

LICENSING COMMITTEE

**THURSDAY 19 APRIL 2012
7.00 PM**

Forli Room - Town Hall

AGENDA

Page No

- 1. Apologies for Absence**
- 2. Declarations of Interest**
- 3. Minutes of the Meeting held on 16 February 2012** **1 - 8**
- 4. Decision Notices from Licensing Act 2003 Sub-Committee Hearings** **9 - 296**

For the Committee to be provided with an overview of the outcomes of the Licensing Act 2003 Sub-Committee hearings between December 2009 and March 2012 and for those decision notices to be signed off by the Committee as the formal record of the hearings.

(The decision notices can be viewed via the following link
<http://democracy.peterborough.gov.uk/ieListMeetings.aspx?CId=143&Year=2012>)

Emergency Evacuation Procedure – Outside Normal Office Hours

In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268 as soon as possible.

Committee Members:

Councillors: Dobbs (Chairman), Todd (Vice Chairman), Allen, Peach, Simons, Miners, Benton, Saltmarsh, Ash and Khan

Substitutes: Councillors: Kreling, Swift and Shearman

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk

**MINUTES OF A MEETING OF THE LICENSING COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 16 FEBRUARY 2012**

Present: Councillors Dobbs (Chairman), Benton (Vice Chairman), Peach, Todd, Simons, Miners, Saltmarsh, Ash and Murphy

Officers in attendance: Adrian Day, Licensing Manager
Ian Robinson, Regulatory Officer
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors Allen, Khan and Shearman.

Councillor Murphy was in attendance as a nominated substitute for Councillor Khan for the duration of the meeting.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes of the Meeting held on 15 December 2011

The minutes of the meeting held on 15 December 2011 were approved as a true and accurate record.

The Chairman advised that there had been requests received for speakers to be allowed to address the Committee with regards to both items. Committee approval was required and the Committee agreed to allow the speakers.

4. Private Hire Licensing – Smart Cars

The Committee received a report following a referral from the Licensing Department, Taxi Enforcement.

The report requested Members to determine whether to vary the licensing conditions to permit the licensing of single passenger “Fortwo” Smart Cars. This was in response to a request received from a licensed operator to amend current vehicle licensing requirements to facilitate the licensing of a “Fortwo” Smart Car as a private hire vehicle.

The licensed operator, trading under the name of Green Leaf Cars, was committed to being Peterborough’s first truly environmental friendly private hire company and at the current time, two Toyota Prius Hybrids were in operation. Due to his strong environmental credentials and strong customer service, the operator had experienced a large amount of interest in his firm and a sharp rise in bookings. As a result, he wished to expand his business in order to meet

demand. The operator wished to expand his fleet to include a diesel version of the single passenger “Fortwo” Smart Car.

The Committee was advised that, as it currently stood, the operator would be prevented from licensing the Smart Car as the vehicle requirements stated:

1(b) No vehicle shall be licensed unless it is a standard car with a minimum of four doors; and

1(c) The cubic capacity of the engine is not less than 1300cc.

The Licensing Department did not wish to remove the requirements outlined above, as they served to ensure the private hire fleet provided a level of comfort and safety to all passengers. It was anticipated that if approved, the Committee would approve the “Fortwo” Smart Car as a separate tier within private hire licensing and that the specific model of vehicle be named within the private hire vehicle requirements, listing it as an exception to the requirements outlined above.

The Committee was provided with an overview of the Smart Car, and it was stated that high levels of passenger comfort were found inside and there was a generous amount of space in terms of head and leg room. The safety credentials of the vehicle were outlined, as were the vehicles environmental credentials. Dependent on the model, the engine would either be an 800cc (turbo diesel) or 900cc (petrol). The Committee was advised that it could permit the licensing of the diesel version only if it so wished.

A quality impact assessment had been undertaken and checks had been conducted with other authorities who currently licensed Smart Cars and it was acknowledged that the car could not carry a passenger sitting in a wheelchair, however it was to be noted that the vast majority of saloon cars in operation could not carry passengers sitting in wheelchairs either. The vehicle could however store a wheelchair in the boot and there was plenty of room in the front of the vehicle to accommodate a passenger requiring an assistance dog.

The vehicle would be required to be booked in advance and therefore it would be for the operator to highlight to the customer whether the Smart Car would be appropriate for the customers needs. It was however recognised that some passengers would not wish to sit directly next to the driver, and again it was anticipated that if the Smart Car was to be used, this would be addressed with the customer by the operator at the time of booking.

Consultation had been undertaken and three responses had been received and were outlined in full in the committee report. Two of the responses had been received from trade members and one from a customer via the Peterborough Disability Forum.

Members were invited to discuss the recommendations and comments and responses to questions included:

- There had been a slight delay in the application and this had been due to a number of issues with the equality impact assessment. These issues had been looked into extensively and a benchmarking exercise had also been undertaken alongside other authorities who licensed the Smart Cars. This had all contributed to the delay;

- There were five other local authorities which licensed Smart Cars due to their environmental credentials;
- The recommendation was worded as such so as not to remove the four door requirement. The Smart Car would be acceptable as a three door vehicle as it was a single passenger car;
- There were no guidelines or legislation in place to demand what a private hire company charged for its services;
- If Committee were minded to approve the proposals, an additional condition could be placed onto the operators license which would stipulate that they check with each customer as to whether a Smart Car was appropriate for their requirements;
- The National Travel Survey had been referenced and it was highlighted that around 40% of journeys were single passenger journeys;
- The vehicle had been subject to vigorous safety tests and had an NCAP4 rating. Many of the vehicles on the city's fleet were not tested to this level;
- All of the cars licensed by the operator were exempt from road tax;
- The size of the car would assist with parking issues.

Mr Brian Gascoyne, from the Peterborough Hackney Drivers Federation, addressed the Committee and responded to questions from Members. In summary, the concerns highlighted included:

- The green credentials of the vehicle were not doubted, however it was not an appropriate vehicle for city centre running;
- Concerns were around driver safety, particularly with the passenger sitting next to the driver;
- Four seater vehicles were preferable, with passengers seated in the back;
- A person with a wheelchair could not take luggage also, as there would not be enough room in the boot;
- Devout Muslims would not be able to drive the vehicle if there was a guide dog sitting in the front of the vehicle;
- The licensing of a single seater car could cause problems in the evenings with the car being booked to carry one passenger and more passengers actually being present at the pick up.

Mr Tod Howard, the operator from Green Leaf Cars, addressed the Committee and responded to questions from Members. In summary the issues highlighted included:

- The safety of the drivers was paramount and therefore when taking bookings, obtaining as much detail as possible from the customer would be vital to ensuring the correct vehicle was sent;
- The Smart Car would not be used frequently in the evenings, it would be used to supplement the Prius cars and would mainly be used during the day;
- The operation had many corporate customers, and they would be made aware that the vehicle was a Smart Car upon booking. This would be the case with all other bookings;
- Green Leaf cars had been in operation for nine months;
- The car had extremely good access for getting in and out of the vehicle and the seats sat higher up in the cars also.

Members voted on the recommendations as outlined in the committee report.

RESOLVED:

The Committee:

1. Considered a variation of private hire vehicle requirements to permit the licensing of the single passenger “Fortwo” Smart Car as a private hire vehicle; and
2. Approved the amendment of the aforesaid private hire vehicle requirements 1(b) and 1(c) to read:

1(b) No vehicle shall be licensed unless it is a standard car with a minimum of four doors, or a “Fortwo” Smart Car. (Sports saloons, drop head coupes, convertibles, touring cars, left hand drive cars or London type taxi-cabs will not be accepted).

1(c) The cubic capacity of the engine is not less than 1300cc, unless the vehicle in question is a “Fortwo” Smart Car.

Reasons for the decision:

The Council’s research, drawn from the National Travel Survey had suggested that depending on the time of day, 40% of journeys were single person trips. The operator was committed to providing a more environmentally friendly private hire service and had already licensed two hybrid Toyota Prius cars and on discovering the miles per gallon and carbon emission statistics relating to the Smart Car was interested in providing one of these vehicles as an option for single travellers.

The Council’s strategic priorities included the desire to create the UK’s environment capital. That being the case, the request to license the Smart Car was strengthened by the information laid down in the committee report, coupled with the vehicle’s strong environmental qualifications i.e. that many of the components were made from renewable raw materials and 100% recycled plastic.

5. Changes in the Licensing Policy for Hackney Carriage and Private Hire Vehicle Licences

The Committee received a report detailing a number of recommendations relating to the Council’s Vehicle Age Policy in relation to Hackney Carriage and Private Hire Vehicles.

The report requested Members to determine a number of requests which had been received from both the Peterborough Private Hire Drivers Association and the Peterborough Hackney Carriage Drivers Federation to amend the Council’s vehicle age restrictions. These related to the lower age limit, this being the maximum age of a vehicle when it was first licensed, and the upper age limit when a vehicle was considered no longer eligible to be licensed.

A recommendation had also been put forward by Officers that the Committee considered a revision of the current six monthly testing frequency. Currently this

commenced when the vehicle reached the age of five years and an extension to six years was proposed.

The Council had adopted its policy on age restrictions many years ago and was considered to have some of the most stringent of conditions in comparison to many neighbouring authorities. Since the original age restrictions were adopted, both technology and build quality of vehicles had moved on producing a higher quality of vehicles which were designed to last longer, and in turn support the worlds sustainable resources. Many manufacturers were now offering five and seven year warranties as standard on vehicles which indicated confidence in quality of build. Technology in relation to body work and painting processes had also developed in recent years meaning that the life expectancy of a vehicle in relation to rust and corrosion had greatly increased due to these advances.

Maintenance was a key factor with any vehicle and it was good practice for all commercial vehicles to be part of a planned preventative maintenance programme where all vehicles were routinely serviced to ensure safety and quality. The Council expected this level of commitment from drivers and it was highlighted that the 12 monthly and six monthly tests carried out by the testing centres were to confirm a level of safety and quality, rather than to highlight to any maintenance work needing to be undertaken.

Councillor Mohammed Nadeem addressed the Committee and in summary the issues highlighted included:

- In the first instance, Councillor Nadeem wished to declare that his brother held a taxi badge;
- It was good to see Officers and the taxi associations working closely together and that they were in agreement over the recommendations;
- The report was balanced and well constructed and had been produced after a thorough consultation process;
- Councillor Nadeem urged the Committee to accept the recommendations as outlined in the report;
- The implementations of the recommendations would benefit both the trade and members of the public.

Mr Brian Gascoyne, from Peterborough Hackney Drivers Federation, addressed the Committee and responded to questions from Members. In summary the issues highlighted included:

- The Hackney Federation did not wish the lower age limit to be extended for a number of reasons one being that the newer vehicles on the market had better green credentials;
- With regards to the top age limit, the Federation were in agreement aside from one point on the 12 year test, in that if the vehicle was found to have a fault, the operator should be given seven days to correct this prior to de-licensing.

Mr Shaheed Mohammed, representing the Peterborough Private Hire Drivers Association, addressed the Committee and responded to questions from Members. In summary the issues highlighted included:

- Surveys had been carried out within the trade as to what the Association could do for them and the Vehicle Age Policy had come out as something the drivers wanted to be addressed;
- Drivers were finding it difficult to manage within the trade, due to price rises in petrol etc;
- A number of drivers operated in different locations due to the stringent conditions in Peterborough;
- Having older vehicles would encourage drivers to maintain them to a higher standard.

Members were invited to discuss the recommendations and comments and responses to questions included:

- There were a handful of rogue operators who did need to be educated with regards to maintenance of their vehicles;
- The monitoring of vehicles regularly failing tests would be undertaken and owners would be assisted with maintenance plans in order to ensure their vehicles were kept up to standard;
- The condition of the vehicles was more important than the vehicles age;
- Peterborough had one of the strictest licensing policies in the Eastern Region;
- An emissions based licensing fee had been explored, however benefits of this would be difficult to measure and it would have been a costly exercise;
- Vehicles registered as Hackney or Private Hire all had to be tested, and if a vehicle was found to be clocked it would be de-licensed;
- There was a higher level of Private Hire Vehicles that had been de-licensed in comparison to Hackney Vehicles in Peterborough. There had never been a situation when the plate had not been re-instated.

Members voted on the recommendations as outlined in the committee report.

RESOLVED:

The Committee approved:

1. The extension of the upper age limit for which Hackney Carriage Vehicles could be licensed from 12 years to 15 years;
2. The extension of the upper age limit for which Private Hire Vehicles could be licensed from 8 years to 10 years;
3. The Extension of the time at which 6 monthly testing commenced from 5 years to 6 years; and
4. Approved the extension of the lower age limit for which Private Hire Vehicles could first be licensed from 3 to 6 years.

Reasons for the decision:

The Hackney Carriage Federation and the Private Hire Association had demonstrated that they were committed and focussed to improving not only their own areas of the business but also in developing the level of service that met the requirements of the city.

With the down turn in the economic climate and the ever increasing costs of fuel together with the inflated cost of insurance premiums, drivers were looking

at ways to survive. Both Hackney Carriage and Private Hire vehicles provided a service that had a key role to play in the economic growth of the city and in the plans to make Peterborough a destination centre.

7.00pm – 8.35pm
Chairman

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**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Friday, 18 December 2009		
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Thacker Councillor Swift		
APPLICATION TYPE/REF	New Premises Licence 057417		
APPLICANT	Mr Akram Ayub		
ADDRESS	64 Russell Street, Peterborough, PE1 2BJ		
PREMISES DETAILS	Smart Convenience Store, 75 Cromwell Road, Peterborough, PE1 2EB		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED		Yes	
Mr Tomeo Giovanni			
WITNESSES FOR APPLICANT			No
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		
Prevention of public nuisance	Protection of children from harm		

Signed Councillor Dobbs..... Chairman

Date 18 December 2009

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
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

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

<p>DECISION MADE</p> <p>New Premises Licence</p>	<p>The Sub-Committee considered the relevant representations today and previously submitted in line with the four licensing objectives.</p> <p>During the Sub-Committee's deliberations regard was had to the Government Guidance and to our own Statement of Licensing Policy.</p> <p>Our Decision therefore is</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

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 the 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

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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.

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

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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>	None.
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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	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

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**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Friday, 22 January 2010		
PANEL MEMBERS	Councillor Thacker (Chairman) Councillor Newton Councillor Swift		
APPLICATION TYPE/REF	New Premises Licence 057524		
APPLICANT	Mrs Rinoza Antony		
ADDRESS	99 Shrewsbury Road, Carshalton, SM5 1LT		
PREMISES DETAILS	Stanground Food and Wine, 5 Ayres Drive, Stanground, Peterborough, PE2 8JR		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED		Yes	
Mr Denis Bradley Rasiah and Co Solicitors			
WITNESSES FOR APPLICANT			No
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		
Prevention of public nuisance	Protection of children from harm		

Signed Councillor Thacker..... Chairman

Date 22 January 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Councillor Brian Rush	Yes	Yes
Mr Roger Brown	Yes	Yes

Signed Councillor Thacker..... Chairman

Date 22 January 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. The proven positive track record of the Applicant;**
- 2. The Applicant had agreed to a decrease in opening hours, equating to 4 ½ hours per day;**
- 3. There had been no objections received from any of the Responsible Authorities; and**
- 4. The Sub-Committee noted the extensive conditions as laid out in the operating schedule. In particular the provision of CCTV, the provision of staff training, the up keep of external lighting and the maintenance of refuse storage.**

IRRELEVANT REPRESENTATIONS

The Sub-Committee found no representations to be irrelevant.

