

DATE OF HEARING	Monday, 22 November 2010
PANEL MEMBERS	Councillor Dobbs (Chair) Councillor Thacker Councillor Swift
APPLICATION TYPE/REF	Review of Premises Licence MAU 060108
LICENSEE	I Din & Sons Ltd
ADDRESS	44 Westgate, Peterborough, PE1 1RE

PREMISES DETAILS	Westgate News & Off-Licence, 44 Westgate, Peterborough, PE1 1RE
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LICENSEE HEARD	Yes	
LICENSEE REPRESENTED	Yes	

Mr Andrew Heeler, Hegarty Solicitors
 Mr Ishtiaq Ahmed, DPS (Present but did not speak)

WITNESSES FOR LICENSEE		No
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THE FOUR LICENSING OBJECTIVES

Prevention of crime and disorder	Public safety
Prevention of public nuisance	Protection of children from harm

LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE

Prevention of crime and disorder	Public safety
	Protection of children from harm

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

NAME/DETAILS	ATTENDING	SPEAKING
PC Ifor Maddox, Northern Licensing Officer, Cambridgeshire Constabulary	Yes	Yes
Debbie Sampson, Community Safety and Licensing Team Leader	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

The Sub-Committee finds the following facts:

- 1. The Sub-Committee noted that there had been three failed test purchases at the premises**
- 2. The Sub-Committee noted that there had been three refused sales at the premises**

IRRELEVANT REPRESENTATIONS

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

- 1. There were no irrelevant representations received or considered**

DECISION MADE

**Review of Premises
Licence**

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

During the Sub-Committee's deliberations we have taken into account the government guidance issued under the Act, the Crime and Disorder Act and our own licensing policy.

Our decision therefore is:

- To suspend the licence for three months; and
- To add additional conditions to the premises licence as follows:
 1. A point of sale till prompt for all alcohol sales to be implemented
 2. A Challenge 25 policy to be implemented
 3. A Personal Licence Holder to be on the premises at all times when alcohol is available to be sold, which means no alcohol to be sold without a Personal Licence Holder on the premises
 4. All staff, who are required to sell alcohol must be trained on a six monthly basis on alcohol sales, and that training is to be evidenced in a register which must be available for inspection at all reasonable times by the Police and Council Licensing Officers

The decision is automatically suspended for 21 days to allow for appeal.

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*

4. Additional conditions proposed by the Sub-Committee at the hearing held on 22 November 2010.

1. A point of sale till prompt for all alcohol sales to be implemented;
2. Challenge 25 policy to be implemented;
3. A Personal Licence Holder to be on the premises at all times when alcohol is available to be sold, which means no alcohol to be sold without a Personal Licence Holder on the premises; and
4. All staff, who are required to sell alcohol must be trained on a six monthly basis on alcohol sales, and that training to be evidenced in a register which must be available for inspection at all reasonable times by the Police and Council Licensing Officers.

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee is satisfied on a balance of probability and considering all the circumstances that it is appropriate to review the Premises Licence and to suspend the licence for three months and to add four additional conditions to the premises licence.

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

- Children and Licensed Premises: *Section 9 on Page 12 to 14*
- Reviews: *section 15 on Page 18*
- Delegation / Decision Making / Administration: *Section 16 page 18*

Guidance issued under Section 182 of the Licensing Act 2003

- The licensing objectives: *Section 2 pages 18 to 27*
- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 82*

LEGAL ADVICE GIVEN DURING DELIBERATION

No legal advice was given during deliberation.

CRIME AND DISORDER ACT 1998	Were there any implications under this Act? If so give details
<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>	
Human Rights Act 1998	How were the following articles considered
Article 1 – <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.
Article 6 – <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.
Article 8 – <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	22 November 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.