

DATE OF HEARING	Friday, 16 December 2011		
PANEL MEMBERS	Councillor Dobbs (Chair) 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	<b>Fags and Booze, 97 St Pauls Road, Peterborough, PE1 3DR</b>		
APPLICANT HEARD	Yes		
APPLICANT REPRESENTED	Yes		
Mr Majid Hanif			
WITNESSES FOR APPLICANT		No	
<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			

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

NAME/DETAILS	ATTENDING	<b>SPEAKING</b>
Karen Woods, Trading Standards	Yes	Yes
PC Grahame Robinson, Cambridgeshire Constabulary	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. 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

DECISION MADE

**New Premises Licence**

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

**Our decision therefore is:**

To refuse the application.

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.**

## 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*

**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.**

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