

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

DATE OF HEARING	Thursday, 11 February 2010	
PANEL MEMBERS	Councillor Dobbs (Chair) Councillor Thacker Councillor Swift	
APPLICATION TYPE/REF	New Premises Licence 057639	
APPLICANT	Mini Pol Ltd	
ADDRESS	Mini Poli, Unit 5, Pyramid Centre, Watergall, Bretton, Peterborough, PE3 8NY	
PREMISES DETAILS	Mini Poli, Unit 5, Pyramid Centre, Watergall, Bretton, Peterborough, PE3 8NY	
APPLICANT HEARD		No
APPLICANT REPRESENTED	Yes	
Mr Langford B. Smith		
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		
Prevention of public nuisance		

Signed Councillor Dobbs..... Chairman

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REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK		
NAME/DETAILS	ATTENDING	SPEAKING
Councillor Wayne Fitzgerald	Yes	Yes

Signed Councillor Dobbs..... Chairman

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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. The applicant had agreed to a decrease in the opening hours and the hours for the selling of alcohol, equating to 2 hours per day**
- 2. After mediation the objection received from the Responsible Authority was withdrawn**
- 3. The Committee noted the extensive conditions as laid out in the operating schedule.**

IRRELEVANT REPRESENTATIONS

The Sub-Committee considered the following to be irrelevant Representations:

- 1. The suitability of the applicant to hold a licence**
- 2. The operating hours of other licensed premises in the area**

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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*

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

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

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.

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

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.

An authorised person will be available at all times on the premises to show CCTV images immediately to an authorised officer on demand.

CCTV images will be clear and comprehensible.

No alcohol shall be consumed on the premises

Any person employed at the premises must be able to verbally challenge any customer attempting to purchase alcohol.

Prevention of Public Nuisance

Adequate and suitable (lidded) receptacles shall be provided to receive and store refuse from the premises.

The premises licence holder shall not participate or encourage flyposting of events or the venue and any leaflet distribution shall be managed in such a way as to prevent litter.

The premises licence holder shall be responsible for the disposal of waste on the frontage of the premises.

Public Safety

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.

Signed Councillor Dobbs..... Chairman

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An adequate and appropriate supply of first aid equipment and materials shall be available on the premises

Valid public liability insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request.

Protection of Children from Harm

The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises.

Signage will be prominently placed within the premises advertising the fact that the premise operates the 'Challenge 25' initiative.

Any potential sale of alcohol that is refused will be logged in a refusals register and be available to an authorised officer on request.

Signed Councillor Dobbs..... Chairman

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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 not create public nuisance 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.

Signed Councillor Dobbs..... Chairman

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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.

10.00am – 10.55am

Signed Councillor Dobbs..... Chairman

Date 11 February 2010