

Meeting of the Licensing Act 2003 Sub-Committee

held at 1:30pm in the Bourges/Viersen at the Town Hall, Peterborough on 20 October 2023

RECORD OF PROCEEDINGS

13:36 The meeting was adjourned to wait for the applicant to arrive at the hearing.

13:47 Mr Amani arrived at the hearing.

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| 1. Apologies for Absence | There were no apologies for absence received. |
| 2. Declarations of Interest | Cllr Allen declared at deliberation that he was a Board Member of Broadway Association and although was not predetermined, would abstain from the decision due to a conflict of interest in the new premises licence application for Hungry Boys, 298 Eastfield Road, Peterborough, PE1 4RA. |
| 3. Application | New Premises Licence |
| 3.1 Application Reference | 123049 - Hungry Boys, 298 Eastfield Road, Peterborough, PE1 4RA |
| 3.2 Sub-Committee Members | Councillor Sandra Bond (Chairman) Councillor Steve Allen Councillor Nick Thulbourn |
| 3.3 Officers | Maria Crowe, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee |
| 3.4 Applicant | Mr Mehdi Amani |
| 3.5 Nature of Application | <u>Application Type</u> New Premises Licence <u>Summary of Premises Licence Review Application</u> In accordance with the Licensing Act 2003, following the submission of an application for a premises licence for Hungry Boys, 298 Eastfield Road, Peterborough, PE1 4RA, which had attracted representations in objection to |

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| | <p>the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> • The granting of the licence would increase late night noise in the vicinity of the premises to the detriment of local residents. • The granting of the licence would increase anti-social behaviour in the vicinity of Eastfield Road. It is inappropriate to sell alcohol very close to an educational establishment (Peterborough College). |
| <p>3.6 Licensing Objective(s) under which representations were made</p> | <ol style="list-style-type: none"> 1. The Prevention of Crime and Disorder 2. The Prevention of Public Nuisance 3. The Protection of Children from Harm |
| <p>3.7 Parties/Representatives and witnesses present</p> | <p><u>The Licensing Authority</u></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant</u></p> <p>Mr Mehdi Amani</p> |
| <p>3.8 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>3.9 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/her address included:</p> <ul style="list-style-type: none"> • Representation had been received from one other person on behalf of the Broadway Residents Association. • There had been no objection received from any Responsible Authority. • It was clarified that the application was for the off sales of alcohol and not on sales - Monday to Sunday 9am to 11pm as indicated in the report. <p><u>Applicant</u></p> <p>Mr Amani, the Applicant addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> |

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| | <ul style="list-style-type: none"> • The premises was currenting operating as a takeaway as a business and the applicant was changing the business model to sell alcohol. • The business would not operate as a food takeaway after the premises licence had been issued. |
| 3.10 Written representations and supplementary material taken into consideration | <p><u>Applicant</u></p> <p>Consideration was given to the application for a New Premises Licence, attached to the Sub-Committee report.</p> |
| 3.11 Facts/Issues in dispute | <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 ‘Prevention of Public Nuisance’ Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the premises licence application would further support the ‘Protection of Children from Harm’ Licensing Objective.</p> |
| 4. 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>The Sub-Committee considered:</p> <p>The application of the premises licence Eastfield Off Licence, known as Hungry Boys, situated at 298 Eastfield Road, the applicant being Mr Mehdi Aman.</p> <p>The Sub-Committee considered the representations made at the hearing and in writing in objection to the application by one local resident on behalf of Broadway Residents Association.</p> <p>The representations related to the following licensing objectives:</p> <ul style="list-style-type: none"> • Prevention of crime and disorder • Prevention of public nuisance • Protection of children from harm |

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| | <p>The Sub-Committee noted that none of the statutory responsible authorities had made representations against the grant.</p> <p>The Sub-Committee had read the committee papers and heard from the applicant in person.</p> <p>The objections to the licence being granted were:</p> <ul style="list-style-type: none"> • An increase in late night noise in the vicinity of the premises to the detriment of residents • An increase in anti-social behaviour in the vicinity of Eastfield Road • Premises close to an educational establishment, Peterborough College • The Applicant applies for: • Sale of alcohol off the premises – 0900hrs to 2300hrs – Monday to Sunday <p>The applicant stated:</p> <ul style="list-style-type: none"> • The premises was currently running a takeaway • The premises would just be an off licence <p>The Sub-Committee had disregarded matters that do not relate to the licensing objectives and those that fall outside of the committee's remit.</p> <p>In its deliberations the Sub-Committee had been referred to:</p> <ul style="list-style-type: none"> • Peterborough City Council's Statement of Licensing policy • The Government guidance issued under section 182 of the Licensing Act 2003 <p>Where relevant representations have been made, we can take one or more of the following steps to promote the licensing objectives:</p> <ul style="list-style-type: none"> • Grant the licence as submitted subject to the operating schedule, mandatory conditions, and any negotiated conditions • Add, amend, alter or delete a condition in the operating schedule • Refuse to grant the licence, or an activity <p>The Sub-Committee therefore GRANTED the licence for the premises, known as Hungry Boys, 298 Eastfield Road, Peterborough, PE1 4RA.</p> <p>Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:</p> |
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| | Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel No. 01223 376000. There is a fee to pay. |
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This item ended at 1:55pm