Signed Councillor Thacker..... Chairman

Date 22 January 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

<p>DECISION MADE</p> <p>New Premises Licence</p>	<p>The Sub-Committee considered the relevant representations today and previously submitted in line with the four licensing objectives.</p> <p>During the Sub-Committee's deliberations regard was had to the Government Guidance and to our own Statement of Licensing Policy.</p> <p>Our Decision therefore is</p> <p>To grant the application in the same terms applied for.</p> <p>The hours of operation under this licence shall be:</p> <ul style="list-style-type: none">(i) Sale of alcohol for consumption off the premises<ul style="list-style-type: none">- Monday to Sunday 08.00 to 21.00(ii) Hours premises are open to the public<ul style="list-style-type: none">- Monday to Sunday 05.30 to 21.00
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Signed Councillor Thacker..... Chairman

Date 22 January 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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*

3. Applicant's proposed conditions: as set out in Appendix B, page 27 of the Committee report and at Paragraph 8 on page 3 of the Committee report.

Crime and disorder

i) Any person selling or supplying alcoholic drinks under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to suspect that the individual may be under 21 years of age.

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

iii) 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.

iv) Digital images shall be retained for at least one month and shall be produced to an authorised officer on demand.

v) 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.

vi) The Designated Premises Supervisor will ensure that staff receive training and supervision to ensure that they fully understand their responsibilities in relation to age restricted products, in particular to the sale of alcohol so as to prevent sales to persons under the age of 18.

vii) The Designated Premises Supervisor will ensure that all staff training is ongoing.

viii) The Designated Premises Supervisor will provide a book for all staff to record instances where sales are refused. This book will be available to any authorised officer upon request.

Prevention of Public Nuisance

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

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

Public Safety

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

Signed Councillor Thacker..... Chairman

Date 22 January 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

ii) External lighting will be kept in working order.

Protection of Children from Harm

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

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

Signed Councillor Thacker..... Chairman

Date 22 January 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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, 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
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- 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 Thacker..... Chairman

Date 22 January 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 January 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.

13.30pm – 14.20pm

Signed Councillor Thacker..... Chairman

Date 22 January 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Thursday, 11 February 2010		
PANEL MEMBERS	Councillor Dobbs (Chair) Councillor Thacker Councillor Swift		
APPLICATION TYPE/REF	New Premises Licence 057639		
APPLICANT	Mini Pol Ltd		
ADDRESS	Mini Poli, Unit 5, Pyramid Centre, Watergall, Bretton, Peterborough, PE3 8NY		
PREMISES DETAILS	Mini Poli, Unit 5, Pyramid Centre, Watergall, Bretton, Peterborough, PE3 8NY		
APPLICANT HEARD			No
APPLICANT REPRESENTED		Yes	
Mr Langford B. Smith			
WITNESSES FOR APPLICANT			No
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			
Prevention of public nuisance			

Signed Councillor Dobbs..... Chairman

Date 11 February 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Councillor Wayne Fitzgerald	Yes	Yes

Signed Councillor Dobbs..... Chairman

Date 11 February 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 applicant had agreed to a decrease in the opening hours and the hours for the selling of alcohol, equating to 2 hours per day**
- 2. After mediation the objection received from the Responsible Authority was withdrawn**
- 3. The Committee noted the extensive conditions as laid out in the operating schedule.**

IRRELEVANT REPRESENTATIONS

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

- 1. The suitability of the applicant to hold a licence**
- 2. The operating hours of other licensed premises in the area**

Signed Councillor Dobbs..... Chairman

Date 11 February 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 B, page 27 of the Committee report and at Paragraph 8 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.

Digital 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 to an authorised officer on demand.

CCTV images will be clear and comprehensible.

No alcohol shall be consumed on the premises

Any person employed at the premises must be able to verbally challenge any customer attempting to purchase alcohol.

Prevention of Public Nuisance

Adequate and suitable (lidded) receptacles shall be provided to receive and store refuse from the premises.

The premises licence holder shall not participate or encourage flyposting of events or the venue and any leaflet distribution shall be managed in such a way as to prevent litter.

The premises licence holder shall be responsible for the disposal of waste on the frontage of the premises.

Public Safety

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

Signed Councillor Dobbs..... Chairman

Date 11 February 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

An adequate and appropriate supply of first aid equipment and materials shall be available on the premises

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 25' 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 25' initiative.

Any potential sale of alcohol that is refused will be logged in a refusals register and be available to an authorised officer on request.

Signed Councillor Dobbs..... Chairman

Date 11 February 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

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 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

No legal advice was given during deliberation.

Signed Councillor Dobbs..... Chairman

Date 11 February 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	11 February 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.

10.00am – 10.55am

Signed Councillor Dobbs..... Chairman

Date 11 February 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Tuesday, 13 April 2010 (adjourned from 7 April 2010)
PANEL MEMBERS	Councillor Newton (Chairman) Councillor Morley Councillor Swift
APPLICATION TYPE/REF	Review of Premises Licence MAU 58243
LICENSEE	Mr Shaid Majid
ADDRESS	54 Cobden Street, Peterborough, PE1 2HD

PREMISES DETAILS	News N Booze, 95 Eastfield Road, Peterborough, PE1 4AS	
LICENSEE HEARD	Yes	
LICENSEE REPRESENTED	Yes	
Ms Anika Jones, Counsel, The Chancery Partnership Solicitors		
WITNESSES FOR LICENSEE	Yes	
Ms Rubina Shaffique		
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	
Prevention of public nuisance	Protection of children from harm	

Signed Councillor Newton..... Chairman
Date 13 April 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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
Ms Lynne Chesterton, Children’s Social Care Services – Peterborough City Council	No	No

Signed Councillor Newton..... Chairman

Date 13 April 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. There have been numerous underage sales at the premises**
- 2. There has been a breach of a condition of the licence with regard to the underage sales**
- 3. The licence holder has shown commitment to addressing the issues that were raised in the review application**

IRRELEVANT REPRESENTATIONS

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

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

Signed Councillor Newton..... Chairman

Date 13 April 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the four licensing objectives.</p> <p>Our decision therefore is:</p> <ul style="list-style-type: none"> • to suspend the alcohol licence for a period of one week starting on Friday 16th April 2010 at 8.00am until Friday 23rd April 2010 at 8.00am <p>And to modify the license conditions to include the following -</p> <ul style="list-style-type: none"> • All members of staff who are allowed to serve alcohol on the premises must have appropriate training and the evidence of this training must be available for inspection on the premises during opening hours. • Clear and unobstructed signage to be placed within the premises stating that no alcohol sale to any persons under the legal age to purchase alcohol. • A log sheet to be kept detailing attempted purchases of alcohol by those considered to be under the age of 18.
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Signed Councillor Newton..... Chairman

Date 13 April 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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.

- All members of staff who are allowed to serve alcohol on the premises must have appropriate training and the evidence of this training must be available for inspection on the premises during opening hours
- Clear and unobstructed signage to be placed within the premises stating that no alcohol sale to any persons under the legal age to purchase alcohol
- A log sheet to be kept detailing attempted purchases of alcohol by those considered to be under the age of 18

Signed Councillor Newton..... Chairman

Date 13 April 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 alcohol licence for a period of one week.

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*
- Other legislation: *Section 10 on Page 14*
- Fundamental Principles, *Section 6 on Page 9*
- Reviews, *Section 15 on Page 18*

Guidance issued under Section 182 of the Licensing Act 2003

- Reviews *Section 11 of the Guidance*
- Powers of a licensing authority on the determination of a review: *Section 11.15 Page 91*
- Reviews arising in connection with crime: *Section 11.22 Page 93*

Signed Councillor Newton..... Chairman

Date 13 April 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

No legal advice was given during deliberation.

Signed Councillor Newton..... Chairman

Date 13 April 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	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.

9.30am – 11.30am

Signed Councillor Newton..... Chairman

Date 13 April 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Tuesday, 13 April 2010 (adjourned from 7 April 2010)		
PANEL MEMBERS	Councillor Newton (Chairman) Councillor Morley Councillor Saltmarsh		
APPLICATION TYPE/REF	New Premises Licence 058654		
APPLICANT	Mr Bulent Bakir		
ADDRESS	50 Eastfield Road, Peterborough, PE1 4AN		
PREMISES DETAILS	Sila, 50 Eastfield Road, Peterborough, PE1 4AN		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED		Yes	
Mr Oktay Irk			
WITNESSES FOR APPLICANT		Yes	
Mr Pierre Nieuwenhof			
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		
Prevention of public nuisance	Protection of children from harm		

Signed Councillor Newton..... Chairman

Date 13 April 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
PC Ifor Maddox, Cambridgeshire Constabulary	Yes	Yes
Mr Gulam Jaferi, 49 Eastfield Road, Peterborough, PE1 4AS	No	No

Signed Councillor Newton..... Chairman

Date 13 April 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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.

Signed Councillor Newton..... Chairman

Date 13 April 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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

Signed Councillor Newton..... Chairman

Date 13 April 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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.

Signed Councillor Newton..... Chairman

Date 13 April 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

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.

Signed Councillor Newton..... Chairman

Date 13 April 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	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.

12.00pm – 14.30pm

Signed Councillor Newton..... Chairman

Date 13 April 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Wednesday, 21 April 2010		
PANEL MEMBERS	Councillor Newton (Chairman) Councillor Nawaz Councillor Swift		
APPLICATION TYPE/REF	Review of Premises Licence MAU 058710		
LICENSEE	Mr Pedro Lourenco		
ADDRESS	124 Gladstone Street, Peterborough, PE1 2BL		
PREMISES DETAILS	Portuguese Social Club, 124 / 126 Gladstone Street, Peterborough, PE1 1BL		
LICENSEE HEARD		Yes	
LICENSEE REPRESENTED		Yes	
Mr Ian Pratchett, Solicitor			
WITNESSES FOR LICENSEE			No
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			
Prevention of public nuisance			

Signed Councillor Newton..... Chairman
Date 21 April 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
PC Ifor Maddox, Cambridgeshire Constabulary	Yes	Yes
Councillor Nazim Khan	Yes	Yes
Councillor Mahmood Fazal	Yes	Yes
Mr Ed Murphy	Yes	Yes
Mr Shaffique	Yes	Yes

Signed Councillor Newton..... Chairman

Date 21 April 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. There had been in incident of violence within the premises that had not been contained within the premises and the police had been called to deal with public affray
2. The Sub-Committee heard from interested parties that there had been numerous incidences of noise nuisance emanating from both within the premises and from the front garden area
3. The Sub-Committee also heard that there had been incidences of a lower level of nuisance such as broken bottles and glasses within the vicinity of the premises and issues regarding parking of vehicles immediately outside the vicinity of the premises which was attributed in some part to the patrons of the premises
4. Noise levels late at night were considered to be of such a degree that it was not deemed to be reasonable or acceptable by the Sub-Committee given that the area is predominantly a family residential area
5. Evidence was given by interested parties that patrons of the premises were seen to be urinating, vomiting and discarding litter within the vicinity of the premises late in the evening and during the night

IRRELEVANT REPRESENTATIONS

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

1. The Sub-Committee disregarded alleged incidences that were some way from the premises and could not be included as part of the vicinity

Signed Councillor Newton..... Chairman

Date 21 April 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the two licensing objectives.</p> <p>Our decision therefore is:</p> <ul style="list-style-type: none"> • to modify the conditions of the premises licence • to exclude a licensable activity from the scope of the licence • to suspend the licence for a period not exceeding three months <p>The modifications to the conditions are as follows:</p> <ul style="list-style-type: none"> • to remove conditions 2, 3, 13, 23, 28, 29 to 44, 77 to 79, 81 and 83 • the licensable of late night refreshment to be removed from the licence • the premises licence to be suspended for all licensable activities for a period of 31 days to commence from 15 May 2010 • a sufficient number of SIA registered door supervisors to be on the premises during any licensable activity • the “Challenge 25” initiative to be introduced and operated on the premises forthwith • the front garden area to be monitored regularly by staff to ensure that no nuisance emanates from this area to such an extent that it disturbs the neighbours • the premises licence holder or DPS is to ensure that noise emanating from the premises does not cause a nuisance to neighbours and take such sufficient steps to monitor noise within the premises and without • CCTV footage to be kept for 31 days and produced on demand to either a police officer or authorised officer of the city council during opening hours <p>Timings of licensable activities:</p> <p style="padding-left: 40px;">From Monday to Sunday</p> <ul style="list-style-type: none"> • Opening hours 10.30 – 23.00 • Live music 18.00 – 21.00 • Recorded music 10.30 – 23.00 • Performance of dance 10.30 – 23.00 • Dancing 16.30 – 23.00 • Sale of alcohol 11.00 – 23.00 • Indoor sporting events 10.30 – 23.00 <p>All modifications and variations to the premises licence are to be suspended until 15 May 2010 under the provisions of the Act in order to allow for Appeal.</p>
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Signed Councillor Newton..... Chairman

Date 21 April 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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. Conditions imposed by the Sub-Committee:

- to remove conditions 2, 3, 13, 23, 28, 29 to 44, 77 to 79, 81 and 83
- the licensable of late night refreshment to be removed from the licence
- the premises licence to be suspended for all licensable activities for a period of 31 days to commence from 15 May 2010
- a sufficient number of SIA registered door supervisors to be on the premises during any licensable activity
- the "Challenge 25" initiative to be introduced and operated on the premises forthwith
- the front garden area to be monitored regularly by staff to ensure that no nuisance emanates from this area to such an extent that it disturbs the neighbours
- the premises licence holder or DPS is to ensure that noise emanating from the premises does not cause a nuisance to neighbours and take such sufficient steps to monitor noise within the premises and without
- CCTV footage to be kept for 31 days and produced on demand to either a police officer or authorised officer of the city council during opening hours

Signed Councillor Newton..... Chairman

Date 21 April 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 modify the conditions of the premises licence, to exclude a licensable activity from the scope of the licence and to suspend the licence for a period of 31 days to commence from 15 May 2010.

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

- Other legislation: *Section 10 on Page 14*
- Fundamental Principles: *section 6 on Page 9*
- Reviews: *section 15 on Page 18*
- Delegation / Decision Making / Administration: *Section 16 page 18*

Guidance issued under Section 182 of the Licensing Act 2003 (March 2010)

- The licensing objectives: *Section 2 pages 16 to 23*
- Reviews: *Section 11 pages 97 to 100*
- Determining applications: *Section 9 pages 76 to 80*

Signed Councillor Newton..... Chairman

Date 21 April 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

No legal advice was given during deliberation.

Signed Councillor Newton..... Chairman

Date 21 April 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	21 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.

9.30am – 11.47am

Signed Councillor Newton..... Chairman

Date 21 April 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Wednesday, 28 April 2010 (adjourned from 15 April 2010)
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Thacker Councillor Swift
APPLICATION TYPE/REF	Review of Premises Licence MAU 058675
LICENSEE	Mr Graham McMillan
ADDRESS	146 Oxney Road, Peterborough, PE1 5NG

PREMISES DETAILS	Shooters Bar, 29 New Road, Peterborough, PE1 1FJ	
LICENSEE HEARD	Yes	
LICENSEE REPRESENTED	Yes	
Mr John Snell, Counsel, Hegarty LLP Solicitors		
WITNESSES FOR LICENSEE		No
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	
Prevention of public nuisance		

Signed Councillor Dobbs..... Chairman
Date 28 April 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Mr Simon Walsh – Barrister for Cambridgeshire Constabulary	Yes	Yes
PC Ifor Maddox – Northern Licensing Officer, Cambridgeshire Constabulary	Yes	Yes
Ms Debbie Sampson – Community Safety Team Leader, Cambridgeshire Constabulary	Yes	No

Signed Councillor Dobbs..... Chairman

Date 28 April 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. Violent incidents have occurred in the vicinity of Shooters Bar;**
- 2. Not all incidents can be attributed to the customers of Shooters Bar;**
- 3. Other night clubs or bars are open in the vicinity of the premises;**
- 4. Previous attempts of mediation and advice have been attempted to alleviate the problems;**
- 5. CCTV was not available on all occasions when requested by the Police which is a condition of the current licence;**

IRRELEVANT REPRESENTATIONS

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

None

Signed Councillor Dobbs..... Chairman

Date 28 April 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the three licensing objectives.</p> <p>Our decision therefore is:</p> <ul style="list-style-type: none">• to revoke the licence
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Signed Councillor Dobbs..... Chairman

Date 28 April 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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*

None.

