

Our Ref: PC60 Licensing/Pink Elephant 0060



Creating a safer  
**Cambridgeshire**

Mr. R. Osbourn  
Licensing Officer  
Mandela House  
Cambridge  
CB2 1DB

28/05/2015

Dear Sir

SUBJECT: Pink Elephant 16 Milton Road Cambridge CB4 1JY

Pease find attached Police representation in regard to the variation of a premise Off licence in relation to the above. These representations are in regard to licensing objectives for Prevention of Crime and Disorder, Public nuisance & Public Safety under Licensing Act 2003.

Yours Sincerely



Pc60 Peter Sinclair  
City Licensing Officer  
Parkside Police Station.

**THE LICENSING ACT 2003  
REPRESENTATION FORM FOR “RESPONSIBLE AUTHORITY”**

Please delete as applicable: **POLICE**

Your name	PC60 Peter Sinclair
Job Title	City Licensing Officer
Postal Address (inc post code)	Police Station Parkside Cambridge CB1 1JG
Contact telephone number:	██████████
Mobile Number:	██████████
Email address:	██

Name of Premises you are making a representation about:	Pink Elephant
Address of the premises you are making a representation about:	16 Milton Road Cambridge CB4 1JY

This section is about your representation/s. They must relate to one or more of the Licensing Objectives. Please detail the evidence supporting your representation, (under the relevant headings) and the reason for your representation/s. *It is important that you detail all matters that you wish to be considered. (Use additional sheets if necessary). Regulations provide that in considering representations the authority may take into account documentary or other information produced by the party either before the hearing or, with the consent of all parties, at the hearing.*

Which licensing objective(s) does your representation relate to?	Please see below
The prevention of crime and disorder  See Below	Public safety  See below
The prevention of public nuisance  See Below	Protection Of Children from Harm

### Prevention Of Crime & Disorder /Public Nuisance/ Public Safety

It is important to put this application in context and remind ourselves the reasons why the premises licence was reviewed and is now subject to the current conditions.

A number of police interventions were required in the Mitchams Corner area in relation to the licensing objectives of prevention of crime and disorder, Public nuisance and Public safety. Mitchams Corner had been plagued with issues relating to street drinkers and associated anti-social behaviour and disorder who were attracted to the shop because of the selling practices at the shop by both owner and his wife.

The licence was reviewed in January 2014 after a number of sales to drunk customers. Police officers themselves had witnessed the sale to drunk customers on four different occasions one of the offences occurred less than a week after both the licensee and his wife were cautioned for selling to a drunk street drinkers which had occurred in March 2013.

They had clearly shown that they were not responsible and had not promoted the licensing objectives either at the premises or close vicinity to it, and had knowingly committed licensing offences.

It is a matter of public record that the owners stated at the time of the review that 70% of their business was the sale of alcohol.

To put it into context on a single weekday morning during a period of 4 hours 31.5 litres of strong alcohol was sold to various customers some being street drinkers.

The Police were seeking full revocation of the licence.

This new application for variation comes about in such a short space of time of a little more than 16 months after these significant incidents occurred. The committee in our view are in effect being asked to re-examine and review the decision by a previous committee who had heard all the relevant facts far too close to the event. The applicant's had the right to appeal and chose not to.

Unfortunately it appears rather than steering their business into another direction the owners have decided to just bide their time and then attempt to push the boundaries back again rather than to break the cycle and link their reliance on sales of alcohol.

This was made clear by the fact that just 9 months after the conditions were imposed Mr Mariyarasa contacted the city licensing and police licensing by letter on 25<sup>th</sup> Oct 2014 requesting his licence to be varied to allow alcohol sales up to 7.5 % to regular customers stored behind the counter and the extension of his hours later to 11 p.m. and earlier at 8 a.m. or a second option of 10 a.m. with 11 p.m. closing.

Mr Mariyarasa wrote the following in his letter: To offer promotions on a few alcohol products. Example: Fosters cans are £1.10, special offer 4 for £4. These offers are not to promote excessive drinking, but so a customer will save money

This is concerning as it tends to indicate that they do not seemed to have grasped the seriousness of what had transpired and that there has been little consideration to the consequences of the addition of stronger alcohol available at the shop and in the area again..

When I spoke to the owner regarding his thinking behind his request to raise the strength of alcohol and tried to pin him down to exactly what he wanted. He was extremely vague and he indicated that he wanted to sell the stronger Polish and Eastern European beers to customers and identified a shop at 36 Milton Road that did so. In view of the issues that had transpired at the shop this seemed perverse that Mariyarasa was willing to put himself and wife at risk as well as the licence again.

I have concerns as to how and to whom Mr M will market the availability of stronger alcohol for sale on his premises, to whom it will be attractive, and the subsequent effect that will have on the local community and businesses.

The applicants have indicated to me that they are hardworking, and that may be true, they have also asked that they be given a chance to show that can be trusted and that they realise it is a privilege to hold a licence, unfortunately this is not born out in reality by their conduct.

