

DATE OF HEARING	Wednesday, 28 April 2010
PANEL MEMBERS	Councillor Dobbs (Chair) Councillor Thacker Councillor Swift
APPLICATION TYPE/REF	Review of Premises Licence MAU 058675
LICENSEE	Mr Graham McMillan
ADDRESS	146 Oxney Road, Peterborough, PE1 5NG

PREMISES DETAILS	Shooters Bar, 29 New Road, Peterborough, PE1 1FJ	
LICENSEE HEARD	Yes	
LICENSEE REPRESENTED	Yes	
Mr John Snell, Counsel, Hegarty LLP Solicitors		
WITNESSES FOR LICENSEE		No
THE FOUR LICENSING OBJECTIVES		
Prevention of crime and disorder	Public safety	
Prevention of public nuisance	Protection of children from harm	
LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE		
Prevention of crime and disorder	Public safety	
Prevention of public nuisance		

**REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES
ATTENDING AND/OR INTENDING TO SPEAK**

NAME/DETAILS	ATTENDING	SPEAKING
Mr Simon Walsh – Barrister for Cambridgeshire Constabulary	Yes	Yes
PC Ifor Maddox – Northern Licensing Officer, Cambridgeshire Constabulary	Yes	Yes
Ms Debbie Sampson – Community Safety Team Leader, Cambridgeshire Constabulary	Yes	No

The Sub-Committee has read the report and relevant material and listened to all the evidence and submissions. The Sub-Committee has also considered the national guidance and the council's statement of licensing policy.

FINDINGS OF FACT

Note here during hearing facts that have a bearing on the decision

The Sub-Committee finds the following facts:

1. Violent incidents have occurred in the vicinity of Shooters Bar;
2. Not all incidents can be attributed to the customers of Shooters Bar;
3. Other night clubs or bars are open in the vicinity of the premises;
4. Previous attempts of mediation and advice have been attempted to alleviate the problems;
5. CCTV was not available on all occasions when requested by the Police which is a condition of the current licence;

IRRELEVANT REPRESENTATIONS

*Note here irrelevant matters mentioned at hearing and why irrelevant
e.g. not related to the relevant licensing objective, not related to licensing (e.g. parking issues)*

The Sub-Committee considered the following to be irrelevant Representations:

None

DECISION MADE

**Review of Premises
Licence**

The Sub-Committee has considered the relevant representations made today and previously submitted in line with the three licensing objectives.

Our decision therefore is:

- to revoke the licence

ADDITIONAL CONDITIONS ATTACHED (*if any*)

1. *Conditions set out in the operating schedule (as amended or otherwise)*
2. *Additional conditions (if any) proposed by responsible authorities*
3. *Additional conditions proposed by applicant*
4. *Additional conditions arising from issues considered by the Sub-Committee in respect of any relevant representations*
5. *Any further conditions considered necessary for the promotion of the Licensing Objectives*

None.

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made the Sub-Committee when considering all the circumstances agreed that the premises licence be revoked. It was considered by the sub-committee that a reduction in the operating hours, hours for licensable activities and proposed conditions would be insufficient in effectively promoting the licensing objectives of Public Safety, Prevention of Crime and disorder and Prevention of Public Nuisance.

This decision is suspended to allow an appeal to the magistrate's court for 21 days, and allowing for the delivery of the notice if the decision is not appealed revocation will have effect on Friday 21 May 2010 from midnight.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Other legislation: *Section 10 on Page 14*
- Fundamental Principles: *section 6 on Page 9*
- Reviews: *section 15 on Page 18*
- Delegation / Decision Making / Administration: *Section 16 page 18*

Guidance issued under Section 182 of the Licensing Act 2003

- The licensing objectives: *Section 2 pages 16 to 23*
- Reviews: *Section 11 pages 97 to 100*
- Determining applications: *Section 9 pages 76 to 80*

LEGAL ADVICE GIVEN DURING DELIBERATION

(to be read out by Legal Officer when decision is given to the hearing)

Legal advice was sought on the government guidance regarding the options available to the sub-committee.

CRIME AND DISORDER ACT 1998	Were there any implications under this Act? If so give details
<i>Section 17 imposes a duty to have due regard to the likely effect of the exercise of its functions and to do all it can to prevent crime and disorder.</i>	None.
Human Rights Act 1998	How were the following articles considered
Article 1 – <i>Every person is entitled to the peaceful enjoyment of his possessions.</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council's statement of Licensing Policy were also considered.
Article 6 – <i>Everyone is entitled to a fair trial</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council's statement of Licensing Policy were also considered.
Article 8 – <i>Everyone has the right to respect for his private and family life, his home and his correspondence.</i>	The Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council's statement of Licensing Policy were also considered.
DATE OF SUB-COMMITTEE HEARING	28 April 2010

The applicant, together with relevant authorities and interested parties who made representations, has the right to appeal against this determination. There is a period of 21 days from the notification of this decision to commence an appeal by giving notice to the Justices' Chief Executive for the Magistrates' Court. Details will be sent to the relevant parties with the written notice of this decision forthwith.