

Minutes of a meeting of the Licensing Act 2003 Sub Committee held at the Town Hall, Peterborough on Monday 28 July 2008 at 1.00pm

Members Present Councillors Thacker (Chairman), Morley and Swift

Officers Present Terri Martin Licensing Enforcement Officer

Adrian Day Principal Licensing Officer

Amy Brown Solicitor – Legal Advisor to the Committee

Lindsay Tomlinson Clerk to the Committee

## 1. <u>Application for a Review of the Premises Licence for Smilte – 64 Westgate, Peterborough,</u> PE1 1RG

During her opening statement the Chairman advised all present of the procedure to be followed. There were no apologies for absence, no declarations of interest and no objections were made to any of the Members of the Sub Committee taking part in the Hearing.

There were no objections to the recommended 10 minute speaking

List of speakers:

## **Responsible Authority**

PC Ifor Maddox Cambridgeshire Constabulary

**Applicant** 

No representative The applicant's solicitor had advised the clerk

that the applicant would not be attending

The Licensing Enforcement Officer introduced the report to the sub-committee and informed members that the review of the premises licence had been requested by Cambridgeshire Constabulary because of an alleged underage sale of alcohol. In response to a request for clarification the licensing enforcement officer advised that all the statements within the report were factual and correct.

PC Maddox presented the case for Cambridgeshire Constabulary. He confirmed that a test purchase had been carried out at the premises on 7 March 2008 and volunteers under the age of 18 had been allowed to purchase alcohol. It was found that there were no written training records or procedures regarding age restricted products in place at the time of the test purchase. The Designated Premises Supervisor (DPS) had given an assurance that these would be in place by 3 April 2008 but when a licensing enforcement officer visited the premises on 21 May 2008 it was found that the provisions which had been put in place were insufficient.

Inspector Maddox referred to previous incidents involving alcohol that had been stored at the back of the shop and priced when there was no licence in place for the sale of alcohol and an incident relating to counterfeit and duty free tobacco which was voluntarily surrendered to officers.

Mediation had since taken place and a number of suggested conditions had been agreed between the DPS and Cambridgeshire Constabulary. The DPS had also offered a one month suspension of the licence to allow for the conditions to be implemented.

The sub-committee retired to consider the application.

## RESOLVED:

To revoke the premises licence.

## **Reasons for the Decision:**

In view of the findings of fact and submissions made, and having regard to the comments made by the responsible authorities the sub-committee was satisfied on a balance of probability and considering all the circumstances that the decision to revoke the licence was proportionate and appropriate in view of the nature of the alleged offence.

In coming to its decision, the Sub Committee had regard to Peterborough City Council's Statement of Licensing Policy and the National Guidance.

CHAIRMAN 1.00pm – 2.15pm