They were given a number of chances as part of our stepped approach and were offered help and support and had been given advice on ways to prevent and deter offences from occurring both verbally and in writing. However they carried on regardless and as already stated we do not feel a significant amount of time has passed for that trust to be established. A alternative approach might have been for a change of style and emphasis on the business first. As already mentioned in the intervening months they do not appear to have taken the opportunity to diversify away from that reliance on alcohol and the reason being for request to increase the strength of alcohol for sale is that they need the revenue and uplift in sales

As for putting measures in place which will effectively deal with the resultant issues of the grant of higher strength alcohol it is concerning knowing the little degree of control previously shown and how any degree control can be exercised over customers who effectively walk away with the alcohol.

Having left the premises with alcohol customers are at liberty to do whatever they wish without any possible intervention from the licensee to negate that risk.

In regard to current conditions, it is not the case that the licensee has been singled out or put at any disadvantage, these measures are bespoke to Cambridge and are well considered have proven to be very effective. Similar conditions in relation to alcohol above 5.5 abv are currently in place on 8 other premises in sensitive areas in Cambridge either having that threshold set at this level through enforcement or through choice manly due to recognition of their positive effect upon their businesses by reducing anti-social behaviour and crime as a result of not attracting street drinkers.

It is now the case that this bespoke policy had been voluntarily adopted by the larger chains as they seek to add premises in Cambridge. Sainsbury Mill Road, The Co-Op at The Marque and indeed Sainsbury just across the road from the Pink Elephant have recognised the issues in the area and have similar conditions in relation to alcohol above 5.5 abv:

*There shall be no sale of beer, lager or cider with an AVB content of 5.5% ABV or above save for premium products which have been agreed with the police.*

Not selling higher strength alcohol has a proven track record of effectively stopping issues of anti-social behaviour, and they do understand that link and the customers it could attract particularly in relation to the stronger beers including the cheaper stronger Eastern European and Polish beers.

Beers with a range from 5.6 – 6% effectively have 3 units of alcohol per single 500 ml can, which is very high. The availability of these cheap strong alternatives are a tempting alternative for heavy drinkers.

*(Brands that are available (not exhaustive) Warka Strong 6.5 % , Specjal 6 % , Perla Miodowa 6%, Tatra 6%, Zubr 6% Kasztelan 5.7%, as well as other brands such as , Cubanisto 5.9%, Desperados 6 % and Scrumpy Jack 6 %)*

We are aware that some street drinkers are known to drink Polish beers and Eastern European beers in other areas of Cambridge City and with the imminent adoption of a PSPO (Public space protection order) it's entirely possible that there will be some displacement of these drinkers who may well migrate to other areas where they know drinking on the street is popular and that alcohol is available to them in close proximity.

In summary for us this is the thin end of the wedge and it attempts to undermine a tried and tested established effective tool to deal with shops that have either become problematic because of the management style or are within problematic areas where the balance can be easily tipped away from tolerated behaviour to anti-social behaviour.

5.5 % abv is a well-established and tested threshold in Cambridge and which has been supported by many committees as a good practice and an effective method of reducing anti-social behaviour and crime. The police want to defend that from being gradually eroded.

The police do not feel at all confident in the ability to management to be able to deal with the responsible sale of increased strength alcohol and the negative fallout that it would bring about. We do not want to be in a position where we are again in effect having to deploy resources to manage a specific areas on a daily basis.

The best option in our view is prevention and we are asking the committee to refuse the application based on the recent history and the likely negative effect on neighbouring businesses and the local community by granting this variation.

Furthermore the police consider that we would be failing in our obligation under Section 17 of The Crime and Disorder Act 1998 as amended when exercising functions to give due regard to the likely effect of the exercise of those functions on, and the need to do all that they reasonably can to prevent, crime, disorder anti-social and other behaviour adversely affecting the local environment, including the misuse of drugs, alcohol and other substances in its area.

Any evidence adduced in support of such representations may comprise of, (although not exclusively), first-hand knowledge of officers involved in policing the area, statistical analysis of crime, disorder &, incidents of anti-social behaviour, minutes of area committee meetings, as well as police records from the Storm Command and control logs, police crime files, statements and/or CCTV footage.

## **Guidance issued under Section 182 LA 2003 states**

### **Representations from the police**

9.12 In their role as a responsible authority, the police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>4</sup>. The police should be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regard to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Signed



Date 28/5/2015

To



Licensing Act 2003

### Delegation of responsibilities by the Chief Officer of Police

In accordance with the provisions of the Licensing Act 2003 I hereby delegate authority to Divisional Commanders and to Divisional Superintendents to develop policies and procedures and to exercise all powers vested in the Chief Constable of Cambridgeshire Constabulary. Such delegation to include the power to delegate specific tasks to licensing constables and support staff.

This delegation shall remain in force unless otherwise notified.

Signed



Simon Parr  
Chief Constable  
Cambridgeshire Constabulary

Dated 7/9/10