

PETERBOROUGH



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			

**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

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.

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.

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.
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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.