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| 1. Apologies for Absence | There were no apologies for absence received. |
| 2. Declarations of Interest | None. |
| 3. Application | Personal Licence Review |
| 3.1 Application Reference | 123487 - Mr Alan Price |
| 3.2 Sub-Committee Members | Councillor Sandra Bond (Chair) Councillor Steve Allen Councillor Thulbourn |
| 3.3 Officers | Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee |
| 3.4 Applicant | Cambridgeshire Constabulary |
| 3.5 Nature of Application | <p><u>Application Type</u></p> <p>Review of Personal Licence</p> <p><u>Summary of Personal Licence Review Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a Review of a Personal Licence for Mr Alan Price, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons applying for the review included:</p> <ul style="list-style-type: none"> • Mr Price received a suspended 3-month custodial sentence wholly suspended for 15 months for the offence. • Mr Price had not notified the Licensing Authority of his conviction. • The Police have requested that the Committee consider suspending or revoking Mr A Prices's personal licence. |
| 3.6 Licensing Objective(s) under which representations were made | <p>1. The Prevention of Crime and Disorder</p> <p>2. Public Safety</p> |

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| <p>3.7 Parties/Representatives and witnesses present</p> | <p><u>The Licensing Authority</u></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant</u></p> <p>Cambridgeshire Constabulary – PC Hawkins</p> <p><u>Licence Holder</u></p> <p>Not present</p> |
| <p>3.8 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>3.9 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"> • Request was made by Cambridgeshire Constabulary to ask the Sub-Committee to review and consider revocation of the personal licence for Mr Alan Price following a conviction at Southampton Crown Court on 25 August 2023 for the offence of Sexual Assault – Intentionally touch female – No penetration contrary to Section 3 of the Sexual Offences Act 2003. • Mr Price had been informed of the hearing but had not made any representation against the application to revoke his licence. <p><u>Applicant</u></p> <p>PC Hawkins addressed the Sub-Committee. The key points raised during his address, and following questions from the Sub-Committee were as follows:</p> <p>Mr Price received a suspended 3 month custodial sentence wholly suspended for 18 months for the offence.</p> |
| <p>3.10 Written representations and supplementary material taken into consideration</p> | <p><u>Responsible Authorities</u></p> <p>Consideration was given to the application for a Review of a Personal Licence attached to the Sub-Committee report.</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> |

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| | <p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the '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>This Decision Notice referred to the review of the personal licence for Mr Alan Price, made by Cambridgeshire Constabulary to review the personal licence, issued under the Licensing Act 2003, to Mr Alan Price (the Licence Holder).</p> <p>The Sub-Committee noted from the papers that Mr price has used various names over the years.</p> <p>The Sub-Committee considered the representations made at the hearing and in writing in in relation to the review by:</p> <ul style="list-style-type: none"> • Darren Dolby – Licensing Officer • Paul Hawkins – Cambridgeshire Constabulary <p>The Licence Holder was not in attendance and was not represented.</p> <p>The Licence Holder applied for a personal licence in March 2007 in the name of Raymond Alan Rayner.</p> <p>On 31 August 2023 Cambridgeshire Constabulary made a request for the Licensing Authority to review the personal licence due to the licence holder having been convicted on 25 August 2023 at Southampton Crown Court of a relevant conviction. This being:</p> <ul style="list-style-type: none"> • Sexual assault contrary to section 3 of the Sexual Offences Act 2003. • The offence was a relevant offence for the purposes of the Licensing Act 2003 (the Act) and therefore must be disclosed. It was not disclosed by the licence holder to the licensing authority. He was sentenced to a three-month custodial sentence suspended for 15 months. <p>Under Section 132A subsection (3) of the Act, the Licensing Authority may suspend the licence for a period not exceeding six months or revoke the licence.</p> <p>In reaching the decision the Sub-Committee were referred to:</p> <ul style="list-style-type: none"> • The Licensing Act 2003 |

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| | <ul style="list-style-type: none"> • The City Council's Statement of Licensing policy • The Government Guidance issued under section 182 of the Licensing Act 2003 <p>The Sub Committee discussed:</p> <ul style="list-style-type: none"> • The licensing objective of the prevention of crime and disorder and our obligations to promote this objective • The regime relating to personal licences In Section 4 of the guidance <p>The Sub Committee took a very serious view of the conviction, the offence recently committed and undisclosed, and say that it was incompatible with holding a personal licence under the Licensing Act 2003; therefore, Sub-Committee REVOKED the Personal Licence numbered 049687 issued to Mr Alan Price.</p> <p>Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:</p> <p>Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel No. 01223 376000. There is a fee to pay.</p> |
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Chairman

Start 1:30pm – 2:28pm End