

**LICENSING ACT 2003 SUB-COMMITTEE**

**MONDAY 16 SEPTEMBER 2013  
1.30 PM**

**Council Chamber - Town Hall**

**AGENDA**

**Page No**

- 1. Apologies for Absence**
- 2. Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

- 3. Application for Review of Premises Licence - Marisqueira, 62 Cromwell Road, Peterborough, PE1 2EG** **3 - 66**

**Committee Members:**

Councillors: Thacker (Chairman), Peach (Vice Chairman) and Saltmarsh

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – [gemma.george@peterborough.gov.uk](mailto:gemma.george@peterborough.gov.uk)



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268 as soon as possible.

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<b>LICENSING ACT 2003 SUB-COMMITTEE</b>		<b>AGENDA ITEM No. 3</b>
<b>16 SEPTEMBER 2013</b>		<b>PUBLIC REPORT</b>
Contact Officers:	Adrian Day, Licensing Manager Darren Dolby, Licensing Regulatory Officer	Tel: 454437 Tel. 453561

**APPLICATION:** Review of Premises Licence

**PREMISES:** Marisqueira, 62 Cromwell Road, Peterborough, PE1 2EG

**REFERENCE NUMBER:** MAU 067710

**GLOSSARY OF TERMS:** Attached at **Appendix A – Page 7**

**1. PURPOSE OF REPORT**

1.1 To consider and determine an application for a review of a Premises Licence under Section 51 of the Licensing Act 2003 for the above premises, taking into account the representation submitted by the Pollution Control Team in their capacity as a Responsible Authority. Representations have also been received from Cambridgeshire Constabulary, a local Councillor and 8 local residents in their capacities as ‘other persons’. The review was bought under the licensing objective of ‘the prevention of public nuisance’.

**2. BACKGROUND INFORMATION**

2.1 On the 25<sup>th</sup> July 2005 a conversion application was submitted by Mr Giovanni Tomeo to convert a Justices restaurant licence to a premises licence. At that time of conversion the premises was called Marisqueira. As there were no objections from the police, the licence was granted on 22<sup>nd</sup> August 2005. Mr Tomeo was named on the licence as the Designated Premises Supervisor.

2.2 On the 18<sup>th</sup> December 2007 an application to change the name of the premises to ‘Sopranos’ was received and subsequently was granted.

2.3 On the 3<sup>rd</sup> March 2008 an application to vary the premises licence was received. This application was to remove the majority of the embedded restrictions, add dancing to the licence and to increase the hours for live music and the sale of alcohol until 3am. A representation from the Noise Pollution team was successfully mediated out. As there were no other representations received the application was granted on the 1<sup>st</sup> April 2008.

2.4 On the 24<sup>th</sup> February 2009 an application to vary the Designated Premises Supervisor on the premises licence was received. The application was to place Mrs N Cascalheira on the licence and remove Mr Tomeo with immediate effect. As no representations were received, the application was granted.

- 2.5 On the 24<sup>th</sup> June 2009 an application to vary the Designated Premises Supervisor back to Mr Tomeo with immediate effect was received. As no representations were received the application was granted.
- 2.6 On the 25<sup>th</sup> August 2009 a minor variation to the premises licence was applied for by Mr Tomeo. This application was to change the layout plan of the premises and to increase the conditions on the licence. As no representations were received, the application was granted.
- 2.7 On the 10<sup>th</sup> December 2009 an application to transfer the premises licence to Mr Joaquim Mendes was applied for. An additional application was also received to place Mr Mendes on the licence as the Designated Premises Supervisor. As no representations were received both applications were granted
- 2.8 On 5<sup>th</sup> July 2011 the South Central East Residents Association (SCERA) applied to the Licensing Authority to review Marisqueira's premises licence. The review was brought under the licensing objectives of crime & disorder and public nuisance and was supported by Cambridgeshire Constabulary. A review hearing was held on 18<sup>th</sup> August 2011 and the Committee decision sheet can be found at **Appendix B – Page 9**.
- 2.9 On 6<sup>th</sup> December 2011 an application to transfer the premises licence to Mr Paulo Manuel De Freitas was applied for and granted. On 16<sup>th</sup> January 2012 an application to transfer the designated premises supervisor on the premises licence to Me Pedro was applied for and subsequently granted.
- 2.10 On 14<sup>th</sup> September 2012 an application to transfer the designated premises supervisor on the premises licence to Miss Ivone Coelho was applied for and granted. A copy of the current premises licence can be found at **Appendix C - Page 17**.

### **3. APPLICATION**

- 3.1 In accordance with section 51 of the Licensing Act 2003 following the submission of an application to review the premises licence from the Noise Pollution Team, a Responsible Authority, the licensing authority must hold a hearing.
- 3.2 A copy of the application to review served by the Pollution Control Team was received 22<sup>nd</sup> July 2013, a copy of this application is attached at **Appendix D – Page 29**.
- 3.3 Representations in support of the review and recommendations were received from Cambridgeshire Constabulary as a Responsible Authority, a local Councillor and 8 local residents. Copies of these representations are attached at **Appendix E – Page 41**.
- 3.5 No other representations have been received from any of the remaining Responsible Authorities, those being, the Licensing Authority, Local Health Authority, Cambridgeshire Fire and Rescue, Peterborough City Council Planning Department, Peterborough City Council Health & Safety Department, Peterborough City Council Children's Services, or Trading Standards.

### **4. RESPONSIBLE AUTHORITIES**

#### **4.1 Summary of issues raised by Responsible Authorities**

- i. Continued breaches of premises licence conditions.
- ii. Poor management of the premises.
- iii. Continued issues with loud music and anti-social behaviour from the premises.

## **5. OTHER PERSONS**

### **5.1 Summary of issues raised by Other Persons**

- i. Continued issues with loud music from the premises
- ii. Increase with litter issues near to premises
- iii. Increase in anti-social behaviour in and near the premises

## **6 Mediation**

6.1 No mediation has taken place.

## **7. POLICY & GUIDANCE IMPLICATIONS**

7.1 The following sections/paragraphs are applicable to this application:

### **7.2 Council's Statement of Licensing Policy**

- Objectives: *section 4 on Page 5*
- Other Legislation : *section 7 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

### **7.3 Guidance Issued under Section 182 of the Licensing Act 2003 (October 2012)**

- Reviews: *Section 11 pages 75 to 80*
- Determining applications: *Section 9 pages 58 to 64*

## **8. LEGAL OFFICER'S COMMENTS**

8.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a review of a premises licence following the application by Trading Standards (Responsible Authority) to review the premises licence made under section 51 of the Licensing Act 2003.

8.2 In this case, the application was received at these offices on 22<sup>nd</sup> July 2013.

8.3 The application before this committee will consider –

- (i) The application to review the licence,
- (ii) Any relevant representations

8.4 The committee will take such steps as it considers that are appropriate for the promotion of the licensing objectives. The steps are –

- (a) to modify the conditions of the premises licence
- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premises supervisor from the licence
- (d) to suspend the licence for a period not exceeding three months, or
- (e) to revoke the licence

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added

8.5 In addition Section 11.17 and 11.18 of guidance issued under section 182 of the Licensing Act 2003 states:

'The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that

the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

**‘Child’**

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

**DCMS:** Department for Culture Media and Sport

**‘Designated Premises Supervisor’** means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

**‘Other Persons’:**

- persons who live, or are involved in a business, in the relevant licensing authorities area and who are likely to be affected by the application and are not a Responsible Authority.

