

**PETERBOROUGH CITY COUNCIL
LICENSING ACT 2003 SUB-COMMITTEE**

DATE OF HEARING	Friday, 22 January 2010		
PANEL MEMBERS	Councillor Thacker (Chairman) Councillor Newton Councillor Swift		
APPLICATION TYPE/REF	New Premises Licence 057524		
APPLICANT	Mrs Rinoza Antony		
ADDRESS	99 Shrewsbury Road, Carshalton, SM5 1LT		
PREMISES DETAILS	Stanground Food and Wine, 5 Ayres Drive, Stanground, Peterborough, PE2 8JR		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED		Yes	
Mr Denis Bradley Rasiah and Co Solicitors			
WITNESSES FOR APPLICANT			No
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		Public safety	
Prevention of public nuisance		Protection of children from harm	

Signed Councillor Thacker..... Chairman

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REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Councillor Brian Rush	Yes	Yes
Mr Roger Brown	Yes	Yes

Signed Councillor Thacker..... Chairman

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The Sub-Committee read the report and relevant material and listened to all the evidence and submissions. The Sub-Committee also considered the National Guidance and the Council's Statement of Licensing Policy.

FINDINGS OF FACT

The Sub-Committee found the following facts:

- 1. The proven positive track record of the Applicant;**
- 2. The Applicant had agreed to a decrease in opening hours, equating to 4 ½ hours per day;**
- 3. There had been no objections received from any of the Responsible Authorities; and**
- 4. The Sub-Committee noted the extensive conditions as laid out in the operating schedule. In particular the provision of CCTV, the provision of staff training, the up keep of external lighting and the maintenance of refuse storage.**

IRRELEVANT REPRESENTATIONS

The Sub-Committee found no representations to be irrelevant.

Signed Councillor Thacker..... Chairman

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<p>DECISION MADE</p> <p>New Premises Licence</p>	<p>The Sub-Committee considered the relevant representations today and previously submitted in line with the four licensing objectives.</p> <p>During the Sub-Committee's deliberations regard was had to the Government Guidance and to our own Statement of Licensing Policy.</p> <p>Our Decision therefore is</p> <p>To grant the application in the same terms applied for.</p> <p>The hours of operation under this licence shall be:</p> <ul style="list-style-type: none">(i) Sale of alcohol for consumption off the premises<ul style="list-style-type: none">- Monday to Sunday 08.00 to 21.00(ii) Hours premises are open to the public<ul style="list-style-type: none">- Monday to Sunday 05.30 to 21.00
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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*

3. Applicant's proposed conditions: as set out in Appendix B, page 27 of the Committee report and at Paragraph 8 on page 3 of the Committee report.

Crime and disorder

i) Any person selling or supplying alcoholic drinks under the authority of a personal licence holder must ask for a photo ID proof of age where they have reason to suspect that the individual may be under 21 years of age.

ii) Video / CCTV equipment shall be installed inside the premises and maintained in working order.

iii) Video / CCTV equipment will be set to record from the time that the premises open to the public until the premises close and all members of the public have left.

iv) Digital images shall be retained for at least one month and shall be produced to an authorised officer on demand.

v) Notices advising that CCTV has been installed on the premises shall be posted up so that they are clearly visible to the public within the licensed premises.

vi) The Designated Premises Supervisor will ensure that staff receive training and supervision to ensure that they fully understand their responsibilities in relation to age restricted products, in particular to the sale of alcohol so as to prevent sales to persons under the age of 18.

vii) The Designated Premises Supervisor will ensure that all staff training is ongoing.

viii) The Designated Premises Supervisor will provide a book for all staff to record instances where sales are refused. This book will be available to any authorised officer upon request.

Prevention of Public Nuisance

i) Receptacles for refuse storage shall be maintained in a clean condition.

ii) Litter shall be prevented at all times and where identified regularly cleared from the vicinity of the premises.

Public Safety

i) A fire risk assessment conforming to the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.

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ii) External lighting will be kept in working order.

Protection of Children from Harm

i) The 'Challenge 21' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises.

ii) Signage will be prominently placed within the premises advertising the fact that the premise operates the 'Challenge 21' initiative.

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REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

In view of the findings of fact, the sub-committee was satisfied on a balance of probability and considering all the circumstances, including the conditions imposed, that the requested new premises licence would not create public nuisance, endanger public safety, expose children to harm or 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
- Children and Licensed Premises, Section 9 on Page 12 to 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

- The Licensing Objectives – Crime and disorder, - Section 2 pages 16 to 19
- The Licensing Objectives – Public Nuisance, Section 2 pages 21 to 23
- The Licensing Objectives – Public Safety, Section 2 pages 19 to 21
- Protection of Children from Harm, Section 2 pages 23 to 25
- Determining applications – Section 9 pages 66 to 70
- Pools of conditions – Annex D page 117 to 133

LEGAL ADVICE GIVEN DURING DELIBERATION

No legal advice was given during deliberation.

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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 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 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 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.

13.30pm – 14.20pm

Signed Councillor Thacker..... Chairman

Date 22 January 2010