

**Meeting of the Licensing Act 2003 Sub-Committee
 held at the Town Hall, Peterborough on Tuesday, 20 May 2014**

RECORD OF PROCEEDINGS

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interest.
3. Application	New Premises Licence – Little Europe, 715 Lincoln Road, Peterborough, PE1 3HD
3.1 Application Reference	069186
3.2 Sub-Committee Members	Councillor (Chairman) Thacker Councillor Saltmarsh Councillor Kreling
3.3 Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Philippa Turvey, Senior Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Aidas Mackauskas
3.5 Nature of Application	<p><u>Application Type</u></p> <p>Application for a new premises licence.</p> <p><u>Authorisations and Times Applied For</u></p> <ul style="list-style-type: none"> • Sale of alcohol for consumption off the premises Monday to Saturday – 9:00am to 9:00pm Sunday – 10:00am to 8:00pm • Hours premises are open to the public Monday to Saturday – 9:00am to 9:00pm Sunday – 10:00am to 8:00pm <p><u>Summary of New Premises Licence Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Little Europe, 715 Lincoln Road, Peterborough, PE1 3HD, which had been received from a Residents' Association and four Responsible Authorities, the licensing authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> • Detriment to the ongoing partnership working in place to reduce anti-

	<p>social behaviour and violent crime within the area; and</p> <ul style="list-style-type: none"> In 'Op Can-do' area which is now subject to a special 'cumulative impact policy'.
3.6	<p>Licensing Objective(s) under which representations were made</p> <ol style="list-style-type: none"> The Prevention of Crime and Disorder The Protection of Children from Harm The Prevention of Public Nuisance The Protection of Public Safety
3.7	<p>Parties/Representatives and witnesses present</p> <p><u>The Licensing Authority</u></p> <p>The Licensing Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Responsible Authorities</u></p> <p>Grahame Robinson, Cambridgeshire Constabulary</p> <p>Karen Woods, Trading Standards</p> <p><u>Other Persons</u></p> <p>Brian Gascoyne, Chairman of the Millfield and New England Regeneration Partnership</p>
3.8	<p>Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p> <p>There were no pre-hearing considerations.</p>
3.9	<p>Oral representations</p> <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"> Letters had been received from the Applicant's Agenda, Mr Rocha, indicating that all the conditions proposed by the Responsible Authorities had been agreed to by the Applicant. There was a rebuttable presumption that the application be refused unless it can be demonstrated that the operation of the premises will not add to the cumulative impact already being experienced. The Applicant had requested that the meeting be adjourned, as neither the Applicant nor the Agent could be present at the meeting. The Agent had previously confirmed his intention to attend the meeting. <p>The Sub-Committee discussed whether it was appropriate to continue with the hearing as nobody was present to represent the Applicant and the Applicant believed they had not received sufficient notice of the hearing. The Sub-Committee agreed that the hearing would continue as the Applicant had the opportunity to send a representative in his stead. It was determined that sufficient notice had been provided.</p> <p>The Chairman asked if any of the Responsible Authorities or other persons had anything to add to their written representations. None wished to submit anything further to the Committee.</p>
3.10	<p>Written representations and supplementary</p> <p><u>Applicant</u></p>

<p>material taken into consideration</p>	<p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><u>Responsible Authorities</u></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from four Responsible Authorities.</p> <p><u>Other Persons</u></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from the Residents' Association.</p>
<p>3.11 Facts/Issues in dispute</p>	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the premises licence application would further support the 'Protection of Public Safety' Licensing Objective.</p>
<p>4. Decision</p>	<p>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:-</p> <p>During its deliberations, the Sub-Committee considered the following:</p> <ul style="list-style-type: none"> • Our own Statement of Licensing Policy at paragraph 11; • The Government guidance at paragraph 13.29 and 13.30; • The representation from the Police and from the Licensing Authority; and • The operating schedule within the application. <p>The Sub-Committee therefore, decided to reject the application for a licence for the premises, known as Little Europe, 715 Lincoln Road, Peterborough.</p> <p>The Sub-Committee advised that any party in objection to the decision could appeal to the Peterborough Magistrates Court within 21 days of receiving the formal decision notice.</p>
<p>5. Application</p>	<p>New Premises Licence – Centre Café, 187a Lincoln Road, Peterborough, PE1 2UN</p>