**‘Late Night Refreshment’** means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

**‘Licensable Activities’** means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

**‘Licensing Authority’:** - is the licensing function of Peterborough City Council

**‘Licensed Premises’ includes club premises and events unless the context otherwise requires.**

**‘Licensing Objectives’**

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

**‘Operating Schedule’** means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives

**'Rateable Value'**: as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

**'Regulated Entertainment'** (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

**'Relevant Licensing Authority'**: is the Authority in the area the premises are situated.

**'Responsible Authority'** means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children's Services – Child Protection & Review Manager
- Primary Care Trust or Local Health Board (Director of Public Health)
- The Relevant Licensing Authority, Peterborough City Council
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

**'Supply of alcohol'**:

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

**'Temporary Event Notice'** means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 168 hours (7 days);
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year, and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

**'the Act'**: means the Licensing Act 2003



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

<b>DATE OF HEARING</b>	Thursday, 18 August 2011
<b>PANEL MEMBERS</b>	Councillor Dobbs (Chair) Councillor Simons Councillor Swift
<b>APPLICATION TYPE/REF</b>	Review of Premises Licence MAU 061530
<b>LICENSEE</b>	Mr Joaquim Mendes
<b>ADDRESS</b>	92a Gladstone Street, Peterborough, PE1 2EG

<b>PREMISES DETAILS</b>	Marisqueira, 62 Cromwell Road, Peterborough, PE1 2EG	
<b>LICENSEE HEARD</b>		<b>No</b>
<b>LICENSEE REPRESENTED</b>		<b>No</b>
<b>WITNESSES FOR LICENSEE</b>		<b>No</b>
<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		
Prevention of public nuisance		

Signed Councillor Dobbs.....Chairman

Date 18 August 2011.....

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

<b>REPRESENTATIONS: RESPONSIBLE AUTHORITIES &amp; INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK</b>		
<b>NAME/DETAILS</b>	<b>ATTENDING</b>	<b>SPEAKING</b>
Mr Mohammed Saeed	Yes	Yes
Mrs Rukhsana Kauser	Yes	Yes
Ms Iwona Wojszczyk, Pollution Control	No	No
CI Kevin Vanterpool	Yes	Yes
Councillor Nazim Khan	Yes	Yes
Mr Mohammed Sabil	Yes	Yes
Mr Sohail Rashid	No	No

Signed            Councillor Dobbs.....Chairman

Date              18 August 2011.....

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

**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 Sub-Committee heard evidence relating to a noise nuisance emanating from the premises over an extended period of time. Such incidents included loud music, shouting and fighting in the street late at night and other such drunken behaviour. Loud music was affecting the sleep of some residents in the early hours of the morning.
2. Given the nature of the noise, the location of the premises with residential premises and other commercial premises, the Sub-Committee were of the view that a public nuisance was in existence.
3. The Sub-Committee read evidence from the residents who had made complaints of noise nuisance and criminality. The Sub-Committee referred to log sheets detailing incidents.

**IRRELEVANT REPRESENTATIONS**

There were no irrelevant representations.

Signed            Councillor Dobbs.....Chairman

Date             18 August 2011.....

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

<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 licensing objective.</p> <p>During the Sub-Committee's deliberations we have had regard to the Government Guidance, in particular to Chapter 11 and our own Statement of Licensing Policy.</p> <p>The premises licence holder was not present and the Sub-Committee heard no representations against the review.</p> <p><b>Our decision therefore is:</b></p> <ol style="list-style-type: none"> <li>1. To reduce the opening hours of the premises, to be: <ul style="list-style-type: none"> <li>• Sunday to Thursday 10.00 - 23.00</li> <li>• Friday and Saturday 10.00 - 00.00</li> </ul> </li> <li>2. To reduce the hours of live music, to be: <ul style="list-style-type: none"> <li>• Sunday to Thursday 12.00 - 22.00</li> <li>• Friday and Saturday 12.00 - 23.00</li> </ul> </li> <li>3. The hours of recorded music to be in line with the opening hours;</li> <li>4. The hours of dancing to be: <ul style="list-style-type: none"> <li>• Sunday to Thursday 12.00 - 22.00</li> <li>• Friday and Saturday 12.00 - 23.00</li> </ul> </li> <li>5. Provision of facilities for making music and dance: <ul style="list-style-type: none"> <li>• Sunday to Thursday 12.00 - 22.00</li> <li>• Friday and Saturday 12.00 - 23.00</li> </ul> </li> <li>6. The hours of late night refreshment to be in line with the opening hours;</li> <li>7. The sale of alcohol to be: <ul style="list-style-type: none"> <li>• Sunday to Thursday 10.00 - 23.00</li> <li>• Friday and Saturday 10.00 - 00.00</li> </ul> </li> </ol> <p>The decision is suspended for 21 days to allow an appeal to the Magistrates' Court, and thereafter until the determination of that appeal.</p>
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Signed            Councillor Dobbs.....Chairman

Date             18 August 2011.....

PETERBOROUGH CITY COUNCIL  
LICENSING ACT 2003 SUB-COMMITTEE

**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*

No additional conditions imposed.

Signed Councillor Dobbs.....Chairman

Date 18 August 2011.....

PETERBOROUGH CITY COUNCIL  
LICENSING ACT 2003 SUB-COMMITTEE

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

In view of the Findings of Fact and submissions made, the Sub-Committee was satisfied on a balance of probability and considering all the circumstances that it was appropriate to review the Premises Licence and to reduce the opening hours of the premises and to reduce the operating hours for licensable activities.

**SECTIONS OF THE NATIONAL GUIDANCE AND THE COUNCIL'S STATEMENT OF LICENSING POLICY REFERRED TO IN THE SUB-COMMITTEE'S DECISION:**

**Council's Statement of Licensing Policy**

- Fundamental Principles: *section 6 on Page 6*
- Other Regulatory Systems / Policies: *section 8 page 7*
- Reviews: *section 16 on Page 12 and 13*
- Delegation / Decision Making / Administration: *Section 17 page 13 and 14*

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

- Public Nuisance: *Section 2.32 to 2.40 pages 23 to 25*
- Crime & Disorder : *Pages 18 to 21*
- Reviews: *Section 11 pages 98 to 102*
- Determining applications: *Section 9 pages 78 to 81*

Signed Councillor Dobbs.....Chairman

Date 18 August 2011.....

PETERBOROUGH CITY COUNCIL  
LICENSING ACT 2003 SUB-COMMITTEE

**LEGAL ADVICE GIVEN DURING DELIBERATION**

Signed Councillor Dobbs.....Chairman

Date 18 August 2011.....

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

<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 Sub-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 Sub-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 Sub-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>	18 August 2011

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.

Signed            Councillor Dobbs.....Chairman

Date              18 August 2011.....



**PART A****Premises Licence**

Peterborough City Council, Operations Directorate,  
Bayard Place, Broadway, Peterborough, PE1 1HZ

**Premises Licence Number**

065585

**Part 1 - Premises Details**

**Postal address of premises, or if none, ordnance survey map reference or description**

Marisqueira  
62 Cromwell Road

**Post Town** Peterborough

**Post Code** PE1 2EG

**Telephone Number** 01733 555850

**Where the licence is time limited the dates**

Start Date N/A

End Date N/A

**Licensable activities authorised by the licence**

**Live Music**

The live music will take place indoors

**Performances of Dance**

The performance of dance will take place indoors

**Recorded Music**

The recorded music will take place indoors

**Provision of entertainment facilities****Making Music**

The activity will take place indoors

**Dancing**

The activity will take place indoors

**Provision of late night refreshment**

The provision of late night refreshment will take place indoors

**Sale by retail of alcohol**

The supply of alcohol will be for consumption both on and off the premises.

**The times the licence authorises the carrying out of licensable activities**

**Live Music**

Sunday to Thursday      Between 12.00hrs and 22.00hrs  
Friday to Saturday      Between 12.00hrs and 23.00hrs

**Recorded Music**

Sunday to Thursday      Between 10.00hrs to 23.00hrs  
Friday to Saturday      Between 10.00hrs to 00.00hrs

**Making Music**

Sunday to Thursday      Between 12.00hrs and 22.00hrs  
Friday to Saturday      Between 12.00hrs and 23.00hrs

**Dancing**

Sunday to Thursday      Between 12.00hrs and 22.00hrs  
Friday to Saturday      Between 12.00hrs and 23.00hrs

**Provision of Facilities for making music and dance**

Sunday to Thursday      Between 12.00hrs and 22.00hrs  
Friday to Saturday      Between 12.00hrs and 23.00hrs

**Provision of late night refreshment**

Friday to Saturday      Between 23.00hrs to 00.00hrs

**Sale by Retail of Alcohol**

Sunday to Thursday      Between 10.00hrs and 23.00hrs  
Friday to Saturday      Between 10.00hrs and 00.00hrs

**The opening hours of the premises**

Sunday to Thursday      Between 10.00hrs to 23.00hrs  
Friday to Saturday      Between 10.00hrs to 00.00hrs

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

The supply of alcohol will be for consumption both on and off the premises.

