

Meeting of the Licensing Act 2003 Sub-Committee
held at the Town Hall, Peterborough on Friday, 2 November 2018

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 - 32-34 Dogsthorpe Road, Peterborough, PE1 3AF
3.1 Application Reference	076652
3.2 Sub-Committee Members	Councillor Ayres Councillor Allen Councillor Hogg
3.3 Officers	Simon Andrews, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Dins Kolosvskis
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 only Monday to Sunday 8:00am to 11:00pm ● Opening hours of premises Monday to Sunday 8:00am to 11:00pm <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 32-34 Dogsthorpe Road, Peterborough, PE1 3AF, 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"> ● The application was located In ‘Op Can-do’ area which was subject to a special ‘cumulative impact policy. ● Another premises offering ‘Off Sales’ of alcohol would lead to an increase in anti-social behaviour in the vicinity.

3.6 Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> 1. The 1. Prevention of Crime and Disorder 2. The 2. Prevention of Public Nuisance 3. The 3. Protection of Children from Harm 4. Public Safety
3.7 Parties/Representatives and witnesses present	<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 Dins Kolosovskis and his representative Mr Paul Byatt.</p> <p><u>Ward Councillor</u></p> <p>Councillor Ferris</p> <p><u>Responsible Authority</u></p> <p>Cambridgeshire Constabulary</p> <p><u>Other Persons</u></p> <p>Katharine King, Dr Barbara Paterson and Brian Gascoyne (MANERP).</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.
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 his address included the representation submitted against the application by local residents and Cambridgeshire Constabulary.</p> <p><u>Applicant's Representative</u></p> <p>Mr Paul Byatt, 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 application was contentious because it had been located within Cumulative Impact Area (CIA), which was known by the applicant. ● Mr Kolosovskis, the applicant was a family man, and currently worked as an engineer, however he had intended to leave his job to concentrate fully on the business. ● The family had set their hearts on starting a small business. ● The applicant was not aware of the Cumulative Impact Policy (CIP) area at the start of the process. ● A rigorous set of conditions had been drafted by the applicant with the aim to positively meet the requirements of the licensing objectives. ● The applicant would be in agreement with the police recommendations as put forward, should the application be granted. This included the adjustment in alcohol sale times. ● There would be no advertisement or posters regarding the sale of alcohol at the premises, furthermore there would be no sale of alcohol under the Alcohol By Volume (ABV) limit of 6.5%.

- There would be no single cans sold and this was intended to deter street drinking.
- The enhanced condition of High Definition Close Circuit Television (CCTV), which had been recommended by the police would be installed and in operation, which would be placed internally and on the external curtilage of the premises.
- A condition of the proof of purchase of alcohol stock and ultra violet lights would be adopted.
- Training for all staff would be implemented prior to commencement of alcohol sales, specifically in relation to challenge 25.
- The amended conditions put forward had satisfied the police concerns raised.
- The condition recommended by the police of 30% of the premises only. The premises was very small premises and would predominantly be a delicatessen supplier.
- The applicant had agreed to reduce the alcohol sales to 8:00am - 9:00pm on daily basis.
- There had been a minimum price requirement set by the government to stop the sale of cheap alcohol. The applicant had not intended to sell cheap alcohol.
- The applicant had invested huge resource into the business and believed that the shop would enhance the area.
- The representative had taken a walk on Dogsthorpe Road and there appeared to be a number of shops, however, five of the shops located were not licensed to sell alcohol. It was felt by the applicant that there would be a need for a premises to sell food and alcohol in that area.
- The parking issues raised by objectors had been a planning consideration.
- There had been reference made in regards to antisocial behaviour (ASB) and drug dealing within the other person's representations. However, the issues raised would be a matter for the police to deal with and there had not been any raised in their representation.
- Comments had been raised in representations about groups loitering, in the Dogsthorpe Road area, however, the loitering issued appeared to be present around other premises in the area that were not licensed. There had been a condition in respect of loitering outside 32-34 International Shop and it would be an offence not to uphold this condition.
- The applicant's representative confirmed that conditions put forward in respect of street drinking would satisfy the concerns raised in objection.
- The applicant had understood his responsibility of running a compliant shop and was aware that other premises had had their licences revoked by not upholding the licensing objectives.
- The applicant would need to sell alcohol as well as delicatessen products, in order for the business to be successful.
- None of the shops highlighted on a map, which was produced by the applicant, had sold alcohol.
- The applicant had not held a premises licence previously.
- Staff employed at the International Shop would be required to undertake the specific training related to the sale of alcohol as per the police recommendation.
- The main police recommendations put forward were the sale of alcohol times and CCTV.
- The HD CCTV system, which had been recommended by the police, was a new technology model and had conformed to regulations in respect of the Information Commissioner's Office' standards.

