

<b>DATE OF HEARING</b>	Friday, 18 December 2009		
<b>PANEL MEMBERS</b>	Councillor Dobbs (Chairman) Councillor Thacker Councillor Swift		
<b>APPLICATION TYPE/REF</b>	New Premises Licence 057417		
<b>APPLICANT</b>	Mr Akram Ayub		
<b>ADDRESS</b>	64 Russell Street, Peterborough, PE1 2BJ		
<b>PREMISES DETAILS</b>	Smart Convenience Store, 75 Cromwell Road, Peterborough, PE1 2EB		
<b>APPLICANT HEARD</b>		<b>Yes</b>	
<b>APPLICANT REPRESENTED</b>		<b>Yes</b>	
Mr Tomeo Giovanni			
<b>WITNESSES FOR APPLICANT</b>			<b>No</b>
<b>THE FOUR LICENSING OBJECTIVES</b>			
Prevention of crime and disorder	Public safety		
Prevention of public nuisance	Protection of children from harm		
<b>LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE</b>			
Prevention of crime and disorder	Public safety		
Prevention of public nuisance	Protection of children from harm		

<b>REPRESENTATIONS: RESPONSIBLE AUTHORITIES &amp; INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK</b>		
<b>NAME/DETAILS</b>	<b>ATTENDING</b>	<b>SPEAKING</b>
PC Ifor Maddox, Northern Licensing Officer	Yes	Yes
Councillor Nazim Khan, Ward Councillor	Yes	Yes
Mr Ed Murphy, Gladstone Connect	Yes	Yes
Mr Michael Fish	Yes	Yes
Mr Shabir Akhtar	Yes	No
Mr Zahir Ahmed	Yes	Yes
Mr Mohammed Saeed	Yes	Yes
Mr Mohammed Yasin	Yes	No
Mr Aslam Ismail	Yes	Yes
Mrs Rukhsana Kauser	Yes	No
Mr Mohammed Latif	Yes	No
Mr Mohammed Jamil	Yes	Yes
Mr Zahid Hussain	Yes	No

Signed Councillor Dobbs..... Chairman

Date 18 December 2009

The Sub-Committee read the report and relevant material and listened to all the evidence and submissions. The Sub-Committee also considered the National Guidance and the Council's Statement of Licensing Policy.

#### **FINDINGS OF FACT**

The Sub-Committee found the following facts:

1. There was a high level of anti-social behaviour in the area;
2. There were schools located in the vicinity of the premises;
3. The evidence provided by the Responsible Authority and the Interested Parties;  
and
4. The number of calls received by the police relating to rowdiness and street drinking.

#### **IRRELEVANT REPRESENTATIONS**

The Sub-Committee considered the following to be irrelevant Representations:

1. Planning matters discussed;
2. The number of licensed premises already in the vicinity; and
3. Any perceived unlawful drug misuse.

Signed Councillor Dobbs..... Chairman

Date 18 December 2009

<p><b>DECISION MADE</b></p> <p><b>New Premises Licence</b></p>	<p>The Sub-Committee considered the relevant representations made today and previously submitted in line with the four licensing objectives.</p> <p>During the Sub-Committee's deliberations regard was had to Government Guidance and to the Council's Statement of Licensing Policy.</p> <p><b>Our Decision therefore is:</b></p> <p>To reject the whole of the application.</p> <p>The Sub-Committee's decision to reject the application was based on the evidence provided by the Responsible Authority and Interested Parties.</p> <p>The Sub-Committee wished to thank the Applicant for making his points reasonably and fairly.</p>
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Signed Councillor Dobbs..... Chairman

Date 18 December 2009

**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*

**Not applicable.**

Signed Councillor Dobbs..... Chairman

Date 18 December 2009

**REASONS FOR DECISION, LINKED TO FINDINGS OF FACT**

In view of the findings of fact, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances that the requested new premises licence would create further public nuisance, endanger public safety, expose children to harm and increase crime and disorder in the area.

**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 8
- Fundamental Principles, Section 6 on Page 9
- Licensing Hours, Section 8 on Page 12
- Children and Licensed Premises, Section 9 on Page 12 to 14
- Licence Conditions, Section 13 on Page 16 and 17
- Delegation / Decision Making / Administration, Section 16 on Page 18 and 19

**Guidance Issued under Section 182 of the Licensing Act 2003**

- The Licensing Objectives – Crime and disorder, - Section 2 pages 16 to 19
- The Licensing Objectives – Public Nuisance, Section 2 pages 21 to 23
- The Licensing Objectives – Public Safety, Section 2 pages 19 to 21
- Protection of Children from Harm, Section 2 pages 23 to 25
- Determining applications – Section 9 pages 66 to 70
- Pools of conditions – Annex D page 117 to 133

**LEGAL ADVICE GIVEN DURING DELIBERATION**

No legal advice was given during deliberation.

Signed Councillor Dobbs..... Chairman

Date 18 December 2009

<b>CRIME AND DISORDER ACT 1998</b>	<b>Were there any implications under this Act? If so give details</b>
<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>	None.
<b>Human Rights Act 1998</b>	<b>How were the following articles considered</b>
<b>Article 1</b> – <i>Every person is entitled to the peaceful enjoyment of his possessions.</i>	The Sub-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.
<b>Article 6</b> – <i>Everyone is entitled to a fair trial</i>	The Sub-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.
<b>Article 8</b> – <i>Everyone has the right to respect for his private and family life, his home and his correspondence.</i>	The Sub-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.
<b>DATE OF SUB-COMMITTEE HEARING</b>	18 December 2009

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.

9.30am – 10.55am

Signed Councillor Dobbs..... Chairman

Date 18 December 2009