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Paulo Manuel De Freitas Pedro  
62 Cromwell Road  
Peterborough  
PE1 2EG

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Miss Ivone Coelho  
6 Harebell Close  
Peterborough  
PE1 3UN

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence Number	065217
Issuing Authority	Peterborough City Council

## Annex 1 - Mandatory conditions

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

### Supply of alcohol (Premises Licence)

This registration authorises the supply of alcohol subject to the following conditions:

1. No supply of alcohol may be made at a time when
  - (a) there is no designated premises supervisor in respect of the premises licence, or
  - (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

Games or other activities which require or encourage, or are designed to require or encourage, individuals to—

Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

Drink as much alcohol as possible (whether within a time limit or otherwise);

Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

The outcome of a race, competition or other event or process, or

The likelihood of anything occurring or not occurring;

Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

4. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
6. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.  

(The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark
7. The responsible person shall ensure that–
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

**Door Supervision (where supervisors are engaged this condition applies)**

8. All door supervisors will be Security Industry Authority registered.

## **Annex 2 - Conditions consistent with the Operating Schedule**

### **All Licensing Objectives**

#### **Crime and Disorder**

9. Video/CCTV equipment shall be installed inside/outside the premises and maintained in working order.
10. 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.
11. Monitoring digital images shall be retained for one month and shall be produced to an authorised officer on demand.
12. 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.

#### **Public Safety**

13. The licence holder must ensure that the premises complies to all existing and relevant fire regulations.

#### **The Prevention of Public Nuisance**

14. The designated premises supervisor or a nominated representative shall receive and respond to complaints throughout the duration of all noisy events.
15. All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
16. All music noise and amplified music or speech emitted from the premises shall not be audible inside noise sensitive premises between 23:00 hrs and 07:00 hrs.
17. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly.
18. Litter shall be prevented at all times and where identified, regularly cleared from the vicinity of the premises. Litter includes cigarette ends and a suitable receptacle shall be provided at access and egress points of the premises.
19. Log Book – any and all incidents in or in the surrounding vicinity of the club to be recorded in this book and the proprietor or nominated person to take appropriate action and record any actions taken.

20. Log Book – all events to have start and finish times recorded.
21. Log Book – walk around the perimeter of the premises at regular intervals to check for any thing that may cause a nuisance to neighbours in the area. Walk around to be recorded in the log book.
22. Customers smoking area to be monitored and the number of smokers to be restricted should any undue noise or other problems arise from customers using this area.
23. Drinking out side to be prohibited at all times.
24. A contact telephone number for the proprietor or a nominated person to be given to residents wishing to advise of disturbances from the premises and a positive response to any calls to be given. These calls and responses with any action taken to be recorded in the log book.
25. **Odour**  
  
All ventilation of steam and cooking fumes to the atmosphere shall be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby properties.
26. **Odour**  
  
Details of the nature and location of such filtration equipment should be submitted to and agreed in writing by the Local Planning Authority before installation and should be installed before the use of the premises commences.
27. **Odour**  
  
Where mechanical extract ventilation is used, Sound Power Level (SWL) data is required by this Department to enable an adequate assessment of the likely impact on local residents.

### **Protection of Children from Harm**

28. Children shall not be served at the bar area.
29. Children shall only be allowed on the premises when accompanied by an adult

## **Annex 2A – Embedded Restrictions**

### **Embedded Restrictions:**

Licensees should note that the under enclosed embedded restrictions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

### **Conditions:**

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31<sup>st</sup> December).



**Annex 3 - Conditions attached after a hearing by the licensing authority**

**Annex 4 – Plans**

**PART B**

**Premises Licence Summary**

Peterborough City Council, Operations Directorate,  
 Bayard Place, Broadway, Peterborough, PE1 1HZ

**Premises Licence Number**

065585

**Premises Details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	
Marisqueira 62 Cromwell Road	
<b>Post Town</b> Peterborough	<b>Post Code</b> PE1 2EG
<b>Telephone Number</b> 01733 555850	

<b>Where the licence is time limited the dates</b>
Start Date N/A
End Date N/A

<b>Licensable activities authorised by the licence</b>
<b>Live Music</b> The live music will take place indoors
<b>Performances of Dance</b> The performance of dance will take place indoors
<b>Recorded Music</b> The recorded music will take place indoors
<b>Provision of entertainment facilities</b>
<b>Making Music</b> The activity will take place indoors
<b>Dancing</b> The activity will take place indoors
<b>Provision of late night refreshment</b> The provision of late night refreshment will take place indoors
<b>Sale by retail of alcohol</b> The supply of alcohol will be for consumption both on and off the premises.

**The times the licence authorises the carrying out of licensable activities**

**Live Music**

Sunday to Thursday      Between 12.00hrs and 22.00hrs  
Friday to Saturday      Between 12.00hrs and 23.00hrs

**Recorded Music**

Sunday to Thursday      Between 10.00hrs to 23.00hrs  
Friday to Saturday      Between 10.00hrs to 00.00hrs

**Making Music**

Sunday to Thursday      Between 12.00hrs and 22.00hrs  
Friday to Saturday      Between 12.00hrs and 23.00hrs

**Dancing**

Sunday to Thursday      Between 12.00hrs and 22.00hrs  
Friday to Saturday      Between 12.00hrs and 23.00hrs

**Provision of Facilities for making music and dance**

Sunday to Thursday      Between 12.00hrs and 22.00hrs  
Friday to Saturday      Between 12.00hrs and 23.00hrs

**Provision of late night refreshment**

Friday to Saturday      Between 23.00hrs to 00.00hrs

**Sale by Retail of Alcohol**

Sunday to Thursday      Between 10.00hrs and 23.00hrs  
Friday to Saturday      Between 10.00hrs and 00.00hrs

**The opening hours of the premises**

Sunday to Thursday      Between 10.00hrs to 23.00hrs  
Friday to Saturday      Between 10.00hrs to 00.00hrs

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

The supply of alcohol will be for consumption both on and off the premises.

**Name, (registered) address of holder of premises licence**

Mr Paulo Manuel De Freitas Pedro  
62 Cromwell Road  
Peterborough  
PE1 2EG

**Registered number of holder, for example company number, charity number (where applicable)**

N/A

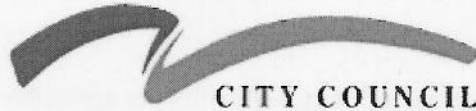
**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Miss Ivone Coelho

**State whether access to the premises by children is restricted or prohibited**

Restricted

# PETERBOROUGH



CITY COUNCIL

Licensing, 4<sup>th</sup> Floor Bayard Place, Broadway, Peterborough, PE1 1HZ

## Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Mr Richard Bowler, Pollution Control Officer

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below(delete as applicable)

#### Part 1 – Premises or club premises details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Marisqueira 62 Cromwell Road Millfield	
<b>Post town</b> Peterborough	<b>Post code (if known)</b> PE1 2EG

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Paulo Manuel De Freitas Pedro
---

<b>Number of premises licence or club premises certificate (if known)</b> 065585
---

#### Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address

**Mr Richard Bowler  
Pollution Control Team  
Peterborough City Council  
Broadway  
Peterborough  
PE1 1HZ**

Telephone number (if any)

**01733 453497**

E-mail address (optional)

**richard.bowler@peterborough.gov.uk**

**This application to review relates to the following licensing objective(s)**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓



**Please state the ground(s) for review** (please read guidance note 2)

The Pollution Control Team has been investigating this premise under the Environmental Protection Act 1990 for allegations that a statutory nuisance caused by noise from the premises exists at a neighbouring property on Cromwell Road, Peterborough.

