

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

<b>PREMISES DETAILS</b>	Doce Mel, 345 Lincoln Road, Peterborough, PE1 2PF	
<b>LICENSEE HEARD</b>	<b>Yes</b>	
<b>LICENSEE REPRESENTED</b>		<b>No</b>
<b>WITNESSES FOR LICENSEE</b>		<b>No</b>
<b>THE FOUR LICENSING OBJECTIVES</b>		
Prevention of crime and disorder	Public safety	
Prevention of public nuisance	Protection of children from harm	
<b>LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE</b>		
Prevention of crime and disorder	Public safety	
Prevention of public nuisance	Protection of children from harm	

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

NAME/DETAILS	ATTENDING	<b>SPEAKING</b>
Councillor John Shearman	Yes	Yes

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

#### **FINDINGS OF FACT**

**The Sub-Committee finds the following facts:**

1. 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.**

DECISION MADE

**Review of Premises  
Licence**

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

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.

**Our decision therefore is:**

To revoke the premises licence.

The decision is suspended for 21 days to allow an appeal to the Magistrates' Court, and thereafter until the determination of that appeal.

ADDITIONAL CONDITIONS ATTACHED *(if any)*

1. *Conditions set out in the operating schedule (as amended or otherwise)*
2. *Additional conditions (if any) proposed by responsible authorities*
3. *Additional conditions proposed by applicant*
4. *Additional conditions arising from issues considered by the Sub-Committee in respect of any relevant representations*
5. *Any further conditions considered necessary for the promotion of the Licensing Objectives*

No additional conditions imposed.

## 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*

**LEGAL ADVICE GIVEN DURING DELIBERATION**

None.

<b>CRIME AND DISORDER ACT 1998</b>	<b>Were there any implications under this Act? If so give details</b>
<i>Section 17 imposes a duty to have due regard to the likely effect of the exercise of its functions and to do all it can to prevent crime and disorder.</i>	
<b>Human Rights Act 1998</b>	<b>How were the following articles considered</b>
<b>Article 1</b> – <i>Every person is entitled to the peaceful enjoyment of his possessions.</i>	The Sub-Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council’s statement of Licensing Policy were also considered.
<b>Article 6</b> – <i>Everyone is entitled to a fair trial</i>	The Sub-Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council’s statement of Licensing Policy were also considered.
<b>Article 8</b> – <i>Everyone has the right to respect for his private and family life, his home and his correspondence.</i>	The Sub-Committee read the report and relevant material and listened to the evidence and submissions. The national guidance and the Council’s statement of Licensing Policy were also considered.
<b>DATE OF SUB-COMMITTEE HEARING</b>	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.