Signed Councillor Dobbs..... Chairman

Date 28 April 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made the Sub-Committee when considering all the circumstances agreed that the premises licence be revoked. It was considered by the sub-committee that a reduction in the operating hours, hours for licensable activities and proposed conditions would be insufficient in effectively promoting the licensing objectives of Public Safety, Prevention of Crime and disorder and Prevention of Public Nuisance.

This decision is suspended to allow an appeal to the magistrate's court for 21 days, and allowing for the delivery of the notice if the decision is not appealed revocation will have effect on Friday 21 May 2010 from midnight.

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

- Other legislation: *Section 10 on Page 14*
- Fundamental Principles: *section 6 on Page 9*
- 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 16 to 23*
- Reviews: *Section 11 pages 97 to 100*
- Determining applications: *Section 9 pages 76 to 80*

Signed Councillor Dobbs..... Chairman

Date 28 April 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

Legal advice was sought on the government guidance regarding the options available to the sub-committee.

Signed Councillor Dobbs..... Chairman

Date 28 April 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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>	None.
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	28 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.

9.30am – 1.10pm

Signed Councillor Dobbs..... Chairman

Date 28 April 2010.....

NOTIFICATION OF DECISION OF LICENSING SUB-COMMITTEE

APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE UNDER SECTION 53(A) OF THE LICENSING ACT 2003

Date of Review:	5 th May 2010
Premises:	Shooters Bar, 29 New Road, Peterborough, PE1 1FJ
Applicants:	Cambridgeshire Constabulary (Northern Division)
Decision:	To suspend the premises licence from 12 Noon on 5 th May 2010 until a full review hearing can be convened within the statutory period of 28 days from the date of receipt of the application.

OUTLINE OF FINDINGS OF FACT

1. The Sub-Committee considered representations made by the police contained within the application and certificate in support of summary review. These representations detailed an incident which took place on 30th April 2010 between 0330hrs and 0430 hrs. The police made four arrests, one for actual bodily harm, one for a public order offence and two for affray. The police state that between 15 and 20 people were involved in serious disorder. This disorder took place immediately outside the premises and within the vicinity.
2. The Sub-Committee viewed a DVD of this incident. It showed that a number of people, about 11 individuals (count undertaken by committee members), were involved and party to violence which included fighting. The DVD showed sporadic outbursts of fighting and other similar behaviour, and that a crowd had gathered by the door of the premises which did not disperse during the disturbance. The DVD also showed attempts by door staff to deal with the situation which included restraint of

some individuals, and intervention by a number of police officers who made some arrests. A member of the door staff appears to have been assaulted, as did a police officer.

3. The Sub-Committee formed the opinion that there were insufficient door staff outside dealing with the incident and as such, it was allowed to escalate.
4. The DVD also showed members of the public gaining access to the premises after 0400hrs whilst the disturbance continued. The Sub-Committee felt that access and egress to the premises should have been controlled whilst the incident was taking place for public safety reasons.
5. The Sub-Committee contacted by telephone the Community Safety and Licensing Team Leader for the police, Ms D Sampson, to confirm that those engaged in the fighting had come from the bar; this not being apparent from the DVD footage. Ms Sampson confirmed that according to statements made, that some of those involved had been drinking in the bar immediately prior to the disorder outside, but not all those present had been inside Shooters Bar.
6. Following an email to the Licensing Authority, the Sub-Committee considered further information concerning a fight between two females that took place within the premises on 3rd May 2010 at 0440hrs. An arrest for common assault was made and an ambulance called for. Officers who attended state that both females were extremely intoxicated and one of them said that they had been drinking for most of the day and entered Shooters at about 0200hrs.
7. A DVD of this incident was supplied to the Sub-Committee but for some reason it contained no data and therefore the Sub-Committee were unable to view any footage.
8. The Sub-Committee were satisfied that they had sufficient information to make a decision and therefore did not speak with the premises licence holder.

CONSIDERATIONS BY THE SUB-COMMITTEE

9. The Sub-Committee considered:

- The licensing objectives of public safety, the prevention of crime and disorder, and the prevention of public nuisance
- The Government Guidance on Expedited/Summary Reviews
- The Council's own Statement of Licensing Policy
- The Human Rights Act
- The interim steps available
- The senior officer's certificate
- The chief officer's representations

10. The Sub-Committee considered it necessary for the promotion of the three licensing objectives as listed above, that the interim step of suspension of the licence is necessary and proportionate.

REPRESENTATIONS BY THE PREMISES LICENCE HOLDER UNDER SECTION 53(B)(6) OF THE ACT

11. The premises licence holder is entitled to make representations on the interim steps taken. If representations are made, the licensing authority must hold a hearing within 48 hours of receipt (excluding non-working days). At the hearing the licensing authority must consider if the interim steps taken are necessary for the promotion of the licensing objectives and determine whether to withdraw or modify the steps taken.

9.30am – 10.45am

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NOTIFICATION OF DECISION OF LICENSING SUB-COMMITTEE

APPEAL HEARING AGAINST EXPEDITED REVIEW

Date: 7 MAY 2010

Premises: SHOOTERS BAR, 29 NEW ROAD, PE1 1FJ

We have considered the representations made on behalf of the premises licence holder, submitted today and those in writing.

We have considered the comments made by Cambridgeshire Constabulary (the responsible authority and applicants for the review).

In our deliberations we considered the various options available, being:

- whether the interim steps are necessary for the promotion of the licensing objectives;
- should the steps be withdrawn or modified.

Given the nature of the two reported incidents and that they took place within a short period of time of the main review hearing, it is our decision that the immediate suspension of the licence must continue until the substantive hearing takes place.

14.00pm – 15.20pm

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NOTIFICATION OF DECISION OF LICENSING SUB-COMMITTEE

APPLICATION FOR EXPEDITED SUMMARY REVIEW OF PREMISES LICENCE

Date: 26 MAY 2010

Premises: SHOOTERS BAR, 29 NEW ROAD, PE1 1FJ

The chairman read the following wording:

“This is a substantive review hearing to consider the expedited review applied for by the police and heard on 5 May this year, in relation to the premises licence issued to Shooter’s Bar.

“At that hearing, the sub-committee determined that the licence should be suspended in its entirety until either representations were received or until today.

“Representations were received and a hearing was convened on 7 May to receive those representations. At this hearing, the sub-committee decided that the suspension should remain in place.

“On 28 April this year, the sub-committee on application by the police, was asked to review the premises licence. At this hearing, the sub-committee determined that the licence should be revoked, pending appeal to the Magistrates’ Court. I understand that the appeal period has now expired and that the premises licence holder has not lodged an appeal. Therefore the licence has been revoked.

“It is this committee’s decision that the determinations of 5 and 7 May should stand, even though the licence has now ceased to have effect.”

9.30am - 9.35am

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NOTIFICATION OF DECISION OF LICENSING SUB-COMMITTEE

APPLICATION FOR SUMMARY REVIEW OF PREMISES LICENCE UNDER SECTION 53(A) OF THE LICENSING ACT 2003

- Date of Review:** 2 July 2010
- Premises:** Shalimar Gardens, 34 New Road, Peterborough, PE1 1FJ
- Applicants:** Cambridgeshire Constabulary (Northern Division)
- Decision:** The sale of alcohol only to be ancillary to the sale of food. Additional conditions attached to the licence as detailed in the schedule. Licensable activities only to take place between the hours of 11.00 hrs and 02.00 hrs. The premises to close by 02.30 hrs.

OUTLINE OF FINDINGS OF FACT

1. The Sub-Committee considered representations made by the police contained within the application and certificate in support of summary review. These representations detailed incidents which took place between 7 February 2010 and 27 June 2010.
2. The Sub-Committee contacted by telephone the Police Licensing Officer, PC Maddox, and asked whether there had been any further incidents reported after 27 June 2010, there had not been. Also, the Committee asked how many of the agreed further steps had been implemented by the licensee. The police were aware that a number of steps had been complied with but were unable to confirm if all steps had been complied with.
3. The Sub-Committee attempted to contact Mr Tariq Shaheen to confirm how many steps had been complied with but for some reason the Committee was unable to contact Mr Shaheen on the numbers given.

4. The Sub-Committee were satisfied that they had sufficient information to make a decision.

CONSIDERATIONS BY THE SUB-COMMITTEE

5. The Sub-Committee considered:
 - The licensing objectives of public safety, the prevention of crime and disorder, and the prevention of public nuisance
 - The Government Guidance on Expedited/Summary Reviews
 - The Council's own Statement of Licensing Policy
 - The Human Rights Act
 - The interim steps available
 - The senior officer's certificate
 - The chief officer's representations
6. The Sub-Committee considered it necessary for the promotion of the three licensing objectives as listed above, that the interim step of suspension of the licence is necessary and proportionate.

REPRESENTATIONS BY THE PREMISES LICENCE HOLDER UNDER SECTION 53(B)(6) OF THE ACT

7. The premises licence holder is entitled to make representations on the interim steps taken. If representations are made, the licensing authority must hold a hearing within 48 hours of receipt (excluding non-working days). At the hearing the licensing authority must consider if the interim steps taken are necessary for the promotion of the licensing objectives and determine whether to withdraw or modify the steps taken.

10.00am – 11.30am

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Monday, 5 July 2010		
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Thacker Councillor Newton (Replaced Cllr Swift at short notice)		
APPLICATION TYPE/REF	New Premises Licence 059387		
LICENSEE	Nene Park Trust		
ADDRESS	Nene Park Trust, Ham Farm House, Ham Lane, Peterborough, PE2 5UU		
PREMISES DETAILS	Specified Section of Ferry Meadows Country Park, Peterborough, PE2 5UU		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED			No
WITNESSES FOR APPLICANT		Yes	
Mr James McCulloch, Chief Executive of the Nene Park Trust Mrs Susan Taylor, Nene Park Trust			
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			
Prevention of public nuisance			

Signed Councillor Dobbs..... Chairman

Date 5 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Mr and Mrs Reuben	Yes	Yes
Mrs Cox	Yes	Yes
Mrs Mehmed	Yes	Yes
Mrs Tebbs	Yes	No

Signed Councillor Dobbs..... Chairman

Date 5 July 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. There were concerns raised about parking issues off site**
- 2. There were concerns raised regarding noise nuisance emanating from the sites during any organised event**
- 3. There were concerns raised regarding litter and other waste remaining on site after any organised event**
- 4. There were no representations received from any of the Responsible Authorities**

IRRELEVANT REPRESENTATIONS

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

- 1. A number of late representations were received on the day which the Sub-Committee felt it could not take account of given the short notice**
- 2. Off site parking was an issue with the Sub-Committee given the location and provision of the on site parking, the Sub-Committee decided not to take this issue any further**
- 3. Some issues raised by local residents were outside the Sub-Committee's remit as they did not address the four licensing objectives**

Signed Councillor Dobbs..... Chairman

Date 5 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

<p>DECISION MADE</p> <p>New Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the two licensing objectives.</p> <p>Our decision therefore is:</p> <p>To grant the licence in the same terms applied for.</p> <p>The decision was reached by 2 votes for and 1 against.</p> <p>Hours premises are open to the public</p> <p>Monday to Sunday 24 hours a day</p>
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Signed Councillor Dobbs..... Chairman

Date 5 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 Paragraph 7 on page 3 of the Committee report and Appendix C, page 34 of the Committee report

Prevention of Public Nuisance

Receptacles for waste shall be emptied regularly to minimise nuisance smells.

Written approval from the Licensing Authority shall be sought at least 28 days prior to the use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas

Any request by an authorised officer of the Council in relation to reducing noise levels shall be complied with

A person nominated by the premises licence holder shall be responsible for monitoring noise levels and instructed to implement changes in noise levels in accordance with any request by an authorised officer of the Council immediately and ensure that volume is maintained at the reduced level.

No amplified sound (including public announcements) in connection with the event shall continue beyond the permitted hours of the entertainment.

Prevention of Crime & Disorder

The premises license holder shall be responsible for prevention and disposal of waste on the frontage of the premises and make provision for the emptying of litter bins in the vicinity of the premises

The premise license holder shall not participate or encourage fly posting of events or the venue and any leaflet distribution shall be managed in such a way as to prevent litter

Lighting shall be provided outside the premises (and in the private car park) during the hours of darkness when any licensable activity takes place on the premises

No drinks shall be sold in glass bottles within the licensable area.

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.

Access for emergency vehicles shall be kept clear and free from obstruction

An adequate and appropriate supply of first aid equipment and materials shall be available on the premises

Signed Councillor Dobbs..... Chairman

Date 5 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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.

Prior notification of 28 days shall be given to the Licensing, Health & safety and/or Fire Authority in relation to the use of any of the following special effects:

- Dry ice machines and cryogenic fog.
- Smoke machines and fog generators.
- Foam cannon/snow machine.
- Pyrotechnics, including fireworks.
- Real flame.
- Firearms.
- Motor vehicles.
- Strobe lighting.
- Explosives and highly flammable substances.
- Lasers; (*see HSE Guide The Radiation Safety of lasers for display purposes [HS(G)95] and BS EN 60825; Safety of laser products*)

Safety checks will be carried out before the admission of the public and details of such checks are to be kept on file for licensable activities.

Signed Councillor Dobbs..... Chairman

Date 5 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

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 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 (March 2010)

- The Licensing Objectives – Public Nuisance, Section 2 pages 21 to 23
- The Licensing Objectives – Crime and Disorder, Section 2 Pages 16 to 19
- Determining applications – Section 9 pages 66 to 70
- Pools of conditions – Annex D page 117 to 133

Signed Councillor Dobbs..... Chairman

Date 5 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

(to be read out by Legal Officer when decision is given to the hearing)

The Legal Officer gave advice to the Sub-Committee during their deliberations appertaining to relevant representations in accordance with the four licensing objectives, also that any conditions additional to those already submitted must be proportionate, reasonable and enforceable.

Signed Councillor Dobbs..... Chairman

Date 5 July 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	5 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.

9.42am – 11.53am

Signed Councillor Dobbs..... Chairman

Date 5 July 2010.....