The complaint specifically related to loud amplified music played on a weekend, particularly on a Friday and Saturday evening.

The investigation has involved the collection of diary sheets, witness statements and noise recordings.

Having examined this evidence, this department is satisfied that a statutory nuisance does exist and is likely to recur as a result of the activities of the premise. The diary sheets make repeated reference to late night and early morning noise between the hours of 20:00 hrs and 01:30 hrs. The noise recordings gathered confirm that very loud music is played during this period.

Letters were sent to the premise on 16 April 2013 and 21 May 2013 in order to make the premises licence holder (PLH) and designated premises supervisor (DPS) aware of the complaints and to provide an opportunity to address the matter.

The second letter was addressed specifically to Miss Ivone Coelho who at that time was understood to be the DPS and to have responsibility for the day-to-day running of the business. This letter was followed by a joint visit by Darren Dolby, Licensing team and myself on 29 May 2013 to discuss the issues in detail and provide advice on how the problem could be solved. We met Miss Coelho on site.

Unfortunately, despite these attempts to address the problem informally, this department continued to receive complaints and Noise Monitoring Equipment was installed in the complainant's property on 5 July 2013 for a period covering two weekends.

The Police also received calls for service regarding noise from the premise during the period that Noise Monitoring Equipment was installed.

The equipment has also been reinstalled over this last weekend (19 – 21 July 2013). Monitoring will continue.

**The Pollution Control Team believe that the premises is in breach of Condition 16 of the premises licence:**

**All music noise and amplified music or speech emitted from the premises shall not be audible inside noise sensitive premises between 23:00 hrs and 07:00 hrs.**

We would also suggest that there have been breaches of the licensed hours and also of condition 15:

All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.

The latter is the subject of complaints to the police and is a repeated complaint voiced by residents.

Pollution Control therefore recommends the following course of action:

**The removal of all provision for the playing of live or recorded music, amplified or unamplified, from the premises licence. This includes music qualifying for deregulation under the Live Music Act 2012.**

**The restriction of licensable hours to an end time of 21:00.**



**Please provide as much information as possible to support the application** (please read guidance note 3)

Please see documents submitted with this application. These are as follows:

Copy of Diary sheets submitted by Complainant One (anonymised);

Copy of Witness Statements from household of Complainant One (anonymised);

A copy of the noise recordings made on the weekends of 5 – 7 and 12 – 14 July 2013.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day    Month    Year

--	--	--	--	--	--	--	--	--	--

**If you have made representations before relating to the premises please state what they were and when you made them**

None made.

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature R. Bowler

Date 22/7/13

Capacity POLLUTION CONTROL OFFICER - RESPONSIBLE AUTHORITY

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) See previous details.	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Continuation statement of [redacted]

The letter asked me to complete and return a log sheet which I did, returning this to the Council on 20 May 2013.

I then received a second letter from the Council dated 21 May 2013 which asked me to continue completing log sheets and to make contact with the Pollution Control team to discuss monitoring of the noise nuisance I was experiencing.

I returned this log sheet to the Council on 12 June 2013 and received a phone call from Richard Bowler, Pollution Control Officer, on 18 June 2013. During this call, Mr Bowler explained that he had visited Marisqueira to speak with the management about the noise but this had not altered the nuisance I was experiencing. We agreed that I would have noise monitoring equipment installed at my property on 5 July 2013. We also agreed I would take responsibility for the complaint as the head of the family.

Miss Ainaso Marica visited me on that date to install the equipment and explain its operation. I received a subsequent letter from the Council dated 8 July 2013 to tell me that the equipment would be collected on 15 July 2013.

I then received a telephone call from Mr Bowler on 17 July 2013 to tell me that he had assessed my recordings and felt that formal action would be necessary. I agreed that he could visit me the following day 18 July 2013 to re-install the noise monitoring equipment and take this statement from me.

I currently work on the night shift for [redacted] so although I am spared the worst effects of the noise, I have been present when it is a problem and did make use of the monitoring equipment on 7 July 2013. I feel that it is unnecessary and a menace to the whole area.

Signed . [redacted] ..... (witness)

Date .....19.....7.....20.13.....

**Continuation statement of** [redacted]

My mother, my two sisters and my brother-in-law who live with me are unable to even think about sleeping on nights when music is played until the noise is switched off. This also affects me on my nights off and it can be as late as 01:30am before the noise does stop. My family is suffering as a result of the noise they are subjected to, particularly my elderly mother.

I do not believe that there is a need for a property operating in this way to be in our area which is a residential street. I have witnessed patrons of the premise drinking alcohol in the streets. This is intimidating and often leads to fights/disturbances in the neighbourhood. My preference would be for no music to be allowed after 9pm. I wholeheartedly support any action taken by the Pollution Control team in order to resolve this problem.

Signed . [redacted] ..... (witness)

Date ..... 19 ..... 7 ..... 2013 .....



## STATEMENT OF WITNESS

*(Criminal Procedure Rules, r.27.1(1), Criminal Justice Act 1967, s.9, Magistrates' Court Act 1980, s.5B)*

Statement of [redacted]

Age of witness – over 18

I am the above named person and I live at number [redacted] Millfield,  
Peterborough, PE1 2EG.

This statement consisting of 1 page is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false, or do not believe to be true.

I live at the above address with my brother [redacted], my sister, my brother-in-law and my mother. We regularly experience loud music noise over the weekend and this can often continue into the early morning, as late as 01:30. I am aware that my brother has made a complaint to Peterborough City Council's Pollution Control team and that noise monitoring equipment has been installed in our property.

It is not possible to sleep until the music is switched off. As a result, I feel that my work is affected. I work for [redacted], a clothing shop in Peterborough City Centre, and I am regularly tired at work as a result of my lack of sleep and rest over the weekend. I am also currently learning to drive and as my lessons must happen when I am not at work, the lack of rest also affects my concentration during these lessons which is prolonging the process.

I do not feel that the loud noise to which my family and I are subjected is necessary and I support any action taken by the Pollution Control Team at Peterborough City Council in order to resolve this problem.

Signed ..... [redacted] ..... (witness)

Date ..... 19/7/13 ..... 20.....



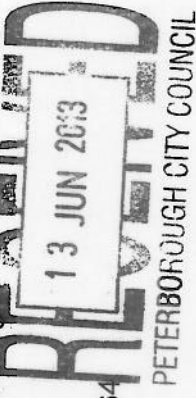
**Peterborough City Council  
Nuisance Log Sheet**

Scanned

Complainant's Name:  
Complainant's Address:

Subject's Name:  
Subject's Address:

62 Cromwell Road, Millfield  
Peterborough



Complainant's Telephone:

APP reference number: 667164

Please confirm if you are willing to provide a witness statement:

Yes  No

Are you prepared to give live evidence in Court:

Yes  No

**DECLARATION: The information on this log sheet is true to the best of my knowledge and belief and I provide it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false, or do not believe to be true. Signed:**

Date	Start Time	Finish Time	Nature of occurrence and source of nuisance	What effect did this have on you / your family	Details of any contact with subject
Example 24/08/06	9:30 pm	12:45am	Constant loud Music from next door	Children and myself unable to sleep	Asked them to turn it down and they refused
24/05/13	9:00 pm	01:00 am	Constant loud music from next door	Mum and Sisters unable to sleep	No Contact
25/05/13	10:15 pm	12:30 am	Constant loud music from next door	me, mum and sisters unable to sleep	No Contact
1/06/13	10:35 pm	12:30 am	Constant loud music from next door	me, mum and sister unable to sleep	No Contact
8/06/13	10:30 pm	12:30 am	Constant loud music from next door	Mum and Sisters unable to sleep	No Contact

Please complete and return to:

Peterborough City Council, Neighbourhoods, Bayard Place, Broadway, Peterborough, PE1 1HZ. Tel: 01733 453571



Peterborough City Council is registered under the Data Protection Act 1998 for the purpose of processing personal data. The details provided on this form will only be used for the stated purpose and not shared with other organisations without your knowledge.



