

DATE OF HEARING	Tuesday, 10 May 2011	
PANEL MEMBERS	Councillor Dobbs (Chair) Councillor Winslade Councillor Khan	
APPLICATION TYPE/REF	New Premises Licence 060883	
LICENSEE	Miss K. Malakauskaite	
ADDRESS	733 Lincoln Road, Peterborough, PE1 3HD	
PREMISES DETAILS	Lithuanian Food, 733 Lincoln Road, Peterborough, PE1 3HD	
APPLICANT HEARD	Yes	
APPLICANT REPRESENTED	Yes	
<p>Mr Edwards, Counsel for Applicant Mr Singh, Instructing Solicitor, H&V Solicitors</p>		
WITNESSES FOR APPLICANT		No
<p>THE FOUR LICENSING OBJECTIVES</p>		
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		
Prevention of public nuisance		

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

NAME/DETAILS	ATTENDING	SPEAKING
Councillor Charles Swift	Yes	Yes
Mr Brian Gascoyne	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. There were no representations received from any of the Responsible Authorities

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:

There were no irrelevant representations.

DECISION MADE

New Premises Licence

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

Our decision therefore is:

To grant the application in the same terms applied for the opening hours to be:

- Sale of alcohol for consumption off the premises
 - Monday to Sunday 08.00 to 23.00
- Hours premises are open to the public
 - Monday to Sunday 08.00 to 23.00

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*

1. As set out in Paragraph 7 on page 3 of the Committee report and Appendix B, page 29 of the Committee report

Crime and disorder

- Any person selling or supplying alcoholic drinks under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age.
- Video / CCTV equipment shall be installed inside the premises and maintained in working order.
- Video / CCTV equipment will be set to record from the time that the premises open to the public until the premises close and all members of the public have left.
- Digital images shall be retained for at least one month and shall be produced to an authorised officer on demand.
- Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.
- The Designated Premises Supervisor will ensure that staff receive training and supervision to ensure that they fully understand their responsibilities in relation to age restricted products, in particular to the sale of alcohol so as to prevent sales to persons under the age of 18.
- The Designated Premises Supervisor will ensure that all staff training is ongoing.
- The Designated Premises Supervisor will provide a book for all staff to record instances where sales are refused. This book will be available to any authorised officer upon request.

Prevention of Public Nuisance

- Receptacles for refuse storage shall be maintained in a clean condition.
- Litter shall be prevented at all times and where identified regularly cleared from the vicinity of the premises.

Public Safety

- A fire risk assessment conforming to the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.

Protection of Children from Harm

- The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of

age will be implemented at the premises.

- Signage will be prominently placed within the premises advertising the fact that the premise operates the 'Challenge 25' initiative.

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the findings of fact, the Sub-committee is satisfied on a balance of probability and considering all the circumstances, including the conditions imposed, that the requested new premises licence would not create public nuisance or increase crime and disorder.

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

- Objectives, Section 4 on Page 5
- Fundamental Principles, Section 6 on Page 6
- Licensing Hours, Section 12 on Page 10
- Children and Licensed Premises, Section 13 on Page 10 and 11
- Licence Conditions, Section 14 on Page 11 and 12
- Delegation / Decision Making / Administration, Section 17 on Page 13 and 14
- Cumulative Impact, Section 11 on Page 8

Guidance issued under Section 182 of the Licensing Act 2003 (March 2010)

- The Licensing Objectives – Crime and disorder, - Section 2 pages 23 to 25
- The Licensing Objectives – Public Nuisance, Section 2 pages 21 to 23
- The Licensing Objectives – Public Safety, Section 2 pages 21 to 23
- Protection of Children from Harm, Section 2 pages 25 to 27
- Determining applications – Section 9 pages 78 to 81
- Pools of conditions – Annex D page 133 to 149

LEGAL ADVICE GIVEN DURING DELIBERATION

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

There was no legal advice 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	10 May 2011

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.