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**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Wednesday, 7 July 2010	
PANEL MEMBERS	Councillor Morley (Chairman) Councillor Winslade Councillor Swift	
APPLICATION TYPE/REF	Variation MAU 059342	
APPLICANT	Mr Naser Yousaf	
ADDRESS	256 Thorpe Road, Peterborough, PE3 6LP	
PREMISES DETAILS	Select and Save, 9-11 Scalford Drive, Peterborough, PE1 4XQ	
APPLICANT HEARD	Yes	
APPLICANT REPRESENTED	Yes	
Mr Vikram Singh, H & V Solicitors Mr Matthew Groves, Counsel		
WITNESSES FOR APPLICANT		No
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	
Prevention of public nuisance	Protection of children from harm	

Signed Councillor Morley.....Chairman

Date 7 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Councillor Bella Saltmarsh (Ward Councillor)	Yes	Yes
Mr Kevin Bell	Yes	Yes

Signed Councillor Morley.....Chairman

Date 7 July 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. 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

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

Signed Councillor Morley.....Chairman

Date 7 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

<p>DECISION MADE</p> <p>Variation Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the four licensing objectives.</p> <p>Our Decision therefore is:</p> <p>To grant the application for variation in the same terms applied for.</p> <p>To extend the hours for the sale of alcohol off the premises for an extra 6 hours per day, Monday to Sunday. Current hours are 06.00 to 22.00, variation application is to extend hours to 06.00 to 04.00.</p>
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Signed Councillor Morley.....Chairman

Date 7 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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.

Signed Councillor Morley.....Chairman

Date 7 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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.

Signed Councillor Morley.....Chairman

Date 7 July 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	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.

9.30am – 10.45am

Signed Councillor Morley.....Chairman

Date 7 July 2010.....

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**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Monday, 26 July 2010
PANEL MEMBERS	Councillor Newton (Chairman) Councillor Morley Councillor Saltmarsh
APPLICATION TYPE/REF	Expedited Summary Review of Premises Licence MAU 059597
LICENSEE	Mr Tariq Shaheen
ADDRESS	Smartwick Farm, Kimbolton Road, Wilden, Bedford, MK44 2PP

PREMISES DETAILS	Shalimar Gardens, 34 New Road, Peterborough, PE1 1FH	
LICENSEE HEARD	Yes	
LICENSEE REPRESENTED	Yes	
Mr Jason Stevens, HC Solicitors		
WITNESSES FOR LICENSEE		No
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		

Signed Councillor Newton..... Chairman

Date 26 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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

Signed Councillor Newton..... Chairman

Date 26 July 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 no further incidents reported by the police and that the premises licence holder had adhered to the six conditions applied to the licence on the 2nd July 2010**
- 2. The Sub-Committee also noted the improved practices adopted by the premises licence holder as outlined by the legal representative**

IRRELEVANT REPRESENTATIONS

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

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

Signed Councillor Newton..... Chairman

Date 26 July 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>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.</p> <p>Our decision therefore is:</p> <p>The license to revert to the pre 2nd July status with regards to the timings of licensable activities and opening times, with the sale of alcohol only to be ancillary to the sale of a substantial meal, the 6 conditions added on the 2nd July by this Authority to be made permanent plus the following 2 conditions to be added to the licence:</p> <ul style="list-style-type: none"> • A personal licence holder to be on the premises during all licensable activities • A certified first aider to be on the premises during all licensable activities <p>This decision is automatically suspended for 21 days to allow an appeal to the Magistrates' Court by either the premises licence holder or the chief of police.</p>
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Signed Councillor Newton..... Chairman

Date 26 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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*

2. Additional conditions proposed by the Police.

- That a personal licence holder to be on the premises during all licensable activities
- That a certified first aider to be on the premises during all licensable activities

4. Additional conditions proposed by the Sub-Committee at the hearing held on 2nd July 2010. These conditions to become permanent.

- That all bar staff are aware of their responsibilities under the Licensing Act 2003 and training on the Act to be evidenced in writing
- Security door staff to be employed during the hours of 23.00 hrs and closing time when licensable activities take place
- City Link to be in place and operational during licensable activities
- Challenge 21 posters to be displayed within the premises
- A refusals register to be kept and available for inspection by the police and authorised officers of the local authority
- The Travel Lodge located near the premises has a direct telephone number to the premises in order to speak with the DPS or premises licence holder in case of noise nuisance

Signed Councillor Newton..... Chairman

Date 26 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 revert the license to pre 2nd July status with regards to the timings of licensable activities and opening times, with the sale of alcohol only to be ancillary to the sale of a substantial meal, the 6 conditions added on the 2nd July by this Authority to be made permanent and to add two 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

- Other legislation: *Section 10 on Page 14*
- Fundamental Principles: *section 6 on Page 9*
- 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 16 to 23*
- Reviews: *Section 11 pages 97 to 100*
- Determining applications: *Section 9 pages 76 to 80*

Signed Councillor Newton..... Chairman

Date 26 July 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

No legal advice was given during deliberation.

Signed Councillor Newton..... Chairman

Date 26 July 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	26 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.

13.30pm – 15.05pm

Signed Councillor Newton..... Chairman

Date 26 July 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Friday, 5 November 2010
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Thacker Councillor Swift
APPLICATION TYPE/REF	Review of Premises Licence MAU 059422
LICENSEE	Murco Petroleum Limited
ADDRESS	4 Beaconsfield Road, St Albans, Herts, AL1 3RH

PREMISES DETAILS	Murco Costcutter Express, 218-226 Lincoln Road, Peterborough, PE4 2NE
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LICENSEE HEARD	Yes	
LICENSEE REPRESENTED	Yes	

Mr Roy Light – Barrister, St John’s Chambers, Bristol

WITNESSES FOR LICENSEE	Yes	
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Mr A Edwards – Regional Manager, Murco
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THE FOUR LICENSING OBJECTIVES

Prevention of crime and disorder	Public safety
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Prevention of public nuisance	Protection of children from harm
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LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE

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

Signed Councillor Dobbs..... Chairman

Date 5 November 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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
Jeremy Philips, Barrister, Legal Representative for the Applicant (that being the Responsible Authority)	Yes	Yes

Signed Councillor Dobbs..... Chairman

Date 5 November 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 five failed test purchases in 3 years;**
- 2. The Sub-Committee also noted that staff had not been following the operating schedule within the licence and the company's own policies and procedures relating to the sale of alcohol.**

IRRELEVANT REPRESENTATIONS

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

Signed Councillor Dobbs..... Chairman

Date 5 November 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objectives.</p> <p>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.</p> <p>Our decision therefore is:</p> <ul style="list-style-type: none"> ▪ to suspend the retail selling of alcohol for one month; and ▪ to amend and add conditions to the operating schedule as follows: <ol style="list-style-type: none"> 1. All staff who sell alcohol to be personal licence holders. 2. 3 monthly alcohol sales refresher training for all staff including Designated Premises Supervisor. 3. CCTV recording to be operational in the area where alcohol is sold 24 hours a day, and footage to be kept for a minimum of 2 months and made available to Responsible Authorities on request. 4. Sales register to be fitted with an operational web cam which the Regional and Area Managers can access. 5. Register of all alcohol sales training to be kept and available for inspection by a Responsible Authority on request. 6. Sales register age prompt system to be in use for all alcohol related sales. 7. The Challenge 25 initiative to be implemented.
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Signed Councillor Dobbs..... Chairman

Date 5 November 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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. Amended and additional conditions proposed by the Sub-Committee at the hearing held on 5th November 2010.

1. All staff who sell alcohol to be personal licence holders.
2. 3 monthly alcohol sales refresher training for all staff including Designated Premises Supervisor.
3. CCTV recording to be operational in the area where alcohol is sold 24 hours a day, and footage to be kept for a minimum of 2 months and made available to Responsible Authorities on request.
4. Sales register to be fitted with an operational web cam which the Regional and Area Managers can access.
5. Register of all alcohol sales training to be kept and available for inspection by a Responsible Authority on request.
6. Sales register age prompt system to be in use for all alcohol related sales.
7. The Challenge 25 initiative to be implemented.

Signed Councillor Dobbs..... Chairman

Date 5 November 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 retail selling of alcohol for one month and to amend and add conditions to the operating schedule.

The Sub-Committee based the decision on the submissions received relating to the failed test purchasing and the respondents admissions of a failure of staff to follow their own policies and procedures with regards to the sale of alcohol.

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 16 to 25*
- Reviews: *Section 11 pages 97 to 100*
- Determining applications: *Section 9 pages 76 to 80*

Signed Councillor Dobbs..... Chairman

Date 5 November 2010

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

No legal advice was given during deliberation.

Signed Councillor Dobbs..... Chairman

Date 5 November 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	5 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.

9.30am – 12.34pm

Signed Councillor Dobbs..... Chairman

Date 5 November 2010

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Monday, 22 November 2010
PANEL MEMBERS	Councillor Dobbs (Chairman) 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

Signed Councillor Thacker.....Chairman
Date 22 November 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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

Signed Councillor Thacker.....Chairman

Date 22 November 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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

Signed Councillor Thacker.....Chairman

Date 22 November 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objectives.</p> <p>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.</p> <p>Our decision therefore is:</p> <ul style="list-style-type: none"> • To suspend the licence for three months; and • To add additional conditions to the premises licence as follows: <ol style="list-style-type: none"> 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 <p>The decision is automatically suspended for 21 days to allow for appeal.</p>
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Signed Councillor Thacker.....Chairman

Date 22 November 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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.

Signed Councillor Thacker.....Chairman

Date 22 November 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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*

Signed Councillor Thacker.....Chairman

Date 22 November 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

No legal advice was given during deliberation.

Signed Councillor Thacker.....Chairman

Date 22 November 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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.

9.30am – 10.55am

Signed Councillor Thacker.....Chairman

Date 22 November 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	15 December 2010		
PANEL MEMBERS	Councillor Thacker (Chairman) Councillor Dobbs Councillor Swift		
APPLICATION TYPE/REF	Variation MAU 060284		
APPLICANT	Mr Aidas Meckauskas		
ADDRESS	715 Lincoln Road, Peterborough, PE1 3HD		
PREMISES DETAILS	Kaimas Lithuanian Restaurant, 561-563 Lincoln Road, Peterborough, PE1 2PB		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED		Yes	
Ms Belinda Smith, Belinda Smith & Co Solicitors			
WITNESSES FOR APPLICANT			No
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		
Prevention of public nuisance			

Signed Councillor Thacker.....Chairman

Date 15 December 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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
Ms Iwona Wojszczyk, Noise Pollution Officer	Yes	Yes
Ms Dorothy Pocock, Noise Pollution Officer	Yes	No

Signed Councillor Thacker.....Chairman
Date 15 December 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 nature of the licensable activities
2. The proximity of the premises to residential areas
3. The conditions offered and accepted by the applicant

IRRELEVANT REPRESENTATIONS

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

1. The issues surround parking
2. Disturbances not directly attributable to the premises
3. Other matters that do not impact on the licensing objectives

Signed Councillor Thacker.....Chairman

Date 15 December 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Variation Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the three licensing objectives.</p> <p>Our Decision therefore is:</p> <p>To grant the application for the variation in part.</p> <p>1. The hours of opening to be:</p> <p>Sunday to Thursday</p> <p>12.00 – 00.00</p> <p>Friday to Saturday</p> <p>12.00 – 01.00</p> <p>2. The hours for the sale of alcohol, ancillary to a main meal, to be:</p> <p>Sunday to Thursday</p> <p>12.00 – 00.00</p> <p>Friday to Saturday</p> <p>12.00 – 01.00</p> <p>3. Live music on the ground floor only to be permitted, the hours to be:</p> <p>19.00 – 00.00</p> <p>Six occasions per annum, the Licensing Team must be informed of the event 24 hours in advance and the events must only take place on Fridays and Saturdays</p> <p>4. Recorded music:</p> <p>During opening hours, both upstairs and downstairs in the premises.</p> <p>5. Late Night Refreshment, the hours to be:</p> <p>23.00 – closing time</p>
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Signed Councillor Thacker.....Chairman

Date 15 December 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

ADDITIONAL CONDITIONS ATTACHED

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*

1. The conditions as set out at paragraph 7, on page 4 of the committee report

2. Additional conditions proposed by Responsible Authorities

Environmental Pollution Control

- **The Premises Licence Holder or the Designated Premises Supervisor to ensure that noise does not emanate from the premises so as to not cause a nuisance**
- **During the playing of music, all external doors and windows to remain closed other than for access and egress, so as to prevent a noise nuisance emanating from the premises**
- **Any request from an authorised Officer of the Council, Police Officer or Police Community Support Officer to reduce music to an acceptable level so as not to cause a noise nuisance shall be complied with**
- **Notices to be displayed in a prominent position by all exits requesting patrons to leave the premises quietly so as not to cause a noise nuisance in the immediate vicinity to neighbours**

Cambridgeshire Constabulary

- **CCTV systems to record all areas where a licensable activity takes place**
- **CCTV images to be kept for one month and made available for inspection upon request by an authorising officer of the City Council, Police Officer or Police Community Support Officer**
- **CCTV to be placed in a suitable position by all exits and entrances to record all persons visiting and leaving the premises during the hours of licensable activity**
- **CCTV recorded images must be of a suitable quality for evidential purposes**

Signed Councillor Thacker.....Chairman

Date 15 December 2010.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 variation would not create public nuisance, increase crime and disorder or endanger public safety.

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 18 to 25
- Determining applications, section 9 Pages 78 to 81
- Conditions attached to premises licences, section 10 pages 83 to 96
- Pools of conditions, Annex D page 133 to 149

LEGAL ADVICE GIVEN DURING DELIBERATION

No legal advice was given during deliberation.

Signed Councillor Thacker.....Chairman

Date 15 December 2010.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	15 December 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.

9.30am – 12.05pm

Signed Councillor Thacker.....Chairman

Date 15 December 2010.....

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**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Friday, 18 March 2011		
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Thacker Councillor Swift		
APPLICATION TYPE/REF	New Premises Licence 06019		
LICENSEE	Mr Ashaq Hussain Jaffrie		
ADDRESS	97 Kesteven Walk, Eastgate, Peterborough, PE1 5DS		
PREMISES DETAILS	Alexandra News & Groceries, 5-6 Langford Buildings, Alexandra Road, Peterborough, PE1 3DA		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED			No
WITNESSES FOR APPLICANT			No
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		
Prevention of public nuisance	Protection of children from harm		

Signed Councillor Dobbs..... Chairman
Date 18 March 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
None		

Signed Councillor Dobbs..... Chairman

Date 18 March 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. There were no representations received from any of the Responsible Authorities**
- 2. It was noted that the original application had been mediated out between the applicant and the police and there had been a subsequent reduction in the hours**

IRRELEVANT REPRESENTATIONS

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

There were no irrelevant representations.

Signed Councillor Dobbs..... Chairman

Date 18 March 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

<p>DECISION MADE</p> <p>New Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the two licensing objectives.</p> <p>Our decision therefore is:</p> <p>To grant the application in the same terms applied for the opening hours to be:</p> <ul style="list-style-type: none">• Sale of alcohol for consumption off the premises<ul style="list-style-type: none">- Monday to Sunday 07.00 to Midnight• Hours premises are open to the public<ul style="list-style-type: none">- Monday to Sunday 07.00 to Midnight
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Signed Councillor Dobbs..... Chairman

Date 18 March 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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*

1. As set out in Paragraph 8 on page 3 of the Committee report and Appendix B, page 29 of the Committee report

Crime and disorder

- Any person selling or supplying alcoholic drink under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age.
- 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.
- Digital 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.
- The Designated Premises Supervisor will ensure that staff receive training and supervision to ensure that they fully understand their responsibilities in relation to age restricted products, in particular to the sale of alcohol so as to prevent sales to persons under the age of 18. This training will be documented and available to an authorised officer on request.
- The Designated Premises Supervisor will ensure that all staff training is ongoing.
- The Designated Premises Supervisor will provide a book for all staff to record instances where sales are refused. This book will be available to any authorised officer upon request.