Ref: Marisquiera Restaurant / Review Application

Saturday 17<sup>th</sup> August 2013

Adrian Day  
Senior Licensing Officer  
Peterborough City Council  
Bayard Place  
Broadway  
Peterborough  
PE1 1HZ



Dear Adrian,

Re: Review Application - Marisquiera Restaurant, 62 Cromwell Road, Peterborough

On 23<sup>rd</sup> July 2013 Cambridgeshire Constabulary Licensing Department (Peterborough District) received e-mail notification from Peterborough City Council Licensing Authority of an application to review a premises license. The review application submitted by Mr. Bowler of Pollution Control at Peterborough City Council (PCC) refers to Marisquiera Restaurant, 62 Cromwell Road, Peterborough, PE1 2EG and relates to breaches to the licensing objective – the prevention of public nuisance. Cambridgeshire Constabulary wholly support the review application and recommendations submitted by Mr. Bowler, and wish to make representation at the scheduled hearing on Monday 16<sup>th</sup> September 2013.

Marisquiera restaurant has a premises license issued by the local authority (Reference 065585) which permits full licensable activities which include 'Live music', 'Performance of dance', 'Recorded music', 'Making music', 'Dancing' and the 'Sale by retail of alcohol'. Licensable activity (excluding alcohol) is permissible on Sunday to Thursday from 12:00 hrs to 22:00 hrs and Friday to Saturday from 12:00 hrs to 23:00 hrs. The 'Sale by retail of alcohol' is licensed from Sunday to Thursday between 10:00 hrs and 23:00 hrs and Friday to Saturday between 10:00 hrs and 00:00. The opening hours of the premises are indicated on the Premises License as being 10:00 hrs to 23:00 hrs from Sunday to Thursday and from 10:00 hrs to 00:00 hrs on Friday and Saturday. The premises license holder (PLH) is Mr. Paulo Pedro of 62 Cromwell Road, Peterborough, PE1 2EG and the designated premises supervisor (DPS) is Miss Ivone Coelho of 6 Harebell Close, Peterborough, PE1 3UN, who was installed as DPS on 01<sup>st</sup> October 2012.

Marisquiera Restaurant is situated at the junction of Russell Street and Cromwell Road within a densely populated Asian residential area and caters primarily for Portuguese customers (Images at Annex A). The Committee is reminded that this premise was brought to review in 2011, where it was subject to similar complaints as well as being responsible for a large level of alcohol related crime and anti-social behavior. As such the Licensing Sub-Committee reduced the operating hours from 03:00 hours to 00:00 hrs. The Premises License eventually changed hands and a new DPS was installed (not Miss Coelho). The Licensing Authority continued to work closely with staff at Marisquiera to help them maintain their obligation towards the licensing objectives however further complaints were received in

**Cambridgeshire Constabulary, Thorpewood Police Station, Peterborough,  
Cambridgeshire, PE3 6SD**

Telephone: **101 4438**, Website: **www.cambs.police.uk**

relation to ASB and noise. It was proven that the then DPS did not have a day to day knowledge of the

running of the business and Ivone Coelho was put on a formal action plan to turn the venue around. This involved her taking her personal license and being installed as the DPS.

Due to the ongoing complaints and proximity of the venue the local Neighborhood Policing Team – Operation CAN-DO have maintained their working relationship with Miss Coelho and Marisquiera, and PC Johnson has tried to educate and advise her when complaints have come in (Statement of PC Johnson attached at Annex B). Whilst I concur with PC Johnson’s thoughts on the conduct of Miss Coelho, I am confused and frustrated at her lack of co-operation in relation to sound advice she has been given by the licensing authority. I am adamant that if Miss Coelho had kept the doors and windows closed and conducted a walk around her venue to check on noise levels, in considering her impact on the residential community, we would not be where we are now. Having said that other issues have led me to suspect that maybe Miss Coelho is not in proper control of the venue and may be under pressure and influence of third parties such as the Premises License holder.

Mr. Dolby from PCC Licensing Authority and I have paid numerous visits to the venue and spoken to Miss Coelho in an attempt to get her to comply with her license conditions. In March 2013 we attended to investigate a noise complaint made against the premises. We hoped that her CCTV would disprove the complaint however it was discovered that she was unable to operate the CCTV (in contravention of her license conditions) and it was discovered that it had not recording the obligatory 28 day period. Therefore evidence either positive or negative was not available which cast doubt over the credibility of her reasoning over the noise complaint.

As part of the ongoing investigation over the reports from the community of nuisance caused by excessive noise from Marisquiera the Noise Pollution team installed noise monitoring equipment at the beginning of July. I was advised by Mr. Bowler that the equipment would be installed over the weekends of 5<sup>th</sup> - 7<sup>th</sup> July and 12<sup>th</sup> – 14<sup>th</sup> July 2013. Incidentally just prior to this I received notification from PCC Licensing Authority that Miss Coelho planned to submit a Temporary Event Notice for Friday 12<sup>th</sup> and Saturday 13<sup>th</sup> July 2013. It was my intention to refuse the notification due to issues concerning complaints over noise. However following consultation I decided to let the events go ahead in order that we could either prove or disprove that Miss Coelho was listening to the licensing authority. It appears she has not listened to the authorities advice and pressed ahead with running the property how she sees fit.

On Monday 08<sup>th</sup> July 2013 PC Calver, a colleague of PC Johnson who also works on the Operation Can-do team reported to me that a complaint had been registered to Police (Police Incident CC-07072013-0488 refers). This was recorded at 19:33pm on Sunday 07<sup>th</sup> July 2013. It was documented as a noise complaint whereby the complainant stated (as typed by the Police call taker) –

*“The premises on the corner has a speaker set up by the door and is blaring music out into the street . . . . . Tensions are running high in the area as this is an ongoing issue . . . . . if something is not done soon there will be problems as the residents are fed up of the constant noise”*

It is worthy of note that this complaint was not related to the authorised TEN from the night before. However the tone of the complainant suggests that there is tension within the community over this premises which is corroborated by the Operation CAN-DO team.

On Saturday 13<sup>th</sup> July 2013 I received email notification from PC Johnson that a further

complaint had been received by the Police at 01:42 hrs on 13<sup>th</sup> July 2013 (Police Incident CC-13072013-0065 refers). The complainant reported that there was *"lots of noise from the café at corner of Cromwell Road and Russell Street"*. This call was in direct correlation to the TEN authorised for that evening. However the Ten was authorised until 01:30 hours. PC

Johnson reported that he attended the venue and spoke to Miss Coelho and viewed CCTV. The CCTV showed the venue open and operating at 01:50 hrs, was busy inside with people still dancing and as such I suspect the music was still playing. The external camera showed numerous people stood outside the premises and although there was no sound with the images it is clear that they were conversing and larking around. The CCTV also showed items being sold from behind the bar after 01:30 hrs but it cannot be confirmed if this was alcohol. PC Johnson advised that he warned Miss Coelho again and reminded her that the doors and windows must remain closed when music is being played.

He attended Marisquiera on the evening of the 14<sup>th</sup> July 2013 and despite finding the door and window policy being adhered to he found the music to be very loud.

Following on from this report I attended Marisquiera with PC Johnson to speak with Miss Coelho and to check the CCTV. I found the above issues to be correct. Miss Coelho was unable to produce the CCTV immediately and I left the task to collect at a later date with PC Johnson. Whilst at the venue I documented several photographs that show the layout of the venue and the large sound system (attached at Annex C). One of the speakers is positioned right next to the entrance door.