5.1	Application Reference	069164
5.2	Sub-Committee Members	Councillor (Chairman) Thacker Councillor Saltmarsh Councillor Kreling
5.3	Officers	Darren Dolby, Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Philippa Turvey, Senior Governance Officer – Clerk to the Sub-Committee
5.4	Applicant	Mr Usman Abu Bakar Iftickhar
5.5	Nature of Application	<p><u>Application Type</u></p> <p>Application for a new premises licence.</p> <p><u>Authorisations and Times Applied For</u></p> <ul style="list-style-type: none"> • Sale of alcohol for consumption off the premises Monday to Sunday – 12 (Noon) to 10:30pm • Hours premises are open to the public Monday to Sunday – 12 (Noon) to 10:30pm <p><u>Summary of New Premises Licence Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Centre Café, 187a Lincoln Road, Peterborough, PE1 2UN, which had been received from two Responsible Authorities, the licensing authority was required to hold a hearing.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> • The application was for a premises in the ‘Op Can-do’ area, which is now subject to a special ‘cumulative impact policy’; • The Operating Schedule conditions did not sufficiently address the issues of the historic problems of the location and the surrounding area; and • If granted there was concern that the initial ‘small’ licensed premises would evolve in to large capacity functions taking place in an upstairs room which can be accessed from the café.
5.6	Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> 1. The Prevention of Crime and Disorder 2. The Protection of Children from Harm 3. The Prevention of Public Nuisance 4. The Protection of Public Safety

<p>5.7 Parties/Representatives and witnesses present</p>	<p><u>The Licensing Authority</u></p> <p>The Licensing Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Responsible Authorities</u></p> <p>Grahame Robinson, Cambridgeshire Constabulary</p> <p><u>Applicant</u></p> <p>Mr Usman Abu Bakar Iftikhar, the Applicant, and Mr Langford Smith, the Applicant's Representative.</p>
<p>5.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters</p>	<p>There were no pre-hearing considerations.</p>
<p>5.9 Oral representations</p>	<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"> • The application was for on premises sales only; • Mediation had taken place, with additional conditions proposed by the applicant set out in section 7 of the report. However mediation had not, ultimately, been successful. <p><u>Applicant</u></p> <p>Langford Smith, representative for Mr Iftikhar, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> • The Conditions proposed by the police were believed to be acceptable; • A 'minimum meal' rule was proposed to ensure that a certain amount of food be purchased in order to allow alcohol to be purchased as well; • As the main concern of those objecting appeared to be the potential for use of the upstairs 'snooker room', a rule would be imposed that all alcohol purchased would be consumed on the premises or otherwise abandoned; • No objection was raised to regular inspections from the Council, without appointment; • The premise had a capacity for 20, however it was believed that in practice 15 people could be catered for; and • The upstairs could be only be accessed through the café, although there was also a fire escape from the upstairs room to outside; • Mr Iftikhar had been running the premises for approximately 2 months. <p><u>Responsible Authorities</u></p> <p>Mr Grahame Robinson, Cambridgeshire Constabulary, addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p>

	<ul style="list-style-type: none"> • He had previously seen a plan of the premises, he was not sure of the location of the entrances to the café. He did, however, believe that a 20 person capacity was acceptable; • He was concerned that the upstairs area of the building would be incorporated into the business, but would deal with such expansion plans as and when they developed; and • He couldn't see evidence of where the 'Op Can-do' issues had been addressed. • If the application were to be granted he would like to see an official plan with conditions to restrict the sale and consumption of alcohol limited to only that area. <p>The meeting was adjourned for fifteen minutes in order to obtain plans of the application premises.</p> <p><u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions.</p> <p><u>Applicant</u></p> <p>Mr Langford Smith believed the café would be an asset to the community and fully accepted the suggested restriction on alcohol in the upstairs room.</p> <p><u>Licensing Authority</u></p> <p>The Regulatory Officer reminded the Sub-Committee that the application premise fell within the 'Op Can-do' area and that the application only related to the downstairs area only.</p> <p>It was clarified that a temporary even licence could be applied for, for the upstairs room and that this would be considered by the responsible authorities.</p>
<p>5.10 Written representations and supplementary material taken into consideration</p>	<p><u>Applicant</u></p> <p>Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.</p> <p><u>Responsible Authorities</u></p> <p>Consideration was given to the written submission attached to the Sub-Committee report from four Responsible Authorities.</p>
<p>5.11 Facts/Issues in dispute</p>	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.</p> <p><u>Issue 3</u></p>

	<p>Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the premises licence application would further support the 'Protection of Public Safety' Licensing Objective.</p>
6. Decision	<p>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:-</p> <p>During its deliberations, the Sub-Committee considered the following:</p> <ul style="list-style-type: none"> • Our own Statement of Licensing Policy at paragraph 11; • The Government guidance at paragraph 13.29 and 13.30; and • The conditions forwarded by the police and those by the Applicant. <p>The Sub-Committee therefore, decided to grant the licence for the premises, known as Centre Café, 187a Lincoln Road, Peterborough, as applied for subject to the adoption of all the conditions put forward by the police and the Applicant, with the police conditions taking precedence where there is conflict and avoiding any duplication.</p> <p>The 'minimum meal' condition put forward by the Applicant was not agreed as the Sub-Committee felt this would be too difficult to enforce in this type of establishment.</p> <p>The licence was for the downstairs area alone as shown on the plan for the premises.</p> <p>The Sub-Committee advised that any party in objection to the decision could appeal to the Peterborough Magistrates Court within 21 days of receiving the formal decision notice.</p>

Chairman Cllr Thacker
Start 10:00am – 1:00pm