

**Meeting of the Licensing Act 2003 Sub-Committee  
held at the Town Hall, Peterborough on Friday, 13 December 2013**

**RECORD OF DECISION**

1. Apologies for Absence	Apologies for absence was received from Councillor Davidson, Councillor Miners was in attendance.
2. Declarations of Interest	There were no declarations of interest.
3. Application	Variation of Premises Licence – Peterborough International Food Centre – 314/316 Lincoln Road, PE1 2ND.
3.1 Application Reference	MAU 068221
3.2 Sub-Committee Members	Councillor (Chairman) Thacker Councillor Serluca Councillor Miners
3.3 Officers	Darren Dolby , Regulatory Officer – Licensing Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Governance Officer – Clerk to the Sub-Committee
3.4 Applicant	Ismail Akdogan
3.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Variation</p> <p><b><u>Summary of Variation Application</u></b></p> <p>In accordance with section 51 of the Licensing Act 2003, following the submission of an application to vary the premises licence for Peterborough International Food Centre, 314/316 Lincoln Road, from Mr Ismail Akdogan, a Responsible Authority, the licensing authority was required to hold a hearing.</p> <p>The application to vary the premises licence, submitted by Mr Akdogan, was received on 16 October 2013.</p> <p>The variation application in summary included:</p> <ul style="list-style-type: none"> <li>• To increase the hours authorised to sell alcohol from 8am until 2am. The premises was currently authorised to sell alcohol Sunday to Thursday 8am to Midnight and 8am until 2am on Fridays and Saturdays;</li> <li>• To add the condition – ‘8 CCTV cameras would be in place and be visible from behind the counter’;</li> <li>• To add the condition – ‘ five fire alarms and fire exits would be in place’;</li> <li>• To add the condition - ‘Rubbish to be removed’; and</li> <li>• To add the condition – ‘The Challenge 25 age policy and a refusal book will be in place’.</li> </ul>

	<p>A representation against the variation application had been received from Cambridgeshire Constabulary, the Interim Director of Public Health, NHS Peterborough, the Planning Department and the Noise Pollution Team as Responsible Authorities. No other representations had been received from any of the remaining Responsible Authorities.</p> <p>A summary of the issues raised within the representations included:</p> <ul style="list-style-type: none"> <li>• An increase in litter in the area;</li> <li>• An increase in anti-social behaviour in the area; and</li> <li>• Negative impact on the principles of the 'Operation CAN-Do' initiative and the Cumulative Impact Area.</li> </ul>
<p>3.6 Licensing Objective(s) under which representations were made</p>	<p>1. The Prevention of Crime and Disorder;  2. The Protection of Public Safety; and  3. The Prevention of Public Nuisance.</p>
<p>3.7 Parties/Representatives and witnesses present</p>	<p><b><u>Applicant / Responsible Authority</u></b></p> <p>Mr Langford B Smith, who presented the case on behalf of Mr Ismail Akdogan.</p> <p><b><u>Responsible Authorities</u></b></p> <p>PC Grahame Robinson, who was present on behalf of Cambridgeshire Constabulary.</p> <p>David Martschenko, who was present on behalf of Noise Pollution Control Team.</p> <p><b><u>Licensee / Representative</u></b></p> <p>Mr Langford B Smith was in attendance on behalf of Mr Akdogan.</p> <p><b><u>Other Persons</u></b></p> <p>Mr Brian Gascoyne was in attendance as Other Persons.</p>
<p>3.8 Oral representations</p>	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application.</p> <p><b><u>Applicant</u></b></p> <p>Mr Langford B Smith's addressed the Sub-Committee. The key points raised during his address were as follows:</p> <ul style="list-style-type: none"> <li>• The Applicant had liaised with the Cambridgeshire Constabulary and had made suggestions in relation to the licensing conditions in order to reach a compromise;</li> <li>• Consideration to be given to reduce the proposed two hour extension to one hour, with the one hour difference to align with reduced shop opening hours;</li> <li>• There was no objection from the applicant over the stipulations made by the Authority; and</li> <li>• The applicant wished to retain the current licenced alcohol strength of</li> </ul>