Cambridgeshire Constabulary supports the review application submitted by the Pollution Control Team. We endorse their recommendation in seeking the Licensing Sub-Committee to remove all provision for the playing of live or recorded music, amplified or unamplified, from the premises License and include music qualifying for deregulation under the Live Music Act 2012. We also ask the Sub-Committee to restrict the licensable hours of the premises and retail sale of alcohol to 21:00 hours daily.

Kind regards

Grahame Robinson  
Police Constable 1572  
Licensing Officer  
Northern District  
Cambridgeshire Constabulary  
Tel: 01733 424438  
Email: [grahame.robinson@cambs.pnn.police.uk](mailto:grahame.robinson@cambs.pnn.police.uk)  
Mobile: 07921095030

Annex A (Page 1 of 1) to  
Police Reps – Marisqueira  
Dated 17<sup>th</sup> August 2013



Form MG 11
<b>CAMBRIDGESHIRE CONSTABULARY</b>
<b>Witness Statement</b> (CJ Act 1967 , s.9 MC Act 1980, ss.5A (3a) and 5B, MC Rules 1981 ,r. 70)
Statement Of: Gary JOHNSON
Age: OVER 18      Occupation: POLICE CONSTABLE 1687
This statement consisting of 3 pages each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.
Dated the 23rd JULY 2013
Signature .....
I am a Police Constable with the Cambridgeshire Constabulary, currently based at BRIDGE STREET Police station, PETERBOROUGH.
I am a member of the Operation CAN DO (OP CAN DO) Microbeat neighbourhood team that covers the Eastern area of PETERBOROUGH. As part of my role I am the manager of an Action Plan that deals with Alcohol and Licensing issues. I attend and inspect licensed premises within the catchment area.
One of the premises license in my area is MARISQUEIRA, 62 CROMWELL ROAD. The current Designated Premises Supervisor (DPS) is Ivone COELHO. I can describe MARISQUEIRA as a Portuguese Café, Restaurant and Bar. The premises is located on the corner of a junction in a residential area which is predominately made up of terraced houses.
I have been visiting and carrying out inspections on the MARISQUEIRA since January 2012. Although Ivone was employed at the premises she did not take over as DPS until OCTOBER 2012. I have always found Ivone to be co-operative and always welcomes advice. Ivone was set an action plan to improve certain aspects of the business in MAY 2012 by PC ROBINSON which relate to licence conditions and the principles of licensing of which she adhered to. Ivone then went onto pass her personal licence exam for her to progress as DPS of the premises.

Signature

Signature Witnessed by.....*N/A*.....

Continued statement of Gary JOHNSON

During inspections most of the time there are very few problems. As with a lot of licence premises in the area class A drugs are used in the toilets. I have found traces of cocaine in the toilets of MARISQUEIRA several times. I have alerted Ivone to this and she has put crime prevention actions in place, for example placing up zero tolerance to drugs posters.

One of the negative points about the inspections is the lack of evidence of training records for other members of staff. I myself have left basic training packs for her staff.

Recently there have been several complaints, mostly at weekends with reference to noise, ASB and drug use linked to the premises. Reports of people sitting on walls nearby drinking alcohol and being loud. I have patrolled this area for 2 years and the junction of CROMWELL ROAD and RUSSELL STREET has always been for some reason an area that attracts groups to hang around. I have stopped and spoken to groups, removed alcohol from groups, searched people for drugs and asked them to move off residents walls. A majority of the time these persons are not customers of MARISQUEIRA.

I have, however witnessed in the evening when MARISQUEIRA is having disco's etc a lot of people, who are customers hang around the front of the premises. Customers smoke here, sing and dance and can be quite loud. MARISQUEIRA has 2 entrance/exits, one at the front and one at the side. Ivone shuts and closes the side entrance in the evening as she only has one door staff. Even with the one door shut the music is still quite loud and can be heard on the street.

On the weekend of Friday 12<sup>th</sup> JULY 2013 and SATURDAY 13<sup>th</sup> JULY 2013 MARISQUEIRA had an event which they secured a temporary extension to their licence which meant they could stay open till 0130 hours. I attended the location on the Saturday to speak to Ivone as a complaint of noise came in that reported loud music at 0140 hours. Ivone showed me the CCTV of the evening in question which showed the event going on past 0130 hours. Although the disco lights were switched off there was a lot of people at the premises still dancing outside and inside. Ivone informed me that the music was switched off however somebody was "Rapping" which is what people were dancing to.

I then walked around the premises with Ivone and saw that windows and doors were wide open. I advised her that when the music starts later on all windows and doors must be shut. If they need to be open because of the heat and fresh air then the music must be



Continued statement of Gary JOHNSON

switched off. I also informed her that her doorman should also be making sure the front door is shut except for people coming and going. At approximately 2200 hours I returned to the premises. I could see that nobody was inside the main area where the disco was however the music was playing, it was very loud. I looked at the premises and I could see that all the windows had now been closed however the front door had been left open. I mentioned this to a member of staff and it was shut straight away. Even with the door shut the music was still very loud. I made passing observations throughout the night and the venue did get very busy. At approximately 2245 hours I spoke to the doorman who had now arrived whom I could see was making sure the door was always shut. I introduced myself to him he had been fully briefed by Ivone about the doors and windows. This was the last time I visited this evening. I can say that the music on this occasion was very loud, it had the feel that a nightclub was in the middle of the area.

Although I believe Ivone has worked hard since taking over as DPS, I do not believe that MARISQUEIRA should be acting as a nightclub. As I stated earlier the area is a very well populated residential area with terraced houses all around. I am in no doubt that the volume of music and people congregating outside MARISQUEIRA late into the night generates a lot of complaints. However I also believe that the premises is not responsible for all of the ASB, drugs and littering complaints in the area.

As part of the licence review consideration should be given to not allowing any loud music or events that generate loud volumes of music. There should be no more late temporary licences. The weekend licensing hours should be reduced to 2300 hours in line with the rest of the week and more traditional licensed hours. What would also help the venue is a more designated smoking area which would need to be controlled by the staff to reduce the amount of people congregating outside.

On the 22<sup>nd</sup> July 2013 I seized a USB flash drive from Ivone COEHLO which I produce as exhibit number GAJ1. I then booked exhibit number GAJ1 into THORPEWOOD property reference number 1623/13.

Annex C (Page 1 of 1) to  
Police Reps – Marisquiera  
Dated 17<sup>th</sup> August 2013





# PETERBOROUGH



## Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	MUHAMMED NADEEM
Your Address:	

Details of premises representation is about	
Name of Premises:	MARISQUERA
Address of premises:	62 CROMWELL ROAD PETERBOROUGH PE1 2EG
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/> yes
Public Safety	<input type="checkbox"/> yes
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input checked="" type="checkbox"/> yes

Please summarise your concerns about this application:
<p>This premises has a history of not complying with their licence, in 2011 they breached their licence and we had countless complaints of the premises playing loud music until the early hours of the morning.</p> <p>Considering all the problems we have had especially the music problem which disturbs the children of the neighbourhood as they have not been able to sleep <del>no</del> which affects their education I think it would be best to not grant a licence for this premises.</p>

Please give further details of <u>why</u> you believe this application will have an adverse effect on the licensing objectives

Also when the users of this premises are there until late and drinking they start causing Anti-Social problems also cause nuisance by leaving litter on the streets.

With regards to evidence your department should have this as previously the residents formed a petition which was sent to the Licensing Team and you should also have a log of all the complaints you have received regarding this premises.

Return your completed form to: **By Post:**

Licensing Section  
Peterborough City Council  
4<sup>th</sup> Floor Bayard Place  
Broadway  
Peterborough  
PE1 1HZ

**By Email:**

Eh.licensing@peterborough.gov.uk

## PETERBOROUGH




CITY COUNCIL

## Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	ASLA ISMAIL
Your Address:	

Details of premises representation is about	
Name of Premises:	MARISQUEIRA .
Address of premises:	
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/> yes
Public Safety	<input type="checkbox"/> yes
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input type="checkbox"/> yes

Please summarise your concerns about this application:
<p>See attached</p> <p style="text-align: right;">  </p>

Please give further details of <u>why</u> you believe this application will have an adverse effect on the licensing objectives



## **How to make a representation**

The statutory representation period begins the day after a valid application is received by the licensing authority and lasts for 28 consecutive days. During this time there must be at least one public notice in a local paper and a blue A4 public notice displayed on site for 28 consecutive days. The application will also appear on the public register.

