

DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE

APPLICATION OF THE PREMISES LICENCE – INTERNATIONAL SHOP, 32-34 DOGSTHORPE ROAD, PETERBOROUGH, PE1 3AF

Friday, 2 November 2018

This Decision Notice refers to the application of the premises licence International Shop, 32-34 Dogsthorpe Road, Peterborough, PE1 3AF.

We have considered the representations made to us today and in writing in objection of the application by:

- Ward Councillor Ferris;
- Cambridgeshire Constabulary;
- MANERP, Brian Gascoyne;
- Katharine King;
- Leon King; and
- Dr Barbara Patterson.

A summary of the issues raised to the Sub-Committee included:

- In 'Op Can-do' area which is now subject to a special 'cumulative impact policy.
- Another premises offering 'Off Sales' of alcohol would lead to an increase in anti-social behaviour in the vicinity.
- The premises will add to low level crime

The Committee were referred to the Statement of Licensing Policy and the Government Guidance, in particular:

Special Policy on Cumulative Effect

11.5 The Licensing Authority has adopted (following a meeting of the full council on 17 April 2013) a special policy relating to cumulative impact in respect to all licensed premises for the Op Can Do area. The special policy took effect on 18 April 2013.

11.6 This special policy creates a rebuttable presumption that applications within the Op Can Do area for new premises or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced.

11.7 Applicants will need to address the special policy issues in their operating schedules in order to rebut such a presumption.

11.9 This licensing authority recognises that a special policy should never be absolute. The circumstances of each application will be considered properly and applications for licences and certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. After receiving representations in relation to a new application or for a variation of a licence or certificate, the licensing authority will consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. If the licensing authority decides that an application should be refused, it will still need to show

that the grant of the application would undermine the promotion of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

Limitations on special policies relating to cumulative impact

14.44 A CIA should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its CIA in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

The Sub Committee considered the Representations from the police and noted the recommendations therein.

The Sub-Committee was informed by the applicant's representative that the applicant would implement the additional and enhanced conditions submitted by the police in regards to the revised sale of alcohol times and CCTV equipment installation recommended. The revised times for sales were 8:00am to 9:00pm.

The Sub Committee felt that the Applicant had successfully rebutted the presumption not to grant and the Operating Schedule has addressed the special policy issues.

We therefore **GRANT** the licence for the premises, known as International Shop, 32-34 Dogsthorpe Road, Peterborough, subject to the additional pre-mentioned extra conditions.

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 No. 01223 376000. There is a fee to pay.

Sub-Committee Chairman

Councillor Ayres