Prevention of Public Nuisance

- Receptacles for refuse storage shall be maintained in a clean condition.
- Litter shall be prevented at all times and where identified regularly cleared from the vicinity of the premises.
- The licensee shall take reasonable steps to prevent and control noise nuisance caused by persons using the Licensed Premises and also ensure patrons and visitors arrive and depart from the premises in a manner which will not cause

Signed Councillor Dobbs..... Chairman

Date 18 March 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

annoyance to nearby residents.

- Prominent, clear notices shall be displayed at all exits and outside trading areas requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly. Staff must be given adequate instruction and training to prevent them causing unnecessary noise when they leave the premises.

Public Safety

- A fire risk assessment conforming to the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.
- A first aid kit will be available on the premises.

Protection of Children from Harm

- The 'Challenge 25' 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 25' initiative.

Signed Councillor Dobbs..... Chairman

Date 18 March 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

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 5 and 6
- Fundamental Principles, Section 6 on Page 6
- Licensing Hours, Section 12 on Page 10
- Children and Licensed Premises, Section 13 on Page 10 and 11
- Licence Conditions, Section 14 on Page 11 and 12
- Delegation / Decision Making / Administration, Section 17 on Page 13 and 14

Guidance issued under Section 182 of the Licensing Act 2003 (October 2010)

- The Licensing Objectives – Crime and disorder, - Section 2 pages 18 to 21
- The Licensing Objectives – Public Nuisance, Section 2 pages 23 to 25
- The Licensing Objectives – Public Safety, Section 2 pages 21 to 23
- Protection of Children from Harm, Section 2 pages 25 to 27
- Determining applications – Section 9 pages 78 to 81
- Pools of conditions – Annex D page 133 to 149

Signed Councillor Dobbs..... Chairman

Date 18 March 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

There was no legal advice given during deliberation.

Signed Councillor Dobbs..... Chairman

Date 18 March 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	18 March 2011

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.

14.00pm – 14.40pm

Signed Councillor Dobbs..... Chairman

Date 18 March 2011.....

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**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Tuesday, 10 May 2011		
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Winslade Councillor Khan		
APPLICATION TYPE/REF	New Premises Licence 060883		
LICENSEE	Miss K. Malakauskaite		
ADDRESS	733 Lincoln Road, Peterborough, PE1 3HD		
PREMISES DETAILS	Lithuanian Food, 733 Lincoln Road, Peterborough, PE1 3HD		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED		Yes	
Mr Edwards, Counsel for Applicant Mr Singh, Instructing Solicitor, H&V Solicitors			
WITNESSES FOR APPLICANT		No	
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			
Prevention of public nuisance			

Signed Councillor Dobbs..... Chairman

Date 10 May 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Councillor Charles Swift	Yes	Yes
Mr Brian Gascoyne	Yes	Yes

Signed Councillor Dobbs..... Chairman

Date 10 May 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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. There were no representations received from any of the Responsible Authorities

IRRELEVANT REPRESENTATIONS

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

There were no irrelevant representations.

Signed Councillor Dobbs..... Chairman

Date 10 May 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

<p>DECISION MADE</p> <p>New Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the two licensing objectives.</p> <p>Our decision therefore is:</p> <p>To grant the application in the same terms applied for the opening hours to be:</p> <ul style="list-style-type: none">• Sale of alcohol for consumption off the premises<ul style="list-style-type: none">- Monday to Sunday 08.00 to 23.00• Hours premises are open to the public<ul style="list-style-type: none">- Monday to Sunday 08.00 to 23.00
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Signed Councillor Dobbs..... Chairman

Date 10 May 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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*

1. As set out in Paragraph 7 on page 3 of the Committee report and Appendix B, page 29 of the Committee report

Crime and disorder

- Any person selling or supplying alcoholic drinks under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age.
- 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.
- Digital 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.
- The Designated Premises Supervisor will ensure that staff receive training and supervision to ensure that they fully understand their responsibilities in relation to age restricted products, in particular to the sale of alcohol so as to prevent sales to persons under the age of 18.
- The Designated Premises Supervisor will ensure that all staff training is ongoing.
- The Designated Premises Supervisor will provide a book for all staff to record instances where sales are refused. This book will be available to any authorised officer upon request.

Prevention of Public Nuisance

- Receptacles for refuse storage shall be maintained in a clean condition.
- Litter shall be prevented at all times and where identified regularly cleared from the vicinity of the premises.

Public Safety

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

Signed Councillor Dobbs..... Chairman

Date 10 May 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

Protection of Children from Harm

- The 'Challenge 25' 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 25' initiative.

Signed Councillor Dobbs..... Chairman

Date 10 May 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

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 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 5
- Fundamental Principles, Section 6 on Page 6
- Licensing Hours, Section 12 on Page 10
- Children and Licensed Premises, Section 13 on Page 10 and 11
- Licence Conditions, Section 14 on Page 11 and 12
- Delegation / Decision Making / Administration, Section 17 on Page 13 and 14
- Cumulative Impact, Section 11 on Page 8

Guidance issued under Section 182 of the Licensing Act 2003 (March 2010)

- The Licensing Objectives – Crime and disorder, - Section 2 pages 23 to 25
- The Licensing Objectives – Public Nuisance, Section 2 pages 21 to 23
- The Licensing Objectives – Public Safety, Section 2 pages 21 to 23
- Protection of Children from Harm, Section 2 pages 25 to 27
- Determining applications – Section 9 pages 78 to 81
- Pools of conditions – Annex D page 133 to 149

Signed Councillor Dobbs..... Chairman

Date 10 May 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

(to be read out by Legal Officer when decision is given to the hearing)

There was no legal advice given during deliberation.

Signed Councillor Dobbs..... Chairman

Date 10 May 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	10 May 2011

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.

10.30am – 12.30pm

Signed Councillor Dobbs..... Chairman

Date 10 May 2011.....

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**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Friday, 3 June 2011		
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Peach Councillor Saltmarsh		
APPLICATION TYPE/REF	New Premises Licence 061158		
LICENSEE	Mr Hakan Tas		
ADDRESS	51 Blanford Road, Hamworthy Pool, Bournemouth, BH15 4AT		
PREMISES DETAILS	Unit 1, Sugar Square, 160 Padholme Road, Peterborough, PE1 5JB		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED		Yes	
Mr Shokat Ali, Jeremy Roberts & Co. Mr Mark Percival, Architect			
WITNESSES FOR APPLICANT			No
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			
Prevention of public nuisance			

Signed Councillor Dobbs..... Chairman
Date 3 June 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Councillor Nabil Shabbir	Yes	Yes

Signed Councillor Dobbs..... Chairman

Date 3 June 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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. There were no representations received from any of the Responsible Authorities.

IRRELEVANT REPRESENTATIONS

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

There were no irrelevant representations.

Signed Councillor Dobbs..... Chairman

Date 3 June 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

<p>DECISION MADE</p> <p>New Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the two licensing objectives.</p> <p>The proposed early start time is considered to be of concern to the school children passing by on their way to school.</p> <p>Our decision therefore is:</p> <p>To grant the application and due to the high number of alcohol related incidents in the area, the hours of sale of alcohol for consumption off the premises are to be:</p> <ul style="list-style-type: none">• Sale of alcohol for consumption off the premises<ul style="list-style-type: none">- Monday to Thursday 10.00 to 22.00- Friday and Saturday 10.00 to 23.00- Sunday 10.00 to 22.00• Hours premises are open to the public<ul style="list-style-type: none">- Monday to Thursday 06.00 to 00.00 (Midnight)- Friday and Saturday 06.00 to 01.00- Sunday 07.00 to 00.00 (Midnight)
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Signed Councillor Dobbs..... Chairman

Date 3 June 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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*

1. As set out in Paragraph 7 on page 3 of the Committee report and Appendix B, page 19 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.
- Digital 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.
- The Designated Premises Supervisor will ensure that staff receive training and supervision to ensure that they fully understand their responsibilities in relation to age restricted products, in particular to the sale of alcohol so as to prevent sales to persons under the age of 18. This training will be documented and available to an authorised officer on request.
- The Designated Premises Supervisor will ensure that all staff training is ongoing.
- The Designated Premises Supervisor will provide a book for all staff to record instances where sales are refused. This book will be available to any authorised officer upon request.
- Any person selling or supplying alcoholic drink under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age.

Prevention of Public Nuisance

- Receptacles for refuse storage shall be maintained in a clean condition.
- Litter shall be prevented at all times and where identified regularly cleared from the vicinity of the premises.

Public Safety

- A fire risk assessment conforming to the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an

Signed Councillor Dobbs..... Chairman

Date 3 June 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

authorised officer.

- A first aid kit will be available on the premises.

Protection of Children from Harm

- The 'Challenge 25' 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 25' initiative.

Mediated Conditions - under the prevention of public nuisance objective

- The holder of the premises licence or a nominated representative shall take reasonable steps to prevent and control noise nuisance caused by persons using the licensed premises and also ensure patrons and visitors arrive and depart from the premises in a manner which will not cause annoyance to nearby residents.
- Prominent, clear notices shall be displayed at all exits and outside trading area's requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly. Staff must be given adequate instruction and training to prevent them causing unnecessary noise when they leave the premises.
- Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 21.00 and 07.00.

Signed Councillor Dobbs..... Chairman

Date 3 June 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

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 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 5 and 6
- Fundamental Principles, Section 6 on Page 6
- Cumulative Effect, Section 11 on Page 8 to 10
- Licensing Hours, Section 12 on Page 10
- Licence Conditions, Section 14 on Page 11 and 12
- Delegation / Decision Making / Administration, Section 17 on Page 13 and 14

Guidance issued under Section 182 of the Licensing Act 2003 (October 2010)

- The Licensing Objectives – Crime and disorder, - Section 2 pages 18 to 21
- The Licensing Objectives – Public Nuisance, Section 2 pages 23 to 25
- Determining applications – Section 9 pages 78 to 81
- Pools of conditions – Annex D page 133 to 149

Signed Councillor Dobbs..... Chairman

Date 3 June 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

(to be read out by Legal Officer when decision is given to the hearing)

There was no legal advice given during deliberation

Signed Councillor Dobbs..... Chairman

Date 3 June 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	3 June 2011

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 – 11.10am

Signed Councillor Dobbs..... Chairman

Date 3 June 2011.....

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**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Tuesday, 28 June 2011
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Peach Councillor Saltmarsh
APPLICATION TYPE/REF	Review of Premises Licence MAU 061205
LICENSEE	Mr Aidas Meckauskas
ADDRESS	8 Saffron Court, Park Road, Peterborough, PE1 2US

PREMISES DETAILS	Kaimas Lithuanian Restaurant, 561-563 Lincoln Road, Peterborough, PE1 2PB
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LICENSEE HEARD	Yes	
LICENSEE REPRESENTED	Yes	

Ms Belinda Smith, Belinda Smith & Co. Solicitors

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 public nuisance

Signed Councillor Dobbs.....Chairman

Date 28 June 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Ms Iwona Wojszczyk, Pollution Control Officer	Yes	Yes
Ms Dorothy Pocock, Pollution Control	Yes	Yes
PC Petr Torak	Yes	Yes
Mr Nigel Barnes, Planning	Yes	Yes
Councillor Mohammed Jamil	Yes	Yes

Signed Councillor Dobbs.....Chairman

Date 28 June 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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-Sub-Committee finds the following facts:

1. The Sub-Sub-Committee heard evidence relating to a noise nuisance emanating from the premises over an extended period of time. The dates were from 10th December 2010 to 21st May 2011. There were 17 recorded dates in the review Application.
2. The Sub-Sub-Committee noted that there were two TENs issued during this period and a private party. The Sub-Sub-Committee were of the view that the operation of a TEN and private party did not excuse noise nuisance.
3. Given the nature of the noise, the location of the premises with residential premises and other commercial premises, the Sub-Committee were of the view that a public nuisance was in existence. The Sub-Committee applied the case law on this point to the facts, although only two residents had complained.
4. The Sub-Committee heard recorded levels of noise taken by the pollution control officer and were informed that the noise levels exceeded by some 10dB to 16dB what was generally accepted for the mixed use location as recommended by the World Health Organisation. The Sub-Committee was referred to the Noise Nuisance Report prepared by the Applicant using a monitoring device.
5. The Sub-Committee heard from Dorothy Pocock, a Pollution Control Officer who witnessed noise nuisance from the restaurant on 12th December 2010.
6. A noise Abatement Notice was served on 13th December 2010.
7. PC Torak gave evidence of noise issues following complaints that he had witnessed on 22nd December 2010 and on 25th March 2011.
8. The council's Planning control Officer gave evidence as to the inappropriateness of the building for the current usage and stated that the premises licence holder was in breach of planning regulations.
9. The Sub-Committee read evidence from the tenants who had made complained of noise nuisance and who had kept log sheets detailing the incidents.

Signed Councillor Dobbs.....Chairman

Date 28 June 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

IRRELEVANT REPRESENTATIONS

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

- 1. There were a high a number of signatories to the petition submitted in support of the premises which the Sub-Committee disregarded as they were not in the vicinity of the premises.**
- 2. The Sub-Committee also noted that the petition included a request for an extension of opening hours which was disregarded in the Sub-Committee's determination.**

Signed Councillor Dobbs.....Chairman

Date 28 June 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, in particular to paragraphs 2.32 to 2.38, 11.1 to 11.9 and 11.6 to 11.21 and to our own Statement of Licensing Policy.</p> <p>Our decision therefore is:</p> <ol style="list-style-type: none"> 1. To reduce the opening hours of the premises, to be: <ul style="list-style-type: none"> • Monday to Thursday 12.00 – 23.00 • Friday and Saturday 12.00 – 00.00 • Sunday 12.00 – 23.00 2. To remove live music or amplified music from the scope of the licence, 3. To limit recorded music to the downstairs area only, 4. To reduce the hours of recorded music, to be: <ul style="list-style-type: none"> • Monday to Sunday 12.00 – 23.00 5. Sale by retail of alcohol ancillary to a main meal, to be: <ul style="list-style-type: none"> • As per opening hours 6. Provision of late night refreshment <ul style="list-style-type: none"> • Friday and Saturday from 23.00 – 00.00 7. Removal of conditions 11,12,13,14,15, 24 and 26 <p>The decision is suspended for 21 days to allow an appeal to the Magistrates' Court, and thereafter until the determination of that appeal.</p>
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Signed Councillor Dobbs.....Chairman

Date 28 June 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 imposed.

Signed Councillor Dobbs.....Chairman

Date 28 June 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 reduce the opening hours of the premises, remove live or amplified music from the scope of the licence, to limit recorded music to the downstairs area only and to reduce the hours of recorded music. Sale by retail of alcohol and provision of late night refreshment to be brought into line with the new opening hours of the premises and a number of conditions to be removed from the operating schedule.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Fundamental Principles: *section 6 on Page 6*
- Other Regulatory Systems / Policies: *section 8 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

Guidance issued under Section 182 of the Licensing Act 2003

- Public Nuisance: *Section 2.32 to 2.40 pages 23 to 25*
- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

Signed Councillor Dobbs.....Chairman

Date 28 June 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

The Sub-Committee was directed to the following case law relating to public nuisance:

R (Regina) and Rimmington, R and Goldstein 2005

Attorney General and PY Quarries Limited 1957

Crosby Homes Limited and Birmingham City Council and the Nightingale Club 2008

Hope and Glory Public House Limited and City of Westminster Magistrates' Court 1996

Signed Councillor Dobbs.....Chairman

Date 28 June 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	28 June 2011

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 – 12.45pm

Signed Councillor Dobbs.....Chairman

Date 28 June 2011.....

