

Minutes of a meeting of the Licensing Act 2003 Sub Committee held at the Town Hall,  
Peterborough on Wednesday 2 July 2008 at 1.00pm

Members Present      Councillors Lowndes (Chairman), Hiller and Swift

Officers Present      Darren Dolby              Licensing Enforcement Officer  
                                 Amy Brown                Solicitor – Legal Advisor to the Committee  
                                 Lindsay Tomlinson      Clerk to the Committee

1. Application for a Review of the Premises Licence for Bogart's Wine Bar – 17 North Street, Peterborough, PE1 2RA

During her opening statement the Chairman advised all present of the procedure to be followed. There were no apologies for absence, no declarations of interest and no objections were made to any of the Members of the Sub Committee taking part in the Hearing.

There were no objections to the recommended 10 minute speaking

List of speakers:

**Responsible Authority**

PC Ifor Maddox                                      Cambridgeshire Constabulary

**Licensee**

Mr Thomas Mellilo                              Licensee – Bogart's Wine Bar

The Licensing Enforcement Officer introduced the report to the sub-committee and informed members that the review of the premises licence had been requested by Cambridgeshire Constabulary because of underage sales of alcohol.

A mediation meeting had taken place on 13 June 2008 and Mr Mellilo had agreed to the recommendations in the review application.

PC Maddox presented the case for Cambridgeshire Constabulary. He confirmed that a test purchases had been carried out at the premises on 7 March 2008 and volunteers under the age of 18 had been allowed to purchase alcohol. The seller of the alcohol had later been interviewed and issued with a Public Notice for Disorder (PND) for the offence of selling alcohol to an underage person. Mr Mellilo, as designated premises supervisor, was currently under investigation for the offence of allowing alcohol to be sold to an underage person.

Mr Mellilo stated that the person selling the alcohol had made a genuine mistake and had now resigned. Mr Mellilo apologised for the incident and said that as designated premises supervisor he had made a point of instilling into the staff the need to always ask for proof of identification. The premises were now closed indefinitely because of a lack of business.

The sub-committee retired to consider the application.

**RESOLVED:**

1. To suspend the licence for a period of three months
3. To impose the following additional conditions:
  - A personal licence holder will be on the premises at all times that alcohol is available for sale
  - A comprehensive training package will be delivered to all staff regarding underage sales. This training will be recorded and will be made available to an authorised officer of the local authority or of Cambridgeshire Constabulary.

**Reasons for the Decision:**

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, including the conditions imposed, that the suspension of the premises licence for a period of three months is necessary to ensure compliance with the licensing objectives as it will enable the licensee to put in place a comprehensive training package.

In coming to its decision, the Sub Committee had regard to Peterborough City Council's Statement of Licensing Policy and the National Guidance.

CHAIRMAN  
1.00pm – 2.00pm