

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

<b>DATE OF HEARING</b>	Tuesday, 13 April 2010 (adjourned from 7 April 2010)
<b>PANEL MEMBERS</b>	Councillor Newton (Chairman) Councillor Morley Councillor Swift
<b>APPLICATION TYPE/REF</b>	Review of Premises Licence MAU 58243
<b>LICENSEE</b>	Mr Shaid Majid
<b>ADDRESS</b>	54 Cobden Street, Peterborough, PE1 2HD

<b>PREMISES DETAILS</b>	News N Booze, 95 Eastfield Road, Peterborough, PE1 4AS	
<b>LICENSEE HEARD</b>	Yes	
<b>LICENSEE REPRESENTED</b>	Yes	
Ms Anika Jones, Counsel, The Chancery Partnership Solicitors		
<b>WITNESSES FOR LICENSEE</b>	Yes	
Ms Rubina Shaffique		
<b>THE FOUR LICENSING OBJECTIVES</b>		
Prevention of crime and disorder	Public safety	
Prevention of public nuisance	Protection of children from harm	
<b>LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE</b>		
Prevention of crime and disorder	Public safety	
Prevention of public nuisance	Protection of children from harm	

Signed Councillor Newton..... Chairman  
Date 13 April 2010.....

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<b>REPRESENTATIONS: RESPONSIBLE AUTHORITIES &amp; INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK</b>		
<b>NAME/DETAILS</b>	<b>ATTENDING</b>	<b>SPEAKING</b>
PC Ifor Maddox – Northern Licensing Officer, Cambridgeshire Constabulary	Yes	Yes
Ms Lynne Chesterton, Children’s Social Care Services – Peterborough City Council	No	No

Signed            Councillor Newton..... 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. There have been numerous underage sales at the premises**
- 2. There has been a breach of a condition of the licence with regard to the underage sales**
- 3. The licence holder has shown commitment to addressing the issues that were raised in the review application**

**IRRELEVANT REPRESENTATIONS**

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

- 1. There were no irrelevant representations received or considered**

Signed            Councillor Newton..... Chairman

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<p><b>DECISION MADE</b></p> <p><b>Review of Premises Licence</b></p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the four licensing objectives.</p> <p><b>Our decision therefore is:</b></p> <ul style="list-style-type: none"> <li>• to suspend the alcohol licence for a period of one week starting on Friday 16<sup>th</sup> April 2010 at 8.00am until Friday 23<sup>rd</sup> April 2010 at 8.00am</li> </ul> <p><b>And to modify the license conditions to include the following -</b></p> <ul style="list-style-type: none"> <li>• All members of staff who are allowed to serve alcohol on the premises must have appropriate training and the evidence of this training must be available for inspection on the premises during opening hours.</li> <li>• Clear and unobstructed signage to be placed within the premises stating that no alcohol sale to any persons under the legal age to purchase alcohol.</li> <li>• A log sheet to be kept detailing attempted purchases of alcohol by those considered to be under the age of 18.</li> </ul>
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Signed                      Councillor Newton..... Chairman

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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*

**4. Additional conditions proposed by the Sub-Committee.**

- All members of staff who are allowed to serve alcohol on the premises must have appropriate training and the evidence of this training must be available for inspection on the premises during opening hours
- Clear and unobstructed signage to be placed within the premises stating that no alcohol sale to any persons under the legal age to purchase alcohol
- A log sheet to be kept detailing attempted purchases of alcohol by those considered to be under the age of 18

Signed Councillor Newton..... Chairman

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**REASONS FOR DECISION, LINKED TO FINDINGS OF FACT**

In view of the Findings of Fact and submissions made, the Sub-Committee is satisfied on a balance of probability and considering all the circumstances that it is appropriate to review the Premises Licence and to suspend the alcohol licence for a period of one week.

**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**

- Children and Licensed Premises: *Section 9 on Page 12*
- Other legislation: *Section 10 on Page 14*
- Fundamental Principles, *Section 6 on Page 9*
- Reviews, *Section 15 on Page 18*

**Guidance issued under Section 182 of the Licensing Act 2003**

- Reviews *Section 11 of the Guidance*
- Powers of a licensing authority on the determination of a review: *Section 11.15 Page 91*
- Reviews arising in connection with crime: *Section 11.22 Page 93*

Signed Councillor Newton..... Chairman

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**LEGAL ADVICE GIVEN DURING DELIBERATION**

No legal advice was given during deliberation.

Signed Councillor Newton..... Chairman

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<b>CRIME AND DISORDER ACT 1998</b>	<b>Were there any implications under this Act? If so give details</b>
<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>	
<b>Human Rights Act 1998</b>	<b>How were the following articles considered</b>
<b>Article 1</b> – <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.
<b>Article 6</b> – <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.
<b>Article 8</b> – <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.
<b>DATE OF SUB-COMMITTEE HEARING</b>	13 April 2010

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.

9.30am – 11.30am

Signed            Councillor Newton..... Chairman

Date             13 April 2010.....