

DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE

APPLICATION OF THE PREMISES LICENCE – INTERNATIONAL FOOD CENTRE, UNIT 1 & 2, 41 LINCOLN ROAD, PETERBOROUGH, PE1 2RH

13 JULY 2018

This Decision Notice refers to the application of the premises licence International Food Centre, Unit 1 & 2, 41 Lincoln Road, Peterborough, PE1 2RH.

The Sub-Committee considered the representation made to us today and in writing in objection to the application by one ‘Other Person’, that being Mr Gascoyne representing the Millfield and New England Regeneration Partnership (MANERP).

- The Applicant, Mr Razaq Karim, applied for a new premises licence for the premises known as International Food Centre, 41 Lincoln Road, Peterborough.
- The premises was open from 7am to 10pm on a daily basis. The applicant had applied to sell alcohol on the same basis.
- The premises lay within an area designated as a cumulative impact area and a special policy applies pursuant to the Government Guidance issued under Section 182 of the Act. The policy was designed to restrict the numbers of premises selling alcohol and other licensable activities, within the area.

Special Policy

The Special Policy was introduced to help combat alcohol induced anti-social behaviour and minor criminality, noise disturbance and other such matters associated with the consumption of alcohol. The policy was not a blanket ban on granting licences, however there was a ‘rebuttable presumption’ that a licence should not be granted in the area as the Licensing Authority had deemed that area was at saturation point for such licences, and to grant further licences may add to the alcohol induced anti-social behaviour and minor criminality associated with the density of licensed premises in the area.

The policy had not removed the Licensing Authority's discretion to grant applications for licences where it was considered to be appropriate based on the individual circumstances of the case. It was for the Applicant to show that the operating schedule, in particular the conditions attached to the licence were sufficient as not to add to the negative cumulative impact.

Representations

There were no representations from any Responsible Authority. There was a representation from one 'other person', being the representative on behalf of Millfield and New England Regeneration Partnership (MANERP).

The concerns raised were linked by MANERP to the four licensing objectives.

This representation can be found at page 27 of the committee report. To paraphrase, MANERP were concerned with:

- The number of 'off-sales' premises in the area that add to the anti-social behaviour;
- The area was sensitive and volatile due to the ease of access to alcohol, often sold at low prices;
- The premises lay within a special policy zone; and
- There was no evidence of need (the Committee recognised that 'need' was not a material consideration under the Act).

Mr Cave, acting for the Applicant, informed the Committee:

- That his client wished to work with the Local Authority to uphold the licensing objectives;
- His client recognised the reasons why the Authority had such a special policy in place; and
- His client was a responsible and trusted individual.

The Applicant supplied five character references in support of his application. These were noted by the Committee.

The Sub-Committee referred to:

- The Government Guidance issued under section 182 of the Act;
- The Licensing Authority's Statement of Licensing Policy, in particular the Special Policy;
- The proposed Operating Schedule and conditions therein; and
- The information before the Sub-Committee in writing and the submissions made at the hearing on 13 July 2018.

The Sub-Committee noted that the Police had been working with the Applicant regarding the conditions.

The Applicant operated another such business and the Sub-Committee had no information before them to suggest that he had not been running this business, not in accordance with his licence for that premises.

The Sub-Committee had disregarded irrelevant matters such as 'need' and the profitable viability of the premises. These matters were not relevant under the Licensing Act 2003.

The Sub-Committee noted that there were a few similar premises within the vicinity with like licences. The Sub-Committee had no information before them that if the application was granted, there would be additional issues that offend the Special Policy.

The Sub-Committee therefore **GRANTED** the licence for the premises, known as International Food Centre, subject to the conditions within the Operating Schedule.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:

Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel: 01223 376000. There is a fee to pay.

Councillor Hiller
Sub-Committee Chairman