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**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Thursday, 18 August 2011
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Simons Councillor Swift
APPLICATION TYPE/REF	Review of Premises Licence MAU 061530
LICENSEE	Mr Joaquim Mendes
ADDRESS	92a Gladstone Street, Peterborough, PE1 2EG

PREMISES DETAILS	Marisqueira, 62 Cromwell Road, Peterborough, PE1 2EG	
LICENSEE HEARD		No
LICENSEE REPRESENTED		No
WITNESSES FOR LICENSEE		No
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		
Prevention of public nuisance		

Signed Councillor Dobbs.....Chairman

Date 18 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Mr Mohammed Saeed	Yes	Yes
Mrs Rukhsana Kauser	Yes	Yes
Ms Iwona Wojszczyk, Pollution Control	No	No
CI Kevin Vanterpool	Yes	Yes
Councillor Nazim Khan	Yes	Yes
Mr Mohammed Sabil	Yes	Yes
Mr Sohail Rashid	No	No

Signed Councillor Dobbs.....Chairman

Date 18 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 heard evidence relating to a noise nuisance emanating from the premises over an extended period of time. Such incidents included loud music, shouting and fighting in the street late at night and other such drunken behaviour. Loud music was affecting the sleep of some residents in the early hours of the morning.
2. Given the nature of the noise, the location of the premises with residential premises and other commercial premises, the Sub-Committee were of the view that a public nuisance was in existence.
3. The Sub-Committee read evidence from the residents who had made complaints of noise nuisance and criminality. The Sub-Committee referred to log sheets detailing incidents.

IRRELEVANT REPRESENTATIONS

There were no irrelevant representations.

Signed Councillor Dobbs.....Chairman

Date 18 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, in particular to Chapter 11 and our own Statement of Licensing Policy.</p> <p>The premises licence holder was not present and the Sub-Committee heard no representations against the review.</p> <p>Our decision therefore is:</p> <ol style="list-style-type: none"> 1. To reduce the opening hours of the premises, to be: <ul style="list-style-type: none"> • Sunday to Thursday 10.00 - 23.00 • Friday and Saturday 10.00 - 00.00 2. To reduce the hours of live music, to be: <ul style="list-style-type: none"> • Sunday to Thursday 12.00 - 22.00 • Friday and Saturday 12.00 - 23.00 3. The hours of recorded music to be in line with the opening hours; 4. The hours of dancing to be: <ul style="list-style-type: none"> • Sunday to Thursday 12.00 - 22.00 • Friday and Saturday 12.00 - 23.00 5. Provision of facilities for making music and dance: <ul style="list-style-type: none"> • Sunday to Thursday 12.00 - 22.00 • Friday and Saturday 12.00 - 23.00 6. The hours of late night refreshment to be in line with the opening hours; 7. The sale of alcohol to be: <ul style="list-style-type: none"> • Sunday to Thursday 10.00 - 23.00 • Friday and Saturday 10.00 - 00.00 <p>The decision is suspended for 21 days to allow an appeal to the Magistrates' Court, and thereafter until the determination of that appeal.</p>
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Signed Councillor Dobbs.....Chairman

Date 18 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 imposed.

Signed Councillor Dobbs.....Chairman

Date 18 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances that it was appropriate to review the Premises Licence and to reduce the opening hours of the premises and to reduce the operating hours for licensable activities.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Fundamental Principles: *section 6 on Page 6*
- Other Regulatory Systems / Policies: *section 8 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

Guidance issued under Section 182 of the Licensing Act 2003

- Public Nuisance: *Section 2.32 to 2.40 pages 23 to 25*
- Crime & Disorder : *Pages 18 to 21*
- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

Signed Councillor Dobbs.....Chairman

Date 18 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

None.

Signed Councillor Dobbs.....Chairman

Date 18 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	18 August 2011

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.

9.00am – 10.20am

Signed Councillor Dobbs.....Chairman

Date 18 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Friday, 19 August 2011
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Peach Councillor Ash
APPLICATION TYPE/REF	Review of Premises Licence MAU 061496
LICENSEE	Ms Tasneem Kauser
ADDRESS	10 Orme Road, Peterborough, PE3 9DY

PREMISES DETAILS	Woodston Mini Market, 1a Orton Avenue, Peterborough, PE2 9HL	
LICENSEE HEARD		No
LICENSEE REPRESENTED	Yes	
Mr Mahmood, premises owner.		
WITNESSES FOR LICENSEE	Yes	
Councillor Gul Nawaz, present to give character reference.		
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		

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Ms Karen Woods	Yes	Yes
PC Grahame Robinson	Yes	Yes

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. There had been two visits made to the premises by Her Majesties Revenue and Customs (HMRC) over a period of 4 months and non UK duty paid alcohol has been seized on both occasions.**
- 2. The premises had failed to provide documentation for the seized alcohol to prove that UK duty had been paid.**
- 3. 10.0.7 litres of counterfeit Smirnoff Vodka had also been seized from the premises.**
The amounts of UK Duty evaded was £336.76 in January 2011 and £443.87 in April 2011. This totalled £780.63.

IRRELEVANT REPRESENTATIONS

There were no irrelevant representations.

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, in particular to paragraphs 2.32 to 2.38, 11.1 to 11.9 and 11.6 to 11.21 and to our own Statement of Licensing Policy.</p> <p>Our decision therefore is:</p> <p>To revoke the premises licence.</p> <p>The decision is suspended for 21 days to allow an appeal to the Magistrates' Court, and thereafter until the determination of that appeal.</p>
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Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 imposed.

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances that it was appropriate to review the Premises Licence and to revoke the Premises Licence.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation: *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

Guidance issued under Section 182 of the Licensing Act 2003

- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

None.

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	19 August 2011

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.

9.00am – 9.40am

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Friday, 19 August 2011
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Peach Councillor Ash
APPLICATION TYPE/REF	Review of Premises Licence MAU 061499
LICENSEE	Ms Tasneem Kauser
ADDRESS	10 Orme Road, Peterborough, PE3 9DY

PREMISES DETAILS	London Road Late Stores, 64 London Road, Peterborough, PE2 9BA
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LICENSEE HEARD		No
LICENSEE REPRESENTED	Yes	

Mr Mahmood, premises owner.

WITNESSES FOR LICENSEE	Yes	
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Councillor Gul Nawaz, as character reference for the licensee.

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

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Ms Karen Woods	Yes	Yes
PC Grahame Robinson	Yes	Yes

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. There had been non UK duty paid alcohol seized from the premises by Her Majesty's Revenue and Customs (HMRC) on 20 April 2011.**
- 2. The premises had failed to provide documentation for the seized alcohol in order to prove that UK duty had been paid.**
- 3. The total amount of UK Duty evaded was £3098.03.**

IRRELEVANT REPRESENTATIONS

There were no irrelevant representations.

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, in particular to paragraphs 2.32 to 2.38, 11.1 to 11.9 and 11.6 to 11.21 and to our own Statement of Licensing Policy.</p> <p>Our decision therefore is:</p> <p>To revoke the premises licence.</p> <p>The decision is suspended for 21 days to allow an appeal to the Magistrates' Court, and thereafter until the determination of that appeal.</p>
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Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 imposed.

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 revoke the Premises Licence.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation: *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

Guidance issued under Section 182 of the Licensing Act 2003

- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

None.

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	19 August 2011

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.

9.40am – 10.05am

Signed Councillor Dobbs.....Chairman

Date 19 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Wednesday, 24 August 2011
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Simons Councillor Swift
APPLICATION TYPE/REF	Review of Premises Licence MAU 061498
LICENSEE	Mr Mohammed Tanveer
ADDRESS	153 Cromwell Road, Peterborough, PE1 2EC

PREMISES DETAILS	Eastfield News, 32 Eastfield Road, Peterborough, PE1 4AN	
LICENSEE HEARD		No
LICENSEE REPRESENTED	Yes	
Mr ?, HC Solicitors		
WITNESSES FOR LICENSEE	Yes	
Councillor		
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		

Signed Councillor Dobbs.....Chairman

Date 24 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Ms Karen Woods	Yes	Yes
PC Grahame Robinson	Yes	Yes

Signed Councillor Dobbs.....Chairman

Date 24 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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. There had been two visits made to the premises by Her Majesties Revenue and Customs (HMRC) over a period of 4 months and non UK duty paid alcohol has been seized on both occasions.
2. The premises had failed to provide documentation for the seized alcohol to prove that UK duty had been paid.
3. 10.0.7 litres of counterfeit Smirnoff Vodka had also been seized from the premises.
The amounts of UK Duty evaded was £336.76 in January 2011 and £443.87 in April 2011. This totalled £780.63.

IRRELEVANT REPRESENTATIONS

There were no irrelevant representations.

Signed Councillor Dobbs.....Chairman

Date 24 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, in particular to paragraphs 2.32 to 2.38, 11.1 to 11.9 and 11.6 to 11.21 and to our own Statement of Licensing Policy.</p> <p>Our decision therefore is:</p> <p>To revoke the premises licence.</p> <p>The decision is suspended for 21 days to allow an appeal to the Magistrates' Court, and thereafter until the determination of that appeal.</p>
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Signed Councillor Dobbs.....Chairman

Date 24 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 imposed.

Signed Councillor Dobbs.....Chairman

Date 24 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances that it was appropriate to review the Premises Licence and to revoke the Premises Licence.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation : *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

Guidance issued under Section 182 of the Licensing Act 2003

- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

Signed Councillor Dobbs.....Chairman

Date 24 August 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

Signed Councillor Dobbs.....Chairman

Date 24 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	24 August 2011

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 – 11.20am

Signed Councillor Dobbs.....Chairman

Date 24 August 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Thursday, 22 September 2011
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Benton Councillor Saltmarsh
APPLICATION TYPE/REF	Review of Premises Licence MAU 061773
LICENSEE	Ms Samira Majid
ADDRESS	34 Cobden Street, Peterborough, PE1 2HD

PREMISES DETAILS	The B Stop, 415 Lincoln Road, Peterborough, PE1 2PF	
LICENSEE HEARD	Yes	
LICENSEE REPRESENTED	Yes	
Mr Anthony O'Connell A & R Consultants		
WITNESSES FOR LICENSEE		No
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		

Signed Councillor DobbsChairman
Date 22 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Ms Karen Woods	Yes	Yes
PC Grahame Robinson	Yes	Yes

Signed Councillor DobbsChairman

Date 22 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. Her Majesty's Revenue and Customs (HMRC) had seized alleged non UK duty paid alcohol from the premises on two separate occasions, 24 November 2010 and 20 April 2011.**
- 2. The premises had failed to provide documentation for the seized alcohol to prove that UK duty had been paid on both occasions.**
- 3. The UK Duty evaded was £59.88 on 24 November 2010 and £88.20 on 20 April 2011. This being a total of £148.18.**

IRRELEVANT REPRESENTATIONS

There were no irrelevant representations.

Signed Councillor DobbsChairman

Date 22 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, in particular to paragraphs 2.32 to 2.38, 11.1 to 11.9 and 11.6 to 11.21 and to our own Statement of Licensing Policy.</p> <p>Our decision therefore is:</p> <p>To revoke the premises licence.</p> <p>The decision is suspended for 21 days to allow an appeal to the Magistrates' Court, and thereafter until the determination of that appeal.</p>
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Signed Councillor DobbsChairman

Date 22 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 imposed.

Signed Councillor DobbsChairman

Date 22 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances that it was appropriate to review the Premises Licence and to revoke the Premises Licence.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation: *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

Guidance issued under Section 182 of the Licensing Act 2003

- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

Signed Councillor DobbsChairman

Date 22 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

None.

Signed Councillor DobbsChairman

Date 22 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	22 September 2011

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 – 11.30am

Signed Councillor DobbsChairman

Date 22 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Friday, 23 September 2011
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Peach Councillor Swift
APPLICATION TYPE/REF	Review of Premises Licence MAU 061772
LICENSEE	Mrs Anup K Singh
ADDRESS	129 High Street, Peterborough, PE2 8DT

PREMISES DETAILS	Fletton Off Licence, 129 High Street, Peterborough, PE2 8DT	
LICENSEE HEARD		No
LICENSEE REPRESENTED	Yes	
Mr Lakhbir Singh (store manager)		
WITNESSES FOR LICENSEE		No
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		

Signed Councillor DobbsChairman

Date 23 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Ms Karen Woods	Yes	Yes
PC Grahame Robinson	Yes	Yes

Signed Councillor DobbsChairman

Date 23 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. Her Majesty's Revenue and Customs (HMRC) had seized alleged non UK duty paid alcohol from the premises on 20 April 2011.**
- 2. The premises had failed to provide documentation for the seized alcohol to prove that UK duty had been paid.**
- 3. The UK Duty evaded was a total of £352.23.**

IRRELEVANT REPRESENTATIONS

There were no irrelevant representations.

Signed Councillor DobbsChairman

Date 23 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, in particular to paragraphs 2.32 to 2.38, 11.1 to 11.9 and 11.6 to 11.21 and to our own Statement of Licensing Policy.</p> <p>Our decision therefore is:</p> <p>To revoke the premises licence.</p> <p>The decision is suspended for 21 days to allow an appeal to the Magistrates' Court, and thereafter until the determination of that appeal.</p>
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Signed Councillor DobbsChairman

Date 23 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 imposed.

Signed Councillor DobbsChairman

Date 23 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances that it was appropriate to review the Premises Licence and to revoke the Premises Licence.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation: *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

Guidance issued under Section 182 of the Licensing Act 2003

- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

Signed Councillor DobbsChairman

Date 23 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

None.

Signed Councillor DobbsChairman

Date 23 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	23 September 2011

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 – 10.35am

Signed Councillor DobbsChairman

Date 23 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Wednesday, 28 September 2011
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Benton Councillor Swift
APPLICATION TYPE/REF	Review of Premises Licence MAU 061818
LICENSEE	Mr Mohammed Tokir
ADDRESS	35 Springfield Road, Peterborough, PE1 2JG

PREMISES DETAILS	Fags & Booze, 97 St Pauls Road, Peterborough, PE1 3DR	
LICENSEE HEARD	Yes	
LICENSEE REPRESENTED		
WITNESSES FOR LICENSEE		No
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		

Signed Councillor DobbsChairman
Date 28 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Ms Karen Woods	Yes	Yes
PC Grahame Robinson	Yes	Yes

Signed Councillor DobbsChairman

Date 28 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. Her Majesty's Revenue and Customs (HMRC) had seized alleged non UK duty paid alcohol and tobacco from the premises on 4 July 2010 and 20 April 2011.**
- 2. The premises had failed on both occasions to provide documentation for the seized alcohol and tobacco to prove that UK duty had been paid.**
- 3. The UK Duty evaded for both alcohol and tobacco was a total of £306.71 on 4 July 2010 and £135.57 on 20 April 2011. The total amount of duty evaded was £442.28.**

IRRELEVANT REPRESENTATIONS

There were no irrelevant representations.

Signed Councillor DobbsChairman

Date 28 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, in particular to paragraphs 2.32 to 2.38, 11.1 to 11.9 and 11.6 to 11.21 and to our own Statement of Licensing Policy.</p> <p>Our decision therefore is:</p> <p>To revoke the premises licence.</p> <p>The decision is suspended for 21 days to allow an appeal to the Magistrates' Court, and thereafter until the determination of that appeal.</p>
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Signed Councillor DobbsChairman

Date 28 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 imposed.

Signed Councillor DobbsChairman

Date 28 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances that it was appropriate to review the Premises Licence and to revoke the Premises Licence.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation: *section 7 page 7*
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- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

Guidance issued under Section 182 of the Licensing Act 2003

- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

Signed Councillor DobbsChairman

Date 28 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

None.