Any representations must relate to one of the four licensing objectives below:

### **Prevention of crime and disorder**

This relates to any crime, disorder or anti-social behavior in connection with the management of the premises. The licence holder cannot be responsible for the conduct of individuals once they leave the premises.

### **Public safety**

This relates to the safety of the public on the premises - such as fire safety, lighting and first aid.

### **The prevention of public nuisance**

This can relate to hours of operation, noise and vibration, noxious smells, light pollution and litter.

### **The protection of children from harm**

This relates to protecting children from the activities carried out on the premises whilst they are on the premises. The law already provides special protections for children, such as making it illegal for children under 18 to buy alcohol.

We recommend that if you wish to object to an application for a premises licence, you use the representation form.

**Representations (objections) may not be made anonymously. Any representations that are received will be included in a report to the hearings panel. This report will be a public document and will be circulated to the parties involved prior to the hearing.**



Name of Premises : MARISQUEIRA

Please summarises your concerns about this application

My objections to this premises having extended long hours during weekends with music playing is due the following concerns:

- This is depriving me and my family sleep with loud music playing after 9pm. There is a continuously flow of people talking loud or shouting when this premise is opened during late nights, where the owner has not provided sufficient space for people to smoke and therefore we see large gathering of smokers and other outside the premises talking and shouting. This is indirect result of this premise being allowed to open late.
- Loud music is has an adverse effect on local kids' performance in the school due to sleep deprivation as these are residential areas where this kind of club should not be allowed to license.
- Events held on this premises are attracting wrong type of people where people are peddling drugs like marijuana, which is sold and consumed within the immediate locality of this premise, even though the owner is not liable but indirectly the business is attracting these types of activities. This is an anti-social behaviour.
- Clients of this Club – this is not a restaurant where one would go for quite meal and relaxation, throw litter on the road or leave it on residents wall and this could be cans, plastic or glass bottles. Why should the local residents have to put up with this? Why should they have to pick these litters from their walls or surrounding?
- There are times where broken bottles are on the pavement or on the road and sooner or later child or elderly folks will trip and fall on these broken glasses and hurt or cut them badly. Not to mention broken glasses on the road too.
- Check with your regular Street cleaner on the amount of rubbish that gets collected day in day out from the local vicinity – this is because the City have given Licenses (off-licenses) to three premises with couple meters from each other – again this premise does contribute to the litter and foul smell of smoking marijuana where local residents have to suffer which is consumed by people sitting on the residents' walls.
- During the hot weather we are unable to open our front side of the windows because of the loud music, people talking loud, where kids and teenagers are on the street shouting till 1am. This business is indirectly the cause of unnecessary tension between communities and stress the local residents have to go through each week. The clients have no courtesy or etiquettes of good neighbourhood.
- They have security at the door but they don't stop people from talking loud which is disturbing the local neighbours nor do they discourage people doing illegal activities like selling drugs nor would they ensure people disperse quietly after closing .
- Prostitution actives is ripe from Friday onwards, which concerns us all who live in Cromwell Road, again indirect cause having these types of business granted opening late licences.
- 

FLO

Peterborough City Council

Mohammad Kamran

Licensing Section

4<sup>th</sup> floor

Bayard Place

Peterborough

PE1 1HZ



16/08/13

Dear sir/madam

I would like to give my representation against the pub called Marisqueira at 62 Cromwell Road.

Me and my family can't cope with the loud music which is played at Marisqueira. We live in a community where there are mostly muslims living in the area who don't drink alcohol. The constant level and frequency of noise coming from Marisqueira at number 62 Cromwell road is unacceptable. We don't want loud music playing in this area.

We have phoned the police numerous times and they have been at the pub.

I myself have gone to Marisqueira to request that they turn down the noise. They have loud parties and karaoke's because of the loud music it disturbs my family and keeps my family and myself awake at night. This has had an effect on our quality of life.

I trust that you will give the problem your immediate attention.

Yours faithfully,

Mohammad Kamran

Dear Darren Dolby

Please find attached the completed representation in respect of Premises Licence on behalf of my father Mr Mohammad Rashid.

We would like you to make detailed enquiries regarding the premises in question. We feel we have complained several times and nothing has been demonstrated in favor of the residents. There has previously logs been submitted and reports. Complaint emails and telephone calls. No response has been made to any of these.

**Best Regards**  
**Saeeda Rashid**

---

Dear Simon

According to our current experiences the times have not been cutback as the music is still playing and the premise is open until the early hours of the morning especially on the weekend. So obviously your restrictions are not being adhered to.

I would like you to add this to your review. I feel the nature of the business is unsuitable and I very much agree to the entertainment being removed.

I do feel that not enough is being done by the council to accommodate the local residents.

**Best Regards**  
**Saeeda Rashid**



# PETERBOROUGH



## Licensing Act 2003 - Representation in respect of Premises Licence

Details of person or body making representation	
Your Name:	MOHAMMAD RASHID
Your Address:	

Details of premises representation is about	
Name of Premises:	MARISQUEIRA
Address of premises:	62 CROMWELL ROAD PETERBOROUGH
Application No. (if known)	UNKNOWN

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/> yes
Public Safety	<input checked="" type="checkbox"/> yes
Prevention of public nuisance	<input checked="" type="checkbox"/> yes
Protection of children from harm	<input type="checkbox"/> yes

Please summarise your concerns about this application:
<p>THERE IS CONSTANT NOISE POLLUTION COMING FROM THE PREMISES THERE ARE CUSTOMER'S OUTSIDE THE PREMISES CONSUMING ALCOHOL, THEY CAUSE HEALTH AND SAFETY ISSUES FOR THE GENERAL PUBLIC USING THE ROAD.</p> <p>IT IS STATED AS A CAFE BUT USED AS A BAR AND CLUB OPEN INTO THE EARLY HOURS OF THE MORNING.</p> <p>THEY HAVE EVEN PLACED A PARK BENCH RIGHT OPPOSITE MY DRIVEWAY. THIS ATTRACTS DRUNKS AND GROUPS OF MEN WHICH CREATES AN INTIMIDATING ATMOSPHERE TO VULNERABLE INDIVIDUALS.</p> <p>I FEEL IT IS A HUB FOR DRUG USE AND EXCHANGE TOO.</p>

Please give further details of <u>why</u> you believe this application will have an adverse effect on the licensing objectives



I feel the license issued is unsuitable for the location of the premises.

It is in a residential area and that should be considered when issuing this type of license.

If it is described as a cafe, should be used as a cafe open in the morning and closes in the evening.

There should be no alcohol consumed on the premises and especially outside the premises.

This causes disorderly behaviour towards visitors and residents in the vicinity.

It creates a gang culture and this gives a bad reputation to our area in which I have lived in for over thirty years of my life.

The music is too loud as well.

Return your completed form to: **By Post:**

Licensing Section  
Peterborough City Council  
4<sup>th</sup> Floor Bayard Place  
Broadway  
Peterborough  
PE1 1HZ

**By Email:**

Eh.licensing@peterborough.gov.uk

To whom it may concern,

I would like to make a complaint regarding the Marisqueira cafe, at 62 Cromwell road.

This premise is located in the centre of a residential street, but on a daily basis, the noise levels from this premise is causing a nuisance for all the immediate neighbours.

I live at : and I am being affected by the noise at night and I can only imagine the hell the immediate neighbours are going through.

The premises are open late into the night on a daily basis, with the doors open and music blaring to high volumes, which I am sure is flouting the licence for the premise. On weekends is the worse time, as the premises remain open till 3am - again clearly not suppose to be open at this time.

