

DATE OF HEARING	Monday, 26 July 2010
PANEL MEMBERS	Councillor Newton (Chair) Councillor Morley Councillor Saltmarsh
APPLICATION TYPE/REF	Expedited Summary Review of Premises Licence MAU 059597
LICENSEE	Mr Tariq Shaheen
ADDRESS	Smartwick Farm, Kimbolton Road, Wilden, Bedford, MK44 2PP

PREMISES DETAILS	Shalimar Gardens, 34 New Road, Peterborough, PE1 1FH	
LICENSEE HEARD	Yes	
LICENSEE REPRESENTED	Yes	
Mr Jason Stevens, HC 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		

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

NAME/DETAILS	ATTENDING	SPEAKING
PC Ifor Maddox – Northern Licensing Officer, Cambridgeshire Constabulary	Yes	Yes

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. The Sub-Committee noted that there had been no further incidents reported by the police and that the premises licence holder had adhered to the six conditions applied to the licence on the 2nd July 2010
2. The Sub-Committee also noted the improved practices adopted by the premises licence holder as outlined by the legal representative

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:

1. There were no irrelevant representations received or considered

DECISION MADE

**Review of Premises
Licence**

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

During the Sub-Committee's deliberations we have taken into account the government guidance issued under the Act, the Crime and Disorder Act and our own licensing policy.

Our decision therefore is:

The license to revert to the pre 2nd July status with regards to the timings of licensable activities and opening times, with the sale of alcohol only to be ancillary to the sale of a substantial meal, the 6 conditions added on the 2nd July by this Authority to be made permanent plus the following 2 conditions to be added to the licence:

- A personal licence holder to be on the premises during all licensable activities
- A certified first aider to be on the premises during all licensable activities

This decision is automatically suspended for 21 days to allow an appeal to the Magistrates' Court by either the premises licence holder or the chief of police.

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*

2. Additional conditions proposed by the Police.

- That a personal licence holder to be on the premises during all licensable activities
- That a certified first aider to be on the premises during all licensable activities

4. Additional conditions proposed by the Sub-Committee at the hearing held on 2nd July 2010. These conditions to become permanent.

- That all bar staff are aware of their responsibilities under the Licensing Act 2003 and training on the Act to be evidenced in writing
- Security door staff to be employed during the hours of 23.00 hrs and closing time when licensable activities take place
- City Link to be in place and operational during licensable activities
- Challenge 21 posters to be displayed within the premises
- A refusals register to be kept and available for inspection by the police and authorised officers of the local authority
- The Travel Lodge located near the premises has a direct telephone number to the premises in order to speak with the DPS or premises licence holder in case of noise nuisance

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee is satisfied on a balance of probability and considering all the circumstances that it is appropriate to review the Premises Licence and to revert the license to pre 2nd July status with regards to the timings of licensable activities and opening times, with the sale of alcohol only to be ancillary to the sale of a substantial meal, the 6 conditions added on the 2nd July by this Authority to be made permanent and to add two additional conditions to the premises licence.

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)

No legal advice was given during deliberation.

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>	
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	26 July 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.