



Minutes of a meeting of the Licensing Act 2003 Sub Committee held at the Town Hall, Peterborough on Wednesday 9 September 2009 at 9.30am

Members Present Councillors Newton (Chairman), Thacker and Swift

Officers Present	Darren Dolby	Regulatory Officer, Licensing
	Jodie Morton-Rowell	Licensing Officer
	Amy Brown	Solicitor, Legal Advisor to the Committee
	Gemma George	Governance Officer, Clerk to the Committee

**1. Apologies**

No apologies were received.

**2. Declarations of Interest**

Councillor Newton and Councillor Swift declared that they knew several members of the public present and further stated that this would in no way affect their decision.

**3. Application for a New Premises Licence – Netherton Food and Wine, 3 Winslow Road, Netherton, Peterborough, PE1 9RE**

During his opening statement, the Chairman advised all present of the procedure to be followed.

No objections were made to any of the Members of the Sub Committee taking part in the Hearing. All parties confirmed that they had received copies of the report and procedure.

List of speakers:

**Applicant**

Mr Alias Alizada

**Interested Parties**

Councillor M Dalton	On behalf of Mr D Downing a local resident
Mr Eric Dent	On behalf of Netherton Neighbourhood Association
Mr Michael Rowles	Local Resident

The Regulatory Officer informed the sub-committee that the application was for a new premises licence for Netherton Food and Wine, 3 Winslow Road, Netherton, Peterborough, PE1 9RE. The application was for:

- **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

The Sub Committee was advised that in respect of the original times applied for, mediation with the police had been undertaken and revised hours had been proposed and agreed.

Representations had been received from 17 interested parties, and 1 representation had been received from Netherton Neighbourhood Association. There had also been a petition submitted which contained the names of 17 additional interested parties. The interested parties had made representation in respect of the four licensing objectives: Public Nuisance, Crime and Disorder, Public Safety and Protecting Children from Harm.

Mr Alias Alizada, the applicant, addressed the Sub Committee and highlighted that when he had completed his original application form he had not been aware that the times he could apply for were restricted in any way. The original times he had applied for were met with numerous objections, therefore the times had been amended. However, even after amendments to the original times, objections had still been received. Mr Alizada commented that there were numerous other shops at the centre that sold alcohol and closed at the same time. If his licence did not allow similar opening times, he would struggle to compete.

Following questions from the interested parties and the Sub Committee, Mr Alizada advised the following points:

- He did not live in the vicinity of the store
- He already operated a store which did not currently sell alcohol
- He had held his licence for a period not exceeding three months
- He had not had any previous issues with the police

Councillor M Dalton addressed the Sub Committee on behalf of a local resident, Mr D Downing. Councillor Dalton advised Members that the shop itself was not being opposed, it was the opening times and the possible issues surrounding litter and anti social behaviour. Councillor Dalton stated that as there was a school at the end of the road where the shop was located, a 09.00 opening time would be more sensible. Also regarding the issue of anti social behaviour, this was flagged as being of major concern to the local residents, therefore suggested closing times would be 21.00 Sunday to Thursday and 22.00 Friday and Saturday. Members were further advised that litter was a problem in the area, and this would need to be addressed.

Mr Eric Dent, a representative of Netherton Neighbourhood Association addressed the Sub Committee. Members were advised that residents did not feel that another licensed premises in the area was necessary, as there was already a high volume of such outlets. Anti social behaviour was of paramount concern to the local residents also and they feared that another such outlet would have a bearing on their quality of life.

Mr Rowles, a local resident, addressed the Sub Committee and stated that he did not wish to add anything further as the points he had wished to raise had been highlighted by Councillor M Dalton and Mr Eric Dent.

Following questions from the applicant and the Sub Committee, the interested parties advised the following points:

- It would be preferable for Netherton Food and Wine to open at 09.00 in the morning rather than 08.00
- There was a public house and numerous other larger stores in the vicinity that sold alcohol. All of which were accessible by walking or a short bike ride

- It was felt that another store selling alcohol was not needed at all
- Public concern was high on this matter especially as there were three schools in the vicinity

The interested parties and the applicant were asked to sum up and there were no further comments made by either party.

The Sub Committee retired to consider the application.

**RESOLVED:**

The Sub Committee unanimously agreed to grant the new premises licence, to be valid from 9 September 2009, subject to:

- The current conditions as set out in paragraph 8 of the committee report, with an amendment to the hours for the sale of alcohol for consumption off the premises.

**CONDITIONS:**

The hours of operation under this licence shall be:

- Sale of alcohol for consumption off the premises – Monday to Sunday 09.00 – 22.00
- Hours premises are open to the public – Monday to Sunday 08.00 – 23.00

**Reasons for the decision:**

In view of the findings of fact, the sub-committee was satisfied on a balance of probability and considering all the circumstances, including the conditions imposed, that the requested variation would not create public nuisance, endanger public safety, expose children to harm or increase crime and disorder.

In coming to its decision, the sub-committee also had regard to Peterborough City Council's Statement of Licensing Policy and the National Guidance, in particular, those sections highlighted at paragraphs 9.2 and 9.3 of the committee report.

9.30am to 11.20am  
Chairman