

**DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE**

**APPLICATION FOR A NEW PREMISES LICENCE – INTERNATIONAL FOOD CENTRE, UNIT 1&2, 41 LINCOLN ROAD, PE1 2RH**

**1 MARCH 2018**

**This Decision Notice** refers to the application of the premises licence International Food Centre, Unit 1&2, 41 Lincoln Road, PE1 2RH.

We have considered the representations made to us today and in writing in objection to the application by Other Persons.

The Sub-Committee considered the points raised in objection to the application by other persons (three local businesses), and a summary of the issues raised included:

- Premises were within the ‘Op Can-do’ area which was subject to a special ‘cumulative impact policy and had been since April 2013;
- Other like businesses catered for alcohol off sales in the vicinity;
- Another premises offering ‘Off Sales’ of alcohol would lead to an increase in anti-social behaviour in the vicinity, as detailed in the representations;
- If a premises licence was granted, it would add to the cumulative impact in the area;
- There were no representations from the Police or other Responsible Authorities;
- There were no representations in support of the Application; and
- The Applicant was present.

The Applicant stated that he operated another shop and had experienced no issues. The International Food Centre would be a larger shop selling international food. The off sales of alcohol would help to make the business more profitable.

The Sub Committee referred to:

- The Licensing Authority’s Statement of Licensing Policy; and
- The Government Guidance issued under section 182 of the Licensing Act 2003

The Government Guidance (as reflected in the Licensing Authority’s own Statement of Licensing Policy) at Para 14.30 states:

**Effect of special policies**

**14.30** The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally

be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

**14.31** However, a special policy must stress that this presumption does not relieve responsible authorities (or any other persons) of the need to make a relevant representation, referring to information which had been before the licensing authority when it developed its statement of licensing policy, before a licensing authority may lawfully consider giving effect to its special policy. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted.

### **The Decision**

The Sub-Committee did not believe that the Applicant had rebutted the presumption not to grant and the conditions offered within the Operating Schedule do not address the concerns of those who made representations and those of the Committee who believed that another such like premises would add to the cumulative impact and maintain the saturation status of the area.

The Sub-Committee therefore **REFUSED** the premises licence as applied for, relating to the premises known as International Food Centre, Unit 1&2, 41 Lincoln Road, PE1 2RH.

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. There is a fee to pay.

Councillor Hiller

Sub-Committee Chairman