	<p>beer sales.</p> <p><b><u>Responsible Authority – Cambridgeshire Constabulary</u></b></p> <p>PC Graham Robinson addressed the Sub-Committee. The key points raised during his address were as follows:</p> <ul style="list-style-type: none"> <li>• Agreements had not been reached with the Applicant over the proposed licence and that it was the Sub-Committees decision to agree the outcome of the applicants suggested compromise;</li> <li>• The current licence had run from Sunday to Thursday 8am until midnight and Friday and Saturday 8am – 2.00am; and</li> <li>• The applicant had been advised that it would be favourable to reduce the closing hours to midnight each night of the week in order to create less impact on residents.</li> </ul> <p><b><u>Other Persons – Brian Gascoyne</u></b></p> <p>Mr Brian Gascoyne addressed the Sub-Committee. The key points raised during his address were as follows:</p> <ul style="list-style-type: none"> <li>• There were 98 premises that had sold alcohol in the OP CAN DO area; and</li> <li>• Consideration should be given to reduce the number of premises selling alcohol and their opening times in the OP CAN DO area.</li> </ul>
<p>3.9 Written representations and supplementary material taken into consideration</p>	<p><b><u>Applicant</u></b></p> <p>Consideration was given to the application Mr Ismail Akdogan and attached to the Sub-Committee report.</p> <p><b><u>Responsible Authorities</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from Cambridgeshire Constabulary, the Interim Director of Public Health, NHS Peterborough, the Planning Department and the Noise Pollution Team as Responsible Authorities.</p> <p><b><u>Ward Councillor</u></b></p> <p>Consideration was given to the written submission from Councillor Shearman, Ward Councillor for Park Ward</p> <p><b><u>Other Persons</u></b></p> <p>Consideration was given to the written submissions attached to the Sub-Committee report from list other persons.</p>
<p>3.10 Facts/Issues in dispute</p>	<p><b><u>Issue 1</u></b></p> <p>Whether the review application would further support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p> <p><b><u>Issue 2</u></b></p> <p>Whether the review application would further support the ‘Prevention of</p>

	<p>Public Nuisance' Licensing Objective.</p> <p><b><u>Issue 3</u></b></p> <p>Whether the review application would further support the 'Protection of Public Safety' Licensing Objective.</p>
<p>4. Decision</p>	<p><b>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</b></p> <p>The premises lay within an area designated under a special policy therefore there was a rebuttable presumption not to grant the variation. To be successful, the applicant would need to demonstrate that they had sufficiently addressed the issues within the designated area detailed in the policy, in their operating schedule.</p> <p>The Sub-Committee been addressed on such issues as an increase in noise and waste pollution and public health associated with alcohol misuse.</p> <p>The Committee had considered the options available to it, which were:</p> <ul style="list-style-type: none"> <li>• to vary the licence in the same terms as it was applied for;</li> <li>• to grant or vary the variation as applied for with or without conditions; and</li> <li>• to refuse the variation.</li> </ul> <p>It was noted that the applicant was willing to reduce the hours of opening for the days in question and reduce the two hour increase, as applied for, by one hour.</p> <p>The Sub-Committee had been referred to the licensing policy incorporating the special policy and the government guidance at paragraphs 13.29 and 13.35 of the Licensing Act 2003.</p> <p>In introducing a special policy the licensing authority recognised that the designated area was saturated with such premises.</p> <p>The Sub-Committee had not believed that the operating schedule had addressed the issues within the special policy sufficiently enough to rebut the presumption not to grant, even with the proposed conditions and reduced hours of opening.</p> <p>The Sub-Committee's decision was therefore to refuse the application to vary the premises licence, at the premises known as Peterborough International Food Centre, 314-316 Lincoln Road, Peterborough, PE1 2ND.</p> <p>.</p> <p>Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:</p> <p>Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel No. 0845 3100575. There is a fee to pay.</p>

Chairman  
1.00pm – 2.02pm