Other Persons

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

- The map provided by the applicant at the meeting had outlined shops located in a short section of Dogsthorpe Road, which was misleading.
- There were already many shops on Lincoln Road, which had been located near to Dogsthorpe Road area where consumers could purchase alcohol. Furthermore, given the number of premises close to the area, there had been no justification to grant a premises licence to the International Shop.
- The area had been well served by many delicatessens.
- There had been a positive case in demonstrating the need for alcohol in the area.
- There had been a regular issue with littering in the area.
- It was felt that there had been a number of people congregating to undertake substance sales in the area.
- There had been a renowned parking issue in the area.
- The applicant had provided the impression that he would be selling specialist delicatessen and alcohol products, however there were two shops opposite each other on the corner of Huntly Grove, near to the International Shop, which stocked similar items.
- The premises located at 32-34 Dogsthorpe Road had previously operated as a hairdressers, clothes shop and a vape shop and had always been a commercial premises. The shop had also converted into two premises.

Ward Councillor

Councillor Ferris, Ward Councillor addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- Councillors received large amounts of casework regarding low level antisocial behaviour in the area.
- There had been a passageway near to the 32-34 Dogsthorpe Road shop and this was used by the public to navigate to Central Park.
- There were many premises selling alcohol on Lincoln Road, which had been closely located to the International Shop.
- There had been a small car park on Green Lane, near to the International Shop, which had been used as a regular drinking spot. Furthermore the area required regular clearing of alcohol vessels and litter by the Council's maintenance contractors Amey. There had also been congregation issues experienced around Huntley Grove, the Baltia premises and Thomas Walker medical centre, which was located near to the International Shop.
- It was felt that it would be difficult for the applicant to control the congregation issues outside the International Shop.
- Victoria Gardens on Alma Road had recently been restored, however, it had started to fall into decline again due to the issues of street drinking in the area.
- It was felt that there had already been a saturation of premises selling alcohol in the area.

- The Kings School was located five minutes walk from the International Shop and it was felt that there had been a need to protect children from the alcohol related issues already being experienced in the area.
- There had been a risk of parking in the area, which had caused concerns over public safety, despite this being a planning consideration.
- There had been no photographic evidence presented at the hearing regarding the Ward Councillors casework in the Dogsthorpe Road area relating to alcohol issues, however, this could be accessed through the Council's contractors, Amey.

Other Persons

Brian Gascoyne, Chair of Millfield & New England Regeneration Partnership (MANERP), addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- The Council had recently renewed the Cumulative Impact Policy (CIP).
- The applicant had held no previous experience of operating a delicatessen business.
- The applicant would potentially need to manage many aggressive visitors to the shop.
- Residents would be faced with the repercussions of an additional premises selling alcohol in the area.
- Granting the license would be contrary to the CIP.
- The premises would be fit for operation in an alternative location in the City.
- Mr Gascoyne had operated many licenced premises in the past and had been fully aware of licence and Designated Premises Supervisor training requirements.
- Mr Gascoyne had chosen not to apply for licensing Grandfather rights following the implementation of the Licensing Act 2003 on any of his premises.