As well as the noise, you have the associated anti-social behaviour with people spilling out and drinking on the street outside, urinating on the street and causing problems. Only recently a taxi driver was assaulted outside the premises.

There is no requirement for this licenced 'cafe' or should i say nightclub in this location. All the people using this premise don't live in the area.

This is not the town centre, but a residential street. Originally this was pub, which has now somehow morphed into a cafe/ nightclub. As I said earlier, there is not a requirement for a licenced premise in this area and this also applies to tabanka 'cafe' on 173 Cromwell road.

Licences and opening times are granted without consulting the residents that will be affected, and clearly the residents in this case are being affected and their quality of living and disruption to sleep.

Can I please get a written reply to this complaint asap, via letter or email.

Thanks.

Kasir Iqbal

Dear Sir/Madam,

**Premises: Marisqueira Restaurant - 62 Cromwell Road**

I wish to make a formal complaint about the above restaurant.

I live at \_\_\_\_\_ and I would like to bring to your attention the level of noise coming from the restaurant how this is affecting the enjoyment of my home I have a young child who is frequently being woken up due to the noise and the backlash once the restaurant is closed. An example of this being just last night being rudely woken up at 3.00 in the morning with several drunken people shouting and swearing.

My wife walks past the restaurant on a daily basis and even in the daytime she feels intimidated walking down the road as there are always people standing around loitering and she often has to walk onto the road as she feels so uncomfortable walking through the crowds on the pavement surrounding the restaurant and the neighbouring properties.

I don't think that it is appropriate to have such an establishment in a residential area as a direct result of the restaurant there are glass bottles on the road and lots of rubbish.

I would like to know how the council will be dealing with my concerns.

I look forward to your co-operation in this matter.

Yours sincerely

Mr Zahid Qayyum

Dear Team

**NOTICE OF REVIEW OF PREMISES LICENCE - MARISQUEIRA, 62 CROMWELL ROAD, PETERBOROUGH, PE1 2EG**

I am contacting you following the above notice and wish to make a representation ahead of the upcoming review that you are carrying out in relation to the above premises.

It comes of no surprise to me that the grounds for the review come under 'public nuisance'

The above premises is certainly a public nuisance and below I have stated just a few reasons why I feel the Licence for the establishment needs to be reviewed as matter of urgency.

**1. NOISE**

- a) The level of noise from the premises is unacceptable - during the weekends the noise is particularly intolerable. I live a good few properties away from the premises and I still can hear the track being played during the karaoke nights and the visitors to the premises singing along. This I find particularly annoying when trying to get some sleep – the music is blaring from the premises well into the night and into the early hours of the morning on some occasions – but mostly still going on at 11:00/01:00 – which is still unacceptable for a residential area.

I simply do not understand why this 'cafe' is allowed to play music – and not just the fact it is on but the volume at which it is being played – it is almost, if not, just as loud as a night club.

During the warm summer nights recently it has been near enough impossible to get some sleep if the windows are open due to the loud music.

- b) Once the doors are finally closed out come to intoxicated punters – shouted and screaming with absolutely no regard for the sleeping occupants of the neighbouring properties. The people running the establishment cannot simply absolve themselves for the behaviour of their paying guests – they know the implications of serving too much alcohol to people and the repercussions of any such action that they may take – however they simply do not do enough to show they have any regard to the local community.

**2. ANTI- SOCIAL BEHAVIOUR**

The above paragraph takes me to the next point of concern - The drastic rise in anti-social behaviour in the local area as a direct result of this business. I've already spoken of shouting and screaming during the nights and early mornings – but unfortunately it does not stop there. The

patrons/visitors to this establishment feel it acceptable to congregate around the premises and sitting on the walls of the nearby properties – shouting and intimidating passersby. Usually groups of men – approx 10-15 at any given time clearly selling and buying drugs.

They will sit and lean on parked vehicles belonging to residents damaging them as well as the walls they feel free to sit upon with no consideration for the owners of the properties – also blocking the footpath forcing women and children onto the busy road to get by.

Young children are not safe to play outside their own homes due to the illegal activities taking place on the street. As well as the drugs being brought and sold – other undesirable activities are taking place which the local community could do without.

I strongly believe that if this premises was closed – the level of anti-social behaviour of decrease drastically.

Often the guest visiting the property will park illegally on the double yellow lines directly outside the premises – causing obstructions on an already busy cross road – where the traffic lights have recently been removed – making this area particularly hazardous.

The above problems cause conflict – which has resulted in physical violence and verbal aggression on many occasions.

As part of your review I am sure that you will consider the number of times the local Police have been called out to incidents involving this premises to corroborate what the local residents are saying.

The increase in the level of rubbish strewn across the streets after a busy weekend is clearly visible on Monday morning, with glass bottles thrown carelessly around the premises.

Clearly on previous occasions during the last few years the licence of the establishment has been modified or exclusions made. I do not feel that this has had the desired effect and residents in the area still feel aggrieved and disgruntled at the perceived lack of action taken by the local authority – as the problems associated with the premises seem to have increased.

I feel the only option that remains is to revoke the license completely. I feel that granting the licence in this area in the first place was somewhat reckless – but surely to continue to avoid the problem and state concerns from local residents does not meet the threshold for any such action is simply not going to cut it anymore.

I'm sure the local resident would like to once more enjoy the time spent in their own homes – as the premises is affecting the quality of life for some resident – especially the ones living directly next to the premises

Please confirm safe receipt of this email and if any further information is required please do not hesitate to contact me by email.

Yours sincerely

**Mrs Nasreen**

I am writing this email after suffering from months of anti social behaviour emanating from the marisqueira restaurant / pub on Cromwell rd Loud music being played at all hours Customers of the restaurant / pub blocking public footpath during day and night Drunken people lying around causing for very intimidating environment for women children and the elderly I have made my concerns quite clearly to local councillors but it has usually fallen on deaf ears

I strongly urge the people in authority to do something about this problem as it's becoming an absolute nightmare to live nearby. Thank you.

Rafiq Mohammed

|  
|



Dear Sir/Madam,

My name is Mr Zafar Iqbal and I live at Peterborough.

I would formally like to complain about a number of issues relating to the Marisqueira Restaurant on the corner of Cromwell Road/Russell Street.

1. the first issue is noise. The restaurant is located in a residential area and I cannot see how they are allowed to operate a late licence after 11pm ?

Often at weekends their events do not finish until the early hours of the morning. The noise emanating from that establishment, be it music or Karaoke

is beginning to seriously affect the quality of life on Cromwell Road. I'm sure you can empathise when you've gone a few nights without proper sleep.

2. every time I come home from work and at weekends, you see patrons leaving the premises and sitting on the walls of the neighbouring properties

causing ASB, littering, smoking weed and leaving beer bottles and cans in peoples gardens. Please speak to Chris the street cleaner, I'm sure he'll tell

you the state of affairs in the mornings.

3. During their late night events, there are always problems caused with parking, ASB, drug-taking and basically making the lives of those who live nearby, intolerable.

4. I thought there was a law now which stated that smoking inside a restaurant was no longer permitted ? I think you need to re-educate this restaurant as I've seen people smoking inside the premises ...

What I would like you to do ...

1. respond by email to state that you have received my complaint so that it is logged

2. explain in writing how you plan to address the issues above

3. explain how this restaurant is able to obtain a late licence inside a residential area

p.s. apologies for the nature of this email, but if you lived next to this restaurant, I'm sure you would have similar feelings.

kind regards,

Zaf Iqbal

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Darren,

Many thanks for your email. Yes, I would like my original email to be submitted as a representation for the review.

The only additional bit of evidence I would like to submit is from the weekend, which is as follows ...

I was watching TV at home on Saturday evening (20/07/2013) and the time was approx 1130pm. I could hear/feel the 'bass' from the music in the restaurant coming into my living room ! And I live 4/5 doors away. From that you can take a guess at the volume of the music that was being played at the restaurant.

kind regards,

Zaf Iqbal