

<b>DATE OF HEARING</b>	7 July 2010	
<b>PANEL MEMBERS</b>	Councillor Morley (Chair) Councillor Winslade Councillor Swift	
<b>APPLICATION TYPE/REF</b>	Variation MAU 059342	
<b>APPLICANT</b>	Mr Naser Yousaf	
<b>ADDRESS</b>	256 Thorpe Road, Peterborough, PE3 6LP	
<b>PREMISES DETAILS</b>	Select and Save, 9-11 Scafford Drive, Peterborough, PE1 4XQ	
<b>APPLICANT HEARD</b>	<b>Yes</b>	
<b>APPLICANT REPRESENTED</b>	<b>Yes</b>	
<p>Mr Vikram Singh, H &amp; V Solicitors Mr Matthew Groves, Counsel</p>		
<b>WITNESSES FOR APPLICANT</b>		<b>No</b>
<p><b>THE FOUR LICENSING OBJECTIVES</b></p>		
Prevention of crime and disorder	Public safety	
Prevention of public nuisance	Protection of children from harm	
<p><b>LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE</b></p>		
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>
Councillor Bella Saltmarsh (Ward Councillor)	Yes	Yes
Mr Kevin Bell	Yes	Yes

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**

Note here during hearing facts that have a bearing on the decision

The sub-committee finds the following facts:

1. There were no reported acts of a criminal nature in relation to the premises held on police files
2. Evidence of anti social behaviour in the vicinity could not be linked directly to the premises
3. The Sub-Committee noted that all those who work within the premises and who have responsibility for selling alcohol have their own personal licences and that a Challenge 21 policy is in operation
4. The Sub-Committee also noted the extensive use of CCTV both within the premises and outside

#### **IRRELEVANT REPRESENTATIONS**

*Note here irrelevant matters mentioned at hearing and why irrelevant  
e.g. not related to the relevant licensing objective, not related to licensing (e.g. parking issues)*

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

1. The perceived increase in nuisance and anti social behaviour in the area could not be directly attributed to the premises
2. The issues regarding the selling of alcohol without a licence and the failed test purchase were considered to be irrelevant by the Sub-Committee in these circumstances due to the elapsed period of time

<p>DECISION MADE</p> <p><b>Variation Premises Licence</b></p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the four licensing objectives.</p> <p><b>Our Decision therefore is:</b></p> <p>To grant the application for variation in the same terms applied for.</p>
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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*

**No additional conditions had been identified from those already attached to the current premises licence.**

## 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, that the requested variation would not create public nuisance, increase crime and disorder, endanger public safety or expose children to harm.

## 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*
- Other Legislation, *section 10 on Page 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, *section 2 pages 16 to 25*
- Determining applications, *section 9 Pages 76 to 80*
- Conditions attached to premises licences, *section 10 pages 81 to 95*
- Pools of conditions, *Annex D page 131 to 147*

## LEGAL ADVICE GIVEN DURING DELIBERATION

**Legal advice was sought on the issues surrounding relevant representations and evidence relating directly to the premises. There was no evidence presented to the Sub-Committee under the four licensing objectives that indicated the premises were problematic.**

**In consideration of the Thwaites case, the Sub-Committee could not take into account any perceived future issues.**

<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.
DATE OF SUB-COMMITTEE HEARING	7 July 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.