alderman's Drive that there had been people holding cans of beer outside and around the corner of the Mayors Walk Co-operative store. Street drinking had also taken place on a new housing development and on the 'Green';
- Residents were concerned that an additional Co-operative store would encourage street drinking;
- The training for staff would cover operation inside the Co-operative

- store and would not influence what issues could happen outside; and
- The Chinese takeaways did not sell cans of beer.

Other Persons – Dr Otobo

Dr Otobo, local resident addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- It had been obvious that the Co-operative Group Food had not consulted with local residents, however had claimed to have liaised with police representative who was not aware of the crime issues in the area especially in relation to 53 Thorpe Road;
- There were issues experienced around any late night convenience store that had operated a late night alcohol licence;
- The meeting with the City Care Centre could not be proven and had not given residents confidence had been addressed or was successful;
- It was not possible to provide training where members of staff would be able to detect whether a customer was intoxicated though alcohol consumption; and
- The Co-op should be concerned about the impact for the community in respect of litter and antisocial behaviour issues that could happen in the area. The Co-op's main concern was about what could happen in the store.

Summing Up

All parties were given the opportunity to summarise their submissions, which included the following:

Applicants Representative

Richard Arnot, the applicant's representative included the following in his summary:

- The meeting held in relation to the NHS City Care Centre had been put forward by Mills & Reeves, acting on behalf of the NHS trust, and Simon Taylor acting on behalf of the Co-operative Group Food limited, who could confirm the outcome of the meeting;
- Simon Taylor from the Co-operative could also confirm the 15% alcohol sales as opposed to the advice provided by the locally elected councillor;
- The Co-op did not know where the beer cans were coming from, however, the litter issues raised on Thorpe Road and could not be attributed to them;
- Staff would be trained to check whether customers were over 25 not 18 years of age in line with the Challenge 25 directive;
- Hard working people would visit a late night convenience store because it was convenient, as opposed to shop visitors that could cause issues such as those suggested by residents;
- The Co-op would care about what happens in the community as outlined in the main address to the Committee hearing; and
- The Co-op would not wish to operate a store that was troublesome or intimidating and always operated in line with the licensing act objectives.

	<p>Other persons</p> <p>Mr Murphy, Mr Butler, Sue Hodson, Mr Garnish and Dr Otobo, local resident included the following in their summary:</p> <ul style="list-style-type: none"> • There would have been more complaints to the application if more people been consulted; • The Co-ops assurances were mere speculation; • Residents believed that granting the license would increase crime risk to the local area; and • There would have been more objections if residents had been consulted; • It seemed that the licence would be granted regardless of the objections stated; • If the Co-operative Group Food cared about the community, they would not open the shop at Winchester Place; • All the issues raised were witnessed on many occasions during bike rides along Aldermans Drive; and • There should be more thought given by the Co-op on how the sale of alcohol would impact on the community.
<p>3.11 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 submission attached to the Sub-Committee report from nine local residents and one solicitor representing Cambridgeshire and Peterborough NHS Trust.</p>
<p>3.12 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>
<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-</p>

Committee found as follows:-

The Sub-Committee considered the representations made today and in writing from:

- Nine local residents; and
- One Solicitor representing the Cambridgeshire and Peterborough NHS Trust.

The Sub-Committee considered:

Many of the issues raised by residents related to planning and highway considerations and cannot be considered by the Sub Committee. The Sub-Committee also cannot consider whether there was a commercial need for these premises and this was spelled out in both national and local licensing guidance. The Sub Committee whilst sympathising with the residents' concerns cannot consider the applicant responsible for the behaviour of customers once they leave the premises, this was the responsibility of the police who have not objected to this application.

The Sub-Committee considered that the options available them were to:

- 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 Licensing believed that guidance dictated that shop stores and supermarkets should normally be free to provide sales of alcohol for the consumption off the premises at any times when the retail outlet was open for shopping unless there were good reasons, based on the licensing objectives for restricting those hours. The Sub Committee also noted:

- There was no objection from the Police, who would normally object if there were issues relating to crime and disorder;
- There was no objection from the Ward Councillors; and
- That the training and procedures of the Applicant appeared to be more than robust enough to promote the licensing objectives.

Therefore, the Sub-Committee GRANTED the licence for the premises, known as Co-Operative Group Food Ltd "Winchester Place", 80 Thorpe Road, Peterborough, PE3 6AP, in the terms applied for.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.

Chairman
Start pm 1.30pm – End 3.45pm

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