



Meeting of the Licensing Act 2003 Sub-Committee

Held in the Bourges/Viersen Rooms, at the Town Hall, Peterborough on 12 July 2023 at 1:30pm

**RECORD OF PROCEEDINGS**

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	None
3. Application	New Premises
3.1 Application Reference	12236 - Hana Express, 2 Burghley Road, Peterborough, PE1 2QB
3.2 Sub-Committee Members	Cllr Chris Wiggin (Chairman) Cllr Sandra Bond (Vice Chairman) Cllr Ishfaq Hussain
3.3 Officers	Maria Crowe, 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	Nijole Makareviciute
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Sale of alcohol for consumption on the premises only</p> <ul style="list-style-type: none"> <li>Monday to Sunday 7:00 to 24:00</li> </ul> <p><b><u>Summary of Premises Licence Application</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Hana Express, 2 Burghley Road, Peterborough PE1 2QB, 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"> <li>• The granting of the licence would increase the availability of alcohol in the area leading to a negative impact on the licensing objectives, especially the prevention of crime and disorder objective.</li> <li>• The granting of the licence would have a negative impact on the health and wellbeing of residents and businesses in the area as evidenced in the Cumulative Impact Area (CIA) statement.</li> <li>• The granting of the licence would contribute to anti-social behaviour in the area.</li> </ul>
3.6 Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> <li>1. The Prevention of Crime and Disorder</li> <li>2. The Prevention of Public Nuisance</li> <li>3. The Protection of Children from Harm</li> <li>4. Public Safety</li> </ol>
3.7 Parties/Representatives and witnesses present	<p><b><u>The Licensing Authority</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Applicant</u></b></p> <p>Nijole Makareviciute</p> <p><b><u>Responsible Authorities</u></b></p> <p>Joseph Keegan – Public Health PC Hawkins – Cambridgeshire Constabulary</p> <p><b><u>Other Persons</u></b></p> <p>Laura Kelsey – Safer Communities, Peterborough City Council</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:</p> <ul style="list-style-type: none"> <li>• A licence application had been received for the premises known as, Hana Express, 2 Burghley Road, Peterborough PE1 2QB, which had received representations from Public Health, Cambridgeshire Constabulary in their capacity as a Responsible Authority. In addition, representations were received Safer Communities, a local Councillor and a local resident.</li> </ul>

- The application fell within the Cumulative Impact Assessment (CIA) area and therefore was subject to a special policy in relation to premise licence applications.
- The application was for the off sales of alcohol at the premises, Monday through to Sunday between 7am to midnight.

**Applicant**

Nijole Makareviciute, addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:

- The Applicant was aware of the issues in relation to drugs and sex workers. Since the shop had opened the sex workers had moved onto a different location.
- It was felt that the drug and sex worker issues being experienced in the Burghley Road area had not been the responsibility of the Applicant to resolve, however, the shop had installed 15 cameras that were in operation to record activity outside the shop for 24 hours, 7 days a week.
- The Applicant had installed extra bins outside the Hana Express shop. Nonetheless, people would continue to throw rubbish in the road.
- The Hana Express, would not create any more noise than the pub that had operated previously.
- The shop would sell groceries and alcohol items but was not the main sale focus.
- There had been no complaints about the shop on Dogsthorpe Road previously owned by the Applicant. Furthermore, the shop had to close due to debts.
- There would be no alcohol or cigarette sales made to children.
- Most customers would take their alcohol purchases home to consume and not drink in the street.
- The Applicant intended to ensure that she would make the Hana Express shop a better place for neighbours and not attract problems.
- The Applicant had a personal licence and there had been no mistakes made in the eight months since it was issued, and no complaints received from council.
- The Applicant felt that drinking in pubs and clubs caused a lot of problems.
- The existing issues of street drinkers consuming alcohol in front of children could not be attributed to the Hana Express.
- There had been no complaints made about the premises when it operated previously as a restaurant.

- The Applicant had not seen people drink alcohol on Burghley Road.
- The Applicant confirmed that she could appreciate that residents in the area may not want drinking or anti-social behaviours on the Burghley Road, however, she felt that the Hana Express would not add to that problem.
- The Applicant intended to open a clean shop that sold a variety of products, such as fresh fruit and frozen products and not just alcohol.
- The sex workers had moved down the road away from the Hana Express and the anti-social behaviour issues remained, however, even though the police were called, they had not taken any action.
- The Applicant confirmed that she would only generate a little extra income from the sale of alcohol as the main intention was to sell groceries.
- There was a shop nearby and sold alcohol but would close at 10pm.
- The Applicant confirmed that she had installed cameras that recorded activity outside the shop 24/7, and additionally lights to avoid contributing to the issues being experienced in the CIA area. Furthermore, it was felt by the Applicant that these measures would help to reduce criminal activity, as the shop would be a nice and friendly place to visit.
- The sex workers were more drug than alcohol dependent and any issues of antisocial behaviour could not be controlled by the Applicant.
- The Applicant would consider a condition to reduce the time of alcohol trading hours applied for.

#### **Other Persons**

Laura Kelsey, addressed the Sub-Committee. The key points raised during her address, and following questions from the Sub-Committee were as follows:

- There had been increased resources in the area, by way of cameras installed as part of the Governments Safer Streets Funding initiative.
- There was a longstanding issue of antisocial behaviour in the area and a Public Protection Order had been implemented to complement the CIA policy.
- Residents regularly reported issues of sex work, street drinking, littering, fighting and shouting in the Burghley Road area.
- It was believed that the shop would add to the issues being experienced.
- Residents were being woken up in the middle of the night due to antisocial behaviour from intoxicated street drinking.