Signed Councillor DobbsChairman

Date 28 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	28 September 2011

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 – 10.20am

Signed Councillor DobbsChairman

Date 28 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Thursday, 29 September 2011
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Simons Councillor Saltmarsh
APPLICATION TYPE/REF	Review of Premises Licence MAU 061819
LICENSEE	Ms Rinoza Anthony
ADDRESS	Stanground Food and Wine, 5 Ayres Drive, Stanground, Peterborough, PE2 8JS

PREMISES DETAILS	Stanground Food and Wine, 5 Ayres Drive, Stanground, Peterborough, PE2 8JS		
LICENSEE HEARD	Yes		
LICENSEE REPRESENTED	Yes		
Ms Nawaz Bustani, Counsel (instructed by Rasiah & Co Solicitors)			
WITNESSES FOR LICENSEE	Yes		
Mr Jude Anthony, Store Manager			
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			

Signed Councillor DobbsChairman

Date 29 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Ms Karen Woods	Yes	Yes
Inspector Matt Newman	Yes	Yes

Signed Councillor DobbsChairman

Date 29 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. Her Majesty's Revenue and Customs (HMRC) had seized alleged non UK duty paid alcohol from the premises.**
- 2. The premises had failed to provide documentation for the seized alcohol to prove that UK duty had been paid.**
- 3. The UK Duty evaded was a total of £107.68.**
- 4. A petition in support of the licensee had been received containing 78 signatures.**

IRRELEVANT REPRESENTATIONS

There were no irrelevant representations.

Signed Councillor DobbsChairman

Date 29 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, in particular to paragraphs 2.32 to 2.38, 11.1 to 11.9 and 11.6 to 11.21 and to our own Statement of Licensing Policy.</p> <p>Our decision therefore is:</p> <p>To suspend the licence for a period of three months.</p> <p>The decision is suspended for 21 days to allow an appeal to the Magistrates' Court, and thereafter until the determination of that appeal.</p>
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Signed Councillor DobbsChairman

Date 29 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 imposed.

Signed Councillor DobbsChairman

Date 29 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances that it was appropriate to review the Premises Licence and to suspend the Premises Licence for a period of three months.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation: *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

Guidance issued under Section 182 of the Licensing Act 2003

- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

Signed Councillor DobbsChairman

Date 29 September 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

None.

Signed Councillor DobbsChairman

Date 29 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	29 September 2011

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 – 11.35am

Signed Councillor DobbsChairman

Date 29 September 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Tuesday, 4 October 2011
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Benton Councillor Saltmarsh
APPLICATION TYPE/REF	Review of Premises Licence MAU 061847
LICENSEE	Mr Mario Franco
ADDRESS	345 Lincoln Road, Peterborough, PE1 2PF

PREMISES DETAILS	Doce Mel, 345 Lincoln Road, Peterborough, PE1 2PF	
LICENSEE HEARD	Yes	
LICENSEE REPRESENTED		No
WITNESSES FOR LICENSEE		No
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	
Prevention of public nuisance	Protection of children from harm	

Signed Councillor DobbsChairman
Date 4 October 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Councillor John Shearman	Yes	Yes

Signed Councillor DobbsChairman
Date 4 October 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. Syringes had been found on the floor outside of the premises;
2. Undercover police investigations had, over a 6 month period from January to June 2011, shown that drugs were readily available for purchase both in and outside the premises;
3. That fights had occurred both in and outside of the premises;
4. There had been incidents involving people drinking in the street;
5. There had been no reports made by the Manager to the police regarding any criminal or anti social behaviour;
6. Local residents were well aware of the criminal activities and avoided the area if they could;
7. There was a bus stop located adjacent to the premises which local residents actively avoided using and an alternate bus stop had been suggested for use by them.

IRRELEVANT REPRESENTATIONS

There were no irrelevant representations.

Signed Councillor DobbsChairman

Date 4 October 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, in particular to paragraphs 2.32 to 2.38, 11.1 to 11.9 and 11.6 to 11.21 and to our own Statement of Licensing Policy.</p> <p>Our decision therefore is:</p> <p>To revoke the premises licence.</p> <p>The decision is suspended for 21 days to allow an appeal to the Magistrates' Court, and thereafter until the determination of that appeal.</p>
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Signed Councillor DobbsChairman

Date 4 October 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 imposed.

Signed Councillor DobbsChairman

Date 4 October 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances that it was appropriate to review the Premises Licence and to revoke the Premises Licence.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation: *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

Guidance issued under Section 182 of the Licensing Act 2003

- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

Signed Councillor DobbsChairman
Date 4 October 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

None.

Signed Councillor DobbsChairman
Date 4 October 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	4 October 2011

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 – 10.40am

Signed Councillor DobbsChairman

Date 4 October 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Wednesday, 5 October 2011
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Simons Councillor Swift
APPLICATION TYPE/REF	Review of Premises Licence MAU 061816
LICENSEE	Mr Warren Wong
ADDRESS	17 Wimborne Drive, Dogsthorpe, Peterborough, PE1 4RR

PREMISES DETAILS	Yummy Fish & Chips, 106 Dogsthorpe Road, Peterborough, PE1 3AL	
LICENSEE HEARD	Yes	
LICENSEE REPRESENTED	Yes	
Councillor Stephen Goldspink Mr Kevin Roddis		
WITNESSES FOR LICENSEE	Yes	
Councillor John Shearman Mr Phil Mellon Ms Angela Gilbride		
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		

Signed Councillor DobbsChairman

Date 5 October 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Ms Donna Hall	Yes	Yes
Ms Karen Woods	Yes	Yes
Ms Jeanette Kett	Yes	Yes
Inspector Matt Newman	Yes	Yes

Signed Councillor DobbsChairman

Date 5 October 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. Her Majesty's Revenue and Customs (HMRC) had seized alleged non UK duty paid alcohol and tobacco products from the premises on 20 April 2011.**
- 2. The premises had failed to provide documentation for the seized alcohol to prove that UK duty had been paid.**
- 3. The UK Duty evaded was a total of £1832.43 and £1468.01 for the tobacco products, totalling £3300.44.**

IRRELEVANT REPRESENTATIONS

There were no irrelevant representations.

Signed Councillor DobbsChairman

Date 5 October 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, in particular to paragraphs 2.32 to 2.38, 11.1 to 11.9 and 11.6 to 11.21 and to our own Statement of Licensing Policy.</p> <p>Our decision therefore is:</p> <p>To revoke the premises licence.</p> <p>The decision is suspended for 21 days to allow an appeal to the Magistrates' Court, and thereafter until the determination of that appeal.</p>
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Signed Councillor DobbsChairman

Date 5 October 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 imposed.

Signed Councillor DobbsChairman

Date 5 October 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances that it was appropriate to review the Premises Licence and to revoke the Premises Licence.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation: *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

Guidance issued under Section 182 of the Licensing Act 2003

- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

Signed Councillor DobbsChairman

Date 5 October 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

None.

Signed Councillor DobbsChairman

Date 5 October 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	5 October 2011

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 - 13.53pm

Signed Councillor DobbsChairman

Date 5 October 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	9 November 2011		
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Benton Councillor Swift		
APPLICATION TYPE/REF	Variation MAU 062034		
APPLICANT	Mr Bruno Fernando Azevedo Silva		
ADDRESS	308 Lincoln Road, Peterborough, PE1 2ND		
PREMISES DETAILS	Bora Bora, 417 Lincoln Road, Peterborough, PE1 2PF		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED		Yes	
Mr Langford-Smith, 227 Park Road, Peterborough, PE1 2UL			
WITNESSES FOR APPLICANT		Yes	
Mr Pearson, Business Consultant			
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			
Prevention of public nuisance			

Signed Councillor Dobbs.....Chairman

Date 9 November 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Ms Iwona Wojszczyk (Pollution Control)	Yes	Yes
PC Grahame Robinson (Police)	Yes	Yes

Signed Councillor Dobbs.....Chairman

Date 9 November 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 premises is located in a part residential part commercial area**
- 2. There already exists a high proportion of alcohol and noise related anti-social behaviour and crime in the area**

IRRELEVANT REPRESENTATIONS

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

- 1. The Sub-Committee did not take into account any planning issues**

Signed Councillor Dobbs.....Chairman

Date 9 November 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Variation of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the two licensing objectives.</p> <p>Our Decision therefore is:</p> <p>To refuse the application for variation as applied for, save as to remove condition 11 and replace it with the following:</p> <ul style="list-style-type: none"> • No alcohol to be sold in open bottles or other open vessels for use off the premises. <p>Reasons for decision:</p> <p>The Sub-Committee felt that the additional hours for the licensable activities would further adversely affect the amenity of the area and cause further disturbance to the immediate residents and the community at large.</p>
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Signed Councillor Dobbs.....Chairman

Date 9 November 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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*

1. To amend condition 11 to read:

11. No alcohol to be sold in open bottles or other open vessels for use off the premises.

Signed Councillor Dobbs.....Chairman

Date 9 November 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 variation would create public nuisance, and 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
- 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 18 to 25
- Determining applications, section 9 Pages 78 to 81
- Conditions attached to premises licences, section 10 pages 83 to 96
- Pools of conditions, Annex D page 133 to 149

LEGAL ADVICE GIVEN DURING DELIBERATION

None.

Signed Councillor Dobbs.....Chairman

Date 9 November 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	9 November 2011

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 - 11.10am

Signed Councillor Dobbs.....Chairman

Date 9 November 2011.....

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**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Friday, 16 December 2011	
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Benton Councillor Saltmarsh	
APPLICATION TYPE/REF	New Premises Licence MAU 062198	
LICENSEE	Mr Qaiser Ijaz	
ADDRESS	527 Lincoln Road, Peterborough, PE1 2PB	
PREMISES DETAILS	Fags and Booze, 97 St Pauls Road, Peterborough, PE1 3DR	
APPLICANT HEARD	Yes	
APPLICANT REPRESENTED	Yes	
Mr Majid Hanif		
WITNESSES FOR APPLICANT		No
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		

Signed Councillor Dobbs..... Chairman

Date 16 December 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Karen Woods, Trading Standards	Yes	Yes
PC Grahame Robinson, Cambridgeshire Constabulary	Yes	Yes

Signed Councillor Dobbs..... Chairman

Date 16 December 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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. There had been 400 Jin Ling cigarettes found in a vehicle which was reportedly owned or operated by the applicant
2. The applicant had been alone in the shop on the day of the HMRC visit in 2010
3. The applicant had been working in the shop part-time
4. The applicant's brother had also been working in the shop

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. There was an appeal due to be heard in the Magistrates Court which had been lodged by Mr Tokir

Signed Councillor Dobbs..... Chairman

Date 16 December 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

<p>DECISION MADE</p> <p>New Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>Our decision therefore is:</p> <p>To refuse the application.</p>
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Signed Councillor Dobbs..... Chairman

Date 16 December 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 16 December 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

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 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
- 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 (October 2010)

- The Licensing Objectives, section 2 pages 18 to 25
- Determining applications, section 9 Pages 78 to 81
- Conditions attached to premises licences, section 10 pages 83 to 96
- Pools of conditions, Annex D page 133 to 149

Signed Councillor Dobbs..... Chairman

Date 16 December 2011.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

(to be read out by Legal Officer when decision is given to the hearing)

There was no legal advice given during deliberation

Signed Councillor Dobbs..... Chairman

Date 16 December 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	16 December 2011

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 – 11.00am

Signed Councillor Dobbs..... Chairman

Date 16 December 2011.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Thursday, 12 January 2012	
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Benton Councillor Swift	
APPLICATION TYPE/REF	New Premises Licence MAU 062402	
LICENSEE	Mr Farley de Passos	
ADDRESS	59 Dunsberry Road, Peterborough, PE3 8LB	
PREMISES DETAILS	Paradise Café, 83 Eastfield Road, Peterborough, PE1 4AS	
APPLICANT HEARD	Yes	
APPLICANT REPRESENTED	Yes	
Ms Marlise Rodrigues		
WITNESSES FOR APPLICANT		No
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		
Prevention of public nuisance		

Signed Councillor Dobbs..... Chairman

Date 12 January 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
PC Grahame Robinson, Cambridgeshire Constabulary	Yes	Yes
Mr Pierre Nieuwenhof (Local Resident)	Yes	Yes

Signed Councillor Dobbs..... Chairman

Date 12 January 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 premises was located in a residential area
2. There had been numerous incidents of noise disturbance and anti-social behaviour in the area, totalling 22 reported incidents to the police
3. There had been incidents involving people drinking in the street in the area
4. Mediation had been undertaken between the applicant and the police and a number of additional conditions had been agreed
5. There had been no formal complaints made against the business

IRRELEVANT REPRESENTATIONS

There were no irrelevant Representations:

Signed Councillor Dobbs..... Chairman

Date 12 January 2012.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>New Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objectives.</p> <p>Our decision therefore is:</p> <p>To grant the application in the same terms applied for, the hours of opening to be:</p> <p>i) 06.00am to 01.00am Monday to Sunday.</p> <p>And:</p> <p>i) The retail sale of alcohol for both on and off the premises Monday to Sunday from 07.00am to 01.00am;</p> <p>ii) Recorded music Monday to Sunday from 07.00am to 23.00pm; and</p> <p>iii) Late Night Refreshment Monday to Sunday from 07.00am to 01.00am</p> <p>The Sub-Committee have taken legal advice upon the application of the Licensing Act 2003, and on the information that has been presented.</p> <p>The Sub-Committee had no alternative other than to grant the licence in the same terms applied for on this occasion.</p>
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Signed Councillor Dobbs..... Chairman

Date 12 January 2012.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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*

1. Conditions set out in the operating schedule.

The Prevention of crime and disorder

- i) CCTV equipment shall be installed inside/outside the premises and maintained in working order.
- ii) CCTV recording equipment and associated cameras will be maintained once a week and will record and store digital images for a period not less than 28 days. A record of maintenance is to be kept and made available to an authorised officer upon request. CCTV images are to be produced to an authorised officer upon request
- iii) CCTV cameras will be positioned so that they cover the front aspect / entrance of the property in addition to internal public rooms and the customer service area.
- iv) Notices advising that CCTV has been installed on the premises shall be posted so that they are clearly visible to the public within the licensed premises.

Public Safety

- (CCTV conditions as per above)
- i) Fire Risk Assessment

The prevention of public nuisance

- i) Receptacles for refuse storage shall be maintained in a clean condition
- ii) Litter shall be prevented at all times and where identified regularly cleared from the vicinity of the premises.

The protection of children from harm

- i) Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk should be undertaken on a monthly basis. This training, together with ongoing training to prevent underage sales, such as challenge 21 or challenge 25, should be recorded in a written format and be available to an authorised officer upon demand.

3. Additional conditions proposed by the applicant following mediation.

Crime and disorder

- i) CCTV recording equipment and associated cameras will be maintained once a week and will record and store digital images for a period not less than 28 days. A record of maintenance is to be kept and made available to an authorised officer upon request. CCTV

Signed Councillor Dobbs..... Chairman

Date 12 January 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

images are to be produced to an authorised officer upon request

ii) CCTV cameras will be positioned so that they cover the front aspect / entrance of the property in addition to internal public rooms and the customer service area.

