

<b>DATE OF HEARING</b>	Tuesday, 13 April 2010		
<b>PANEL MEMBERS</b>	Councillor Newton (Chair) Councillor Morley Councillor Saltmarsh		
<b>APPLICATION TYPE/REF</b>	New Premises Licence 058654		
<b>APPLICANT</b>	Mr Bulent Bakir		
<b>ADDRESS</b>	50 Eastfield Road, Peterborough, PE1 4AN		
<b>PREMISES DETAILS</b>	Sila, 50 Eastfield Road, Peterborough, PE1 4AN		
<b>APPLICANT HEARD</b>		<b>Yes</b>	
<b>APPLICANT REPRESENTED</b>		<b>Yes</b>	
	Mr Oktay Irk		
<b>WITNESSES FOR APPLICANT</b>		<b>Yes</b>	
	Mr Pierre Nieuwenhof		
<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		

**REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES  
ATTENDING AND/OR INTENDING TO SPEAK**

NAME/DETAILS	ATTENDING	<b>SPEAKING</b>
PC Ifor Maddox, Cambridgeshire Constabulary	Yes	Yes
Mr Gulam Jaferi, 49 Eastfield Road, Peterborough, PE1 4AS	No	No

**The sub-committee has read the report and relevant material and listened to all the evidence and submissions. The sub-committee has also considered the national guidance and the council's statement of licensing policy.**

#### **FINDINGS OF FACT**

**The sub-committee finds the following facts:**

- 1. The Committee noted the extensive conditions as laid out in the operating schedule.**
- 2. The Committee noted the objections submitted by the police and those in support and objection of the application.**

#### **IRRELEVANT REPRESENTATIONS**

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

**There were no irrelevant representations.**

DECISION MADE

The Committee has considered the relevant representations made today and previously submitted in line with the four licensing objectives.

**New Premises Licence**

**Our Decision therefore is:**

To grant the application in the same terms applied for.

The Committee is mindful that this is an application for a new business which has yet to commence trading.

**The opening hours and the selling of alcohol to be:**

Monday to Sunday 08.00 – 02.00

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*

**As set out in Appendix C, page 19 of the Committee report and at Paragraph 7 on page 3 of the Committee report.**

**Crime and disorder**

Video / CCTV equipment shall be installed inside the premises and maintained in working order.

Video / CCTV equipment will be set to record from the time that the premises open to the public until the premises close and all members of the public have left.

Images shall be retained for at least one month and shall be produced to an authorised officer on demand.

Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.

An authorised person will be available at all times on the premises to show CCTV images immediately or to an authorised officer on demand.

CCTV images will be clear and comprehensible/

If any patrons are witnessed consuming alcohol outside the store they will be asked to move on by staff.

**Prevention of Public Nuisance**

Litter shall be prevented at all times and where identified regularly cleared from the vicinity of the premises.

Receptacles for refuse storage shall be maintained in a clean condition.

**Public Safety**

A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.

Valid public liability insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request..

**Protection of Children from Harm**

The 'Challenge 21' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises.

Signage will be prominently placed within the premises advertising the fact that the premise operates the 'Challenge 21' initiative.

A log book of all refused alcohol sales will be kept and produced to an authorised officer on request.

All staff will be able to verbally challenge any persons attempting to buy alcohol or age restricted products who they believe to be under 21 years of age.

## REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

### **Chairman to read out the agreed reasons to the hearing:**

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

## 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

Legal advice was given on recent case law.

<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>	
<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 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 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 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>	13 April 2010

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.