- There had been a regular litter picking operation formed by residents to remove broken glass discarded by street drinkers. Furthermore, residents had taken their own action to clear up glass from a school route.
- There were other issues such as urination, defecation and abuse towards residents in the streets from street drinkers.
- The antisocial behaviour would happen in the day as well as at night time.
- There had been some improvements made such as the installation of fences and gates in the Burghley area which had improved some issues, however, the measures had not solved them entirely.
- There had been a sign displayed in the shop to state that it was open for 24 hrs and residents thought that this had implied that alcohol would be available for sale 24 hrs a day.
- The Applicant had previously held a license for 10 Dogsthorpe Road and whilst the license was surrendered it had been in relation to a breach of licensing condition which involved the sale of alcohol.
- The issues reported in relation to anti-social behaviour in the Burghley Road area were from people with no fixed abode, such as sex workers and street drinkers and drug takers.
- The Community Support team or residents would not support the application if the hours of alcohol sales were reduced.

**Responsible Authority – Public Health and Cambridgeshire Police**

Joseph Keegan, Public Health, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- The Director of Public Health (PH) was very concerned about the anti-social problems in the area.
- The crimes reported in the Burghley Road were linked to alcohol dependency use in the area.
- There was a CIA policy in place for good reason and PH were supportive of the policy.
- The Burghley Road was in the 20% most deprived areas in England.
- The area was evident of social poverty and social deprivation.
- There was evidence that alcohol density in the Burghley Road area was high for Peterborough.

- The National Guidance on Clinical Care supported CIA policies.
- Peterborough was a red area for alcohol establishments, however there had been a lot of work undertaken by health teams and partner organisations to reduce the status to green.
- Central Ward had experienced the highest antisocial behaviour issues in Peterborough and was an area of concern for PH.
- Public Health's concerns were in relation how alcohol consumption had impacted on home and family life.
- The imposition of a Public Protection Order demonstrated that Central Ward had suffered by far the highest levels of antisocial behaviour.
- There was national data that had been referred to in the PH objection in relation to the consequences of alcohol related harm in the Central Ward area.

PC Paul Hawkins, Cambridgeshire Constabulary, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:

- There was a negative social impact on the community, such as street-based violence, street drinking and domestic abuse. In summary, there had been 59 incidents reported to the Police between, 1 January and 20 June 2023, for the Burghley Road area with 22% of them in relation to sex work cases.
- The previous business owned by the Applicant on 10 Dogsthorpe Road had failed.
- Alcohol was often used as an enabler to boost and maximise profit, however, was felt unnecessary to operate a successful business.
- There was also the longevity of the licence to consider, and all licence holders operated differently.
- If the licence was granted, consideration should be given to the imposition of conditions in relation to operating times, single vessel sales, abv content for alcohol sales and employment of an SIA.
- A premises would be visited to ensure a licence holder was aware of their responsibilities and that the conditions were being adhered to.

**Ward Councillor**

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

- Emails were received daily in relation to incidences in the Burghley Road and Central Ward area.

	<ul style="list-style-type: none"> <li>• There had been a policy introduced to limit sale of alcohol in the area.</li> <li>• There were many premises that sold alcohol which included Huntley Grove, Dogsthorpe Road and Milfield and another shop selling alcohol was not needed.</li> <li>• Even though the Applicant had improved the shop, the sale of alcohol would increase the issues being experienced in the area.</li> <li>• The Sex workers had only moved down the road to Park Road and Henry Street and would conduct their business where the cameras could not see them.</li> <li>• Councillors would always encourage new businesses, however, the business model to sell alcohol at Hana Express would not be appropriate.</li> <li>• The Police, Community Safety Team and Public Health had also submitted strong objection to the grant of a premises licence for Hana Express.</li> </ul> <p>The Applicant responded to the points raised as follows:</p> <ul style="list-style-type: none"> <li>• The sex workers and drug issues were not created by the shop and how it operated.</li> <li>• Cameras were in operation in the area.</li> <li>• The Applicant had installed extra lighting to deter any unwanted activity from sex workers, street drinkers and drug users.</li> <li>• It was hard to run a business without an alcohol licence.</li> <li>• Most customers were happy with the shop.</li> </ul>
3.10 Written representations and supplementary material taken into consideration	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p>
3.11 Facts/Issues in dispute	<p><b><u>Issue 1</u></b></p> <p>Whether the premises licence application would further support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the premises licence application would further support the ‘Prevention of Public Nuisance’ Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the premises licence application would further support the ‘Protection of Children from Harm’ Licensing Objective.</p>

	<p><b><u>Issue 4</u></b></p> <p>Whether the premises licence application would further support the 'Public Safety' Licensing Objective.</p>
4. Decision	<p><b>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: -</b></p> <p>The Sub-Committee considered the representations made and in writing from:</p> <ul style="list-style-type: none"> <li>• Public health in their capacity as a Responsible Authority</li> <li>• Safer Communities</li> <li>• The Police in their capacity as a Responsible Authority</li> <li>• Cllr Jamil, Ward Councillor</li> <li>• The Applicant, Nijole Mikareviciute</li> </ul> <p>The Sub-Committee considered:</p> <ul style="list-style-type: none"> <li>• Employing a security officer when alcohol sales take place.</li> <li>• Reduction in the hour's alcohol could be sold.</li> <li>• Restriction of alcohol sales to prohibit single cans.</li> </ul> <p>It was the Sub-Committee's decision therefore <b>REFUSED</b> the Premises Licence, as this is appropriate in the Sub-Committee's view, in order to promote the licensing objectives in question.</p>

Chairman

Start 1.30pm – 3.11pm