

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

**APPLICATION OF THE PREMISES LICENCE – PONTE DE AMIGO, 40 RUSSELL STREET PE1 2BQ**

**22 NOVEMBER 2018**

This Decision Notice refers to the application of the premises licence Ponte De Amigo, 40 Russell Street PE1 2BQ.

**We have considered the representations made to us today and in writing against the application by:**

- Cambridgeshire Constabulary (did not attend)
- Councillors Jamil and Amjad Iqbal
- Mr Ferris, Community Centre Manager, Gladstone Connect Ltd

The Sub-Committee during deliberations, ignored irrelevant matters that do not impact on one or more of the licensing objectives, and which should not be taken into account for cumulative impact purposes.

The Sub-Committee were informed that residents were concerned with the application due to existing problems in the area associated with early morning drinking.

The Sub-Committee noted that there were no representations in support of the application.

**A summary of the issues raised to the Sub-Committee included:**

- the premises are situated within a Special Policy Zone (Cumulative Impact)
- the premises are situated in a residential area
- sufficient premises in the immediate area that operate in a similar manner

**The Sub-Committee were referred to the Statement of Licensing Policy and the Government Guidance, in particular:**

(Within the guidance)

14.30 The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused or subject to certain limitations, following relevant representations, unless the applicant can demonstrate in the operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. Applicants should give consideration to potential cumulative impact issues when setting out the steps they will take to promote the licensing objectives in their application.

14.36 A special policy should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation

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to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its special policy in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

**The Sub-Committee considered the Representations from the police and noted the recommendations therein.**

The police have provided further conditions, contained within their letter dated 25th October 2018.

Also, the police have suggested that there should be 'on', sales only, with reduced times for selling alcohol and for opening times.

These are for opening, 0900hrs to 2130hrs, and for the sale of alcohol 0900hrs to 2100hrs daily.

**The Sub-Committee considers that there cannot be a late night licence given the opening times applied for, and there is no need for recorded music to be licensed as this is incidental to the main function of the business, that being providing food for consumption on the premises.**

### **The Decision**

The Sub-Committee were informed that there are three similar premises within 500 metres of the this premises, and that there is sufficient like premises to meet resident's requirements in this area.

The Sub-Committee believe that if granted, this premises would add to the cumulative impact and that in any event, the operating schedule would not avoid this.

The Sub-Committee therefore rejects this application for a premises licence, known as Ponte De Amigo, 40 Russell Street PE1 2BQ.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:

Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel No. 01223 376000. There is a fee to pay.

Councillor Gul Nawaz

Sub-Committee Chairman

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