Other Persons

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

- There were good initiatives in the area supported by the Council, however the application was contrary to the Council's own policies..
- Peterborough had been declared an alcohol action area recently.
- Wardens had been appointed to deal with street drinking in the area.
- The application was not appropriate within a CIP area and would attract street drinking.
- Promotion of a healthier environment needed to be adopted by the Council.
- Dogsthorpe Road was in a selective licensing area, and this initiative had aimed to improve housing accommodation conditions within the area.
- There had been some ambiguity in regards to the plans for both parts of the premises known as 32-34 Dogsthorpe Road.
- Dr Paterson had leased a property at 38 Dogsthorpe Road near to the premises and she felt that to have a licenced premises near to her property would not be desirable.
- Children could be approached by street drinkers.

	<ul style="list-style-type: none"> • Pictures taken outside 38 Dogsthorpe Road had shown the littering issues being experienced in the area. • Consideration should be given to the adoption of a health licensing objective going forward. <p><u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions.</p> <p><u>Other Persons</u></p> <p>The residents felt that another premises selling alcohol was not desirable and would not enhance the area.</p> <p><u>Applicant's Representative</u></p> <ul style="list-style-type: none"> • The applicant wanted to provide a service that would be acceptable in the Dogsthorpe Road area and was fully aware that the license could be reviewed and revoked if the licensing objectives were not complied with. • The applicant's wife had held previous experience of operating similar premises in Latvia. • The International Store premises 32-34 Dogsthorpe Road, would close at 9:00pm. • The applicant wished to provide a full service, which included the sale of delicatessen products as well as specialist alcohol in order to operate a successful business. • The applicant had invested a substantial amount of investment with the aim to operate a successful business.
<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 submission attached to the Sub-Committee report from three local residents.</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>

	Whether the premises licence application would further support the 'Public Safety' Licensing Objective.
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>The Sub-Committee considered the representations made at the hearing and in writing from:</p> <ul style="list-style-type: none"> ● Ward Councillor Ferris; ● Cambridgeshire Constabulary; ● MANERP, Brian Gascoyne; ● Katharine King; ● Leon King; and ● Dr Barbara Paterson. <p>A summary of the issues raised to the Sub-Committee included:</p> <ul style="list-style-type: none"> ● The application was located in an 'Op Can-do' area which was subject to a special 'cumulative impact policy. ● Another premises offering 'Off Sales' of alcohol would lead to an increase in anti-social behaviour in the vicinity. ● The premises would add to low level crime. <p>The Committee were referred to the Statement of Licensing Policy and the Government Guidance, in particular:</p> <p>Special Policy on Cumulative Effect</p> <p>11.5 The Licensing Authority has adopted (following a meeting of the full council on 17 April 2013) a special policy relating to cumulative impact in respect to all licensed premises for the Op Can Do area. The special policy took effect on 18 April 2013.</p> <p>11.6 This special policy creates a rebuttable presumption that applications within the Op Can Do area for new premises or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.</p> <p>11.7 Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.</p> <p>11.9 This licensing authority recognises that a special policy should never be absolute. The circumstances of each application will be considered properly and applications for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence or certificate, the licensing authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the</p>

application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

Limitations on special policies relating to cumulative impact

14.44 A CIA should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its CIA in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

The Sub Committee considered the Representations from the police and noted the recommendations therein.

The Sub-Committee was informed by the applicant's representative that the applicant would agree to the additional and enhanced decisions submitted by the police in regards to the revised sale of alcohol times and CCTV equipment installation recommended. The revised times for sales were 8:00am to 9:00pm.

The Sub-Committee felt that the Applicant had successfully rebutted the presumption not to grant and the Operating Schedule and had addressed the special policy issues.

The Sub-Committee therefore **GRANTED** the licence for the premises, known as International Shop, 32-34 Dogsthorpe Road, Peterborough, subject to the additional pre-mentioned extra conditions.

Chairman
Start 1.30pm – End 3.42pm