Public Nuisance

i) Noise Control Measures

The licensee shall take reasonable steps to prevent and control noise nuisance caused by persons using the Licensed Premises and also ensure patrons and visitors arrive and depart from the premises in a manner which will not cause annoyance to nearby residents.

ii) Noise Control Measures

Prominent, clear notices shall be displayed at all exits and outside trading area's, requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly. Staff must be given adequate instruction and training to prevent them causing unnecessary noise when they leave the premises.

iii) Noise Control Measures

All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place

iv) Noise Control Measures

The premises License holder shall take all necessary steps to ensure that noise or vibration is not noticeable inside or at the façade of any noise sensitive premises.

v) Noise Control Measures

The holder of the premises licence or responsible person shall ensure that no noise shall emanate from the Licensed Premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance or unreasonable disturbance to the occupiers of premises in the vicinity of the Licensed Premises.

vi) Noise Control Measures

Any request by an authorised officer of the Council in relation to reducing noise levels shall be complied with.

vii) Noise Control Measures

The placing of bottles into receptacles outside the premise shall take place at times that will minimise disturbance to nearby properties.

viii) Odour Control Measures

All ventilation of steam and cooking fumes to the atmosphere shall be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby properties.

Signed Councillor Dobbs..... Chairman

Date 12 January 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

ix) Noise Control Measures

Speakers should be located away from the noise sensitive premises, avoiding locations close to the joining wall.

Signed Councillor Dobbs..... Chairman

Date 12 January 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

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 increase crime and disorder, or increase public nuisance.

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
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Guidance issued under Section 182 of the Licensing Act 2003 (October 2010)

- The Licensing Objectives, section 2 pages 18 to 25
- Determining applications, section 9 Pages 78 to 81
- Conditions attached to premises licences, section 10 pages 83 to 96
- Pools of conditions, Annex D page 133 to 149

Signed Councillor Dobbs..... Chairman

Date 12 January 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

(to be read out by Legal Officer when decision is given to the hearing)

There was no legal advice given during deliberation

Signed Councillor Dobbs..... Chairman

Date 12 January 2012.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	12 January 2012

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 – 11.25am

Signed Councillor Dobbs..... Chairman

Date 12 January 2012.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Friday, 20 January 2012		
PANEL MEMBERS	Councillor Benton (Chairman) Councillor Simons Councillor Swift		
APPLICATION TYPE/REF	New Premises Licence MAU 062433		
LICENSEE	Mr Alberto Manuel Passos		
ADDRESS	264 Gladstone Street, Peterborough, PE1 2BL		
PREMISES DETAILS	Steps Café, 94 Gladstone Street, Peterborough, PE1 2BL		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED			No
WITNESSES FOR APPLICANT			No
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			
Prevention of public nuisance			

Signed Councillor Benton.....Chairman

Date 20 January 2012.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Mr Javed Iqbal (Local resident)	Yes	Yes
Mr Kayani (Local resident)	Yes	Yes
Councillor Nazim Khan (Ward Councillor, did not put in representation but speaking on behalf of local residents)	Yes	Yes
Councillor Mohammed Nadeem (Ward Councillor, did not put in representation but speaking on behalf of local residents)	Yes	Yes
Mr Mohammed Sabeel, representative for local residents	Yes	Yes

Signed Councillor Benton.....Chairman

Date 20 January 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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 premises was located in a residential area
2. The premises was located directly next door to an off licence which was owned by the applicant
3. Mediation had been undertaken between the applicant and the Licensing Authority, Police and Pollution Control and a number of additional conditions had been agreed and a reduction in the hours of the sale of alcohol
4. There had been no formal complaints made against the business

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)*

There were no irrelevant Representations:

Signed Councillor Benton.....Chairman

Date 20 January 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

<p>DECISION MADE</p> <p>New Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objectives.</p> <p>Our decision therefore is:</p> <p>To grant the application in the same terms applied for, the hours for the retail sale of alcohol to be:</p> <p>09.00am to 09.00pm Monday to Sunday</p> <p>The Sub-Committee having taken legal advice upon the application of the Licensing Act 2003, and on the information that has been presented.</p> <p>The Sub-Committee had no alternative other than to grant the licence in the same terms applied for on this occasion.</p>
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Signed Councillor Benton.....Chairman

Date 20 January 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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*

1. Conditions set out in the operating schedule.

The Prevention of crime and disorder

- i) CCTV equipment shall be installed inside/outside the premises and maintained in working order.
- ii) CCTV equipment will be set to record all licensed areas from the time that the premises open to the public until the premises closes and all members of the public have left
- iii) Digital images shall be retained for at least 31 days and shall be produced to an authorised officer on demand
- iv) 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.
- v) An authorised person will be available at all times on the premises to show CCTV images immediately or to an authorised officer on demand.
- vi) CCTV images will be clear and comprehensible
- vii) Any new/existing CCTV system in place will be cleared for use by the Police/Licensing Authority
- viii) A log book recording all incidents of crime and anti social behaviour will be maintained and will be available to an authorised officer.
- ix) The premises licence holder shall ensure participation in the local pubwatch (or equivalent organisation) scheme operating in the area.

Public Safety

- i) 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.

The prevention of public nuisance

- i) Only 'background' music will be played at the premises.
- ii) Prominent, clear and legible notices at all exits shall be displayed on the premises requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.

Signed Councillor Benton.....Chairman

Date 20 January 2012.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

iii) Customers will be encouraged by Steps management and staff to disperse from the area promptly.

iv) Taxi company numbers will be made available to customers to assist in their safe and quiet dispersal from the premises.

The protection of children from harm

i) The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises

ii) Signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 25' initiative

iii) Written staff training records will be documented and updated on a monthly basis. These training records will be produced to an authorised officer on demand

iv) Alcohol will not be stored on the lower shelves of the premises

3. Additional conditions proposed by the applicant following mediation.

1. Noise Control Measures

The holder of the premises licence or a nominated representative shall take reasonable steps to prevent and control noise nuisance caused by persons using the Licensed Premises and also ensure patrons and visitors arrive and depart from the premises in a manner which will not cause annoyance to nearby residents.

2. Noise Control Measures

Prominent, clear notices shall be displayed at all exits and outside trading area's, requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly. Staff must be given adequate instruction and training to prevent them causing unnecessary noise when they leave the premises.

3. Noise Control Measures

The holder of the premises licence or a nominated representative shall take all necessary steps to ensure that noise or vibration is not noticeable at the façade of any noise sensitive premises.

4. Noise Control Measures

The placing of bottles into receptacles outside the premise shall take place at times that will minimise disturbance to nearby properties.

5. Noise Control Measures

There will be no live or recorded music at the premises. The only music will be of a 'background' level.

Signed Councillor Benton.....Chairman

Date 20 January 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

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 increase crime and disorder or increase public nuisance.

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 (October 2010)

- The Licensing Objectives, section 2 pages 18 to 25
- Determining applications, section 9 Pages 78 to 81
- Conditions attached to premises licences, section 10 pages 83 to 96
- Pools of conditions, Annex D page 133 to 149

Signed Councillor Benton.....Chairman

Date 20 January 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

(to be read out by Legal Officer when decision is given to the hearing)

There was no legal advice given during deliberation

Signed Councillor Benton.....Chairman

Date 20 January 2012.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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	20 January 2012

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 – 11.45am

Signed Councillor Benton.....Chairman

Date 20 January 2012.....

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**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Wednesday, 7 March 2012
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Simons Councillor Khan
APPLICATION TYPE/REF	Review of Premises Licence MAU 063300
LICENSEE	Punch Taverns Plc
ADDRESS	Jubilee House, Second Avenue, Burton Upon Trent, Staffordshire, DE14 2WF

PREMISES DETAILS	The Roundhead Public House, Bretton Court, Rightwell, Bretton, Peterborough, PE3 8DU	
LICENSEE HEARD	Yes	
LICENSEE REPRESENTED		Yes
Mr Matthew Phipps, TLT Solicitors Mr Peter Scobie, Punch Taverns		
WITNESSES FOR LICENSEE		No
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		
Prevention of public nuisance		

Signed Councillor DobbsChairman

Date 7 March 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
PC Grahame Robinson	Yes	Yes

Signed Councillor DobbsChairman

Date 7 March 2012.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. There had been a number of incidents of crime and disorder at the premises, this had in turn resulted in the police inspection of the premises being undertaken;
2. The premises, under the current DPS, had fallen into an extremely dirty and derelict state;
3. A drugs test carried out on both toilets at the premises had proved to be positive, with evidence of cocaine abuse taking place at the venue;
4. Since the review request, there had been another violent incident at the premises; and
5. Contact had been made with Punch Taverns and Mr Peter Scobie following the last serious incident, and the premises had been closed with immediate effect.

IRRELEVANT REPRESENTATIONS

There were no irrelevant representations.

Signed Councillor DobbsChairman

Date 7 March 2012.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objectives.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, specifically paragraphs 11.26 and 11.25, also paragraphs 12 and 13 of the Hearings Regulations and to our own Statement of Licensing Policy.</p> <p>Our decision therefore is:</p> <p>To amend the existing licence conditions in the terms suggested by Cambridgeshire Constabulary, save for the following amendments:</p> <ul style="list-style-type: none"> i) The hours of opening to be 09.00 to 23.00, Monday to Sunday; and ii) Two SIA registered doormen to be present between the hours of 20.00 to close, Monday to Sunday.
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Signed Councillor DobbsChairman

Date 7 March 2012.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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*

2. Conditions proposed by the Responsible Authority:

- i) The supply of alcohol will be for consumption 'ON' premises only;
- ii) A log will be maintained by door staff, which will include logging on and off, the SIA registration numbers of staff employed and a brief record of any incidents dealt with. This will include any age verification scheme and any other refusal;
- iii) Door staff and bar staff to be vigilant in relation to asking individuals to leave before they become too drunk. They must ensure the safety of the individual and the public are a priority;
- iv) Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk should be undertaken on a monthly basis. This training, together with ongoing training to prevent underage sales, should be recorded in a written format and be available to an authorised officer upon demand;
- v) CCTV recording equipment and associated cameras will be maintained once a week and will record and store images for a period not less than 28 days. A record of maintenance will be maintained;
- vi) CCTV cameras will be positioned so that they cover the front and rear aspect of the property in addition to internal rooms and the bar service area;
- vii) Notices advising that CCTV has been installed on the premises shall be posted so that they are clearly visible to the public within the licensed premises;
- viii) Drinks shall only be available for consumption from plastic vessels or toughened glasses;
- ix) Where glass bottles are used, they will be retained and disposed of on the premises;
- x) No children under the age of 18 are allowed to access the premises: and
- xi) The staff at the Roundhead are to co-operate at all times with persons acting in an official capacity in relation to the premises.

4. Conditions proposed by the Sub-Committee:

- i) The hours of opening to be 09.00 to 23.00, Monday to Sunday; and
- ii) Two SIA registered doormen to be present between the hours of 20.00 to close, Monday to Sunday.

Signed Councillor DobbsChairman

Date 7 March 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances that it was appropriate to review the Premises Licence and to amend the licence conditions. The Licence holder did not object to the majority of the conditions proposed by the Cambridgeshire Constabulary but did make representations in relation to the requirement for door staff at the premises and the reduction in the hours of the licence activities on Friday and Saturday nights. Notwithstanding the current voluntary closure of the premises the Sub-Committee were concerned as to the severity of the violent incidents that had occurred and accordingly felt that a reduction in licensing hours was appropriate as was the presence of door staff in the evenings to prevent any further incidents of crime and disorder.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:

Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation : *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

Guidance issued under Section 182 of the Licensing Act 2003

- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

Signed Councillor DobbsChairman

Date 7 March 2012.....

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

Legal advice was given to the panel with regard to the powers of adjournment available to them under paragraph 12 of the Hearing regulations which could be used to adjourn to a specified date but did not appear to extend to staying proceedings in anticipation of a specified event.

Signed Councillor DobbsChairman

Date 7 March 2012.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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 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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	7 March 2012

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 – 11.40am

Signed Councillor DobbsChairman

Date 7 March 2012.....

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Friday, 23 March 2012
PANEL MEMBERS	Councillor Todd (Chairman) Councillor Simons Councillor Saltmarsh
APPLICATION TYPE/REF	Review of Premises Licence MAU 063461
LICENSEE	Mr Bruno Fernando Azeved Silva
ADDRESS	Bora Bora, 417 Lincoln Road, Peterborough, PE1 2PF

PREMISES DETAILS	Bora Bora, 417 Lincoln Road, Peterborough, PE1 2PF	
LICENSEE HEARD	Yes	
LICENSEE REPRESENTED	Yes	
Mr Simon Percival – Architect (Non Legal)		
WITNESSES FOR LICENSEE		No
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 public nuisance		

Signed Councillor ToddChairman

Date 23 March 2012

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Ms Dorothy Pocock	Yes	Yes
Inspector Iain Clark	Yes	Yes

Signed Councillor ToddChairman

Date 23 March 2012

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

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. There had been a number of changes to the Designated Premises Supervisor during 2011 and on 7th February 2012 a Section 19 Closure Notice had been served on Mr Silva by the Police. It was felt that the Designated Premises Supervisor at the time, was not a fit and proper Designated Premises Supervisor;
2. On 28th February 2012, Mr Silva was placed upon the licence as the Designated Premises Supervisor;
3. There had been numerous recorded incidents at local residential properties of noise pollution from the premises;
4. There had been recorded incidents of breaches of licence conditions including noise being heard at a nearby residential property, music being played and alcohol being sold after permitted hours.
5. There would need to be at least some remedial work required to the building to abate the nuisance caused by music emanating from the building.

IRRELEVANT REPRESENTATIONS

1. The premises had been operating as a café without valid planning consent.

Signed Councillor ToddChairman

Date 23 March 2012

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

<p>DECISION MADE</p> <p>Review of Premises Licence</p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the licensing objective.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, specifically paragraphs 11.18, 11.19 and 11.22, also paragraphs 12 and 13 of the Hearings Regulations and to our own Statement of Licensing Policy.</p> <p>Our decision therefore is:</p> <p>To remove the playing of live and recorded music from the scope of the licence.</p> <p>In line with this decision, condition 44 stating 'the playing of live or recorded music in garden areas of the premises after 21.00hrs shall not be permitted', to be removed from the operating schedule.</p>
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Signed Councillor ToddChairman

Date 23 March 2012

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

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*

1. Conditions set out in the operating schedule

No additional conditions proposed, but the removal of condition 44 stating 'the playing of live or recorded music in the garden areas of the premises after 21.00hrs shall not be permitted.'

Signed Councillor ToddChairman

Date 23 March 2012

PETERBOROUGH CITY COUNCIL LICENSING ACT 2003 SUB-COMMITTEE

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the Findings of Fact and submissions made, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances that it was appropriate to review the Premises Licence and to amend the licence conditions.

The Sub-Committee commended the Licensee for their proposed recommendations to mitigate against the obvious noise problems experienced by the nearby residential community; however it was regrettable that these recommendations had not been implemented prior to the intervention of the Responsible Authorities. As things stood, the Sub-Committee felt that it had no alternative but to agree with the recommendation made by Pollution Control to remove the playing of live and recorded music from the scope of the licence as it did not believe it was possible to prevent the nuisance by way of imposing additional conditions upon the licence.

The Sub-Committee also took the view that if there were to be any successful remedy to resolve a continuing nuisance problem, this would require a process of consultation by the licence holder with the Noise Pollution team and this would take an indeterminate period of time. Accordingly a time –limited solution would not be appropriate on this occasion.

SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:

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Signed Councillor ToddChairman

Date 23 March 2012

PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE

LEGAL ADVICE GIVEN DURING DELIBERATION

None.

Signed Councillor ToddChairman

Date 23 March 2012

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

CRIME AND DISORDER ACT 1998	Were there any implications under this Act? If so give details
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Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	23 March 2012

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 – 10.45am

Signed Councillor ToddChairman

Date 23 March 2012