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25 February 2013

Dear Darren

Reference: Premises Licence Review
Zaika, 34 New Road, Peterborough. PE1 1FH

I would like to support the above application for the review of the premises licence served by the Cambridge Constabulary in relation to the following licensing objectives.

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

I submit my representation as a Responsible Authority (Licensing Authority) for the following reasons.

The premise has a chequered history where the licence has already been the subject to a previous review hearing and as a result numerous conditions were added to the licence. Although I accept that the current licence holder was not associated with the previous review or licence at the time I feel it is quite pertinent to mention as I believe the premises was then and indeed is now being operated as a late night drinking venue to compete with the surrounding businesses under the guise of a restaurant. It is also relevant to mention that the current licensee is in fact a family member of the previous licence holder.

The additional conditions added to the licence were attached by the committee as an attempt to control the premises and in order to promote the licensing objectives, also as a potential method of eliminating late night drinking without the purchase of a table meal.

In reviewing the information held regarding the current licence holder and management of the premises I am left with little or no confidence that they have the necessary attributes or business acumen to operate the premises within the parameters required of the licence. I would even go as far to say there is a blatant disregard to the obligations afforded to them as a licence holders, demonstrating little regards to regulatory requirements or public safety.

It is very clear from the review application served by the Cambridgeshire Constabulary that the premises had been found operating in breach of many of the conditions as attached to the premises licence, and what's even more astounding is that the conditions were attached following the previous licence review to address many previous problem.

The inspection was carried out by the Police on 26 January 2013 at 23:55hrs at a time when the premises was operating, the observations made by the Police were real time insofar as they were actually witnessed



rather than a daytime inspection where the premises normally is not in operation and therefore there is a greater reliance on what the licence holder says rather than what is witnessed.

A section 19 notice was served on the premises by the police and subsequently a visit was made to the premises on Friday 8 February 2013 by Sgt Saunders, PCSO Petruzziello and a council Regulatory Officer Teresa Martin to review the notice and to ascertain if the notice could be lifted.

In reading the Regulatory Officers meeting notes it was very apparent that the licence holder and staff present at the meeting struggled to answer even the most basic of questions in relation to the Licensing Act 2003. For example they were unaware of the legal age for the consumption of alcohol on the premises, and were under the impression that children of any age could consume alcohol with a meal. Even after the officer had provided them with the relevant answers they still questioned if it was ok for children to drink Baileys? This is just one example of many breaches that were highlighted in the notes; I have attached the email from Teresa martin for reference. The section 19 notice was not lifted following this visit.

It is important to point out that although the section 19 notice and the review application had been served on the licence holder, little or no attempt had been made to rectify any issues that had been previously identified. There seemed to be an alarming reliance on officers by the licence holder and staff to offer assistance rather than them taking responsibility for their own business.

A further inspection was carried out on 21 February 2013 by officers from the Police and the Council; there are still outstanding issues at the premises such as refusal logs and training records. There is also a distinct lack of understanding regarding home deliveries and age verification, which looking at the visit notes would indicate there are no age verification checks being made. This is yet another example of the naivety of the licence holder.

It is also important to mention that on a food safety inspection carried out on 26 November 2012 the officer's comments included:

- No suitable product to carry out disinfection process on the premises
- The cook was wearing a heavily soiled apron whilst handling raw and ready to eat food.
- The premises were in a generally dirty condition.
- A number of dirty wiping cloths were used to clean down and mop up spillages.
- The cook at the premises did not satisfy the officer that he was adequately trained or had sufficient knowledge in food hygiene and safety matters.

The appropriate actions in relation to the above were taken, however it is also very important to mention that the above inspection was instigated following information received from the fire officer in relation to LPG gas cylinders onsite.

In following up the fire officers comments council officers found that equipment previously connected to the mains gas supply had been converted to run off LPG, there was no gas safety certificate, the only information that could be provided by the licence holder about the installer was his name was Simon? There was also some concern that the pipe work a prohibition notice was issued on 26 November 2013.

Although the above food safety and gas safety issues are not specifically associated to the activities as authorised by premises licence they do offer some insight in to the way the business is managed.

I feel that there are 2 conclusions to be made when reviewing the information, these being either the licence holder does not have the necessary ability or knowledge to run such an establishment in accordance with the requirements. Or, he has a blatant disregard to authority and his customers and his priority is simply to make money.

I would ask the committee to seriously consider the possible revocation of the premises licence, I have based this request on the fact that officers from both the Council and the Cambridgeshire Constabulary have worked with the licence holder and the DPS insofar as supporting and educating in an attempt to help them understand the premises licence and their obligations accordingly.



However I think it is very apparent that this has failed due to the support offered being blatantly ignored by the licensee and DPS who appear to only be interested in doing as they please to maximise profits.

Yours sincerely

By email 25 February 2013

Adrian Day
Licensing Manager

Representation from the Licensing Authority

Hi,

I visited Zaika Restaurant with Sgt Stuart Saunders and Nick Petruzzello (PCSO) on Friday (8/2/13). The aim of the visit was to assess if the Section 19 (served by the police) could be lifted.

We met with Muhammed Khubaib (Premises Licence holder) and Mr Lajos Boros (new DPS), two other staff members were also present. I have concerns about the premises and detail some of the issues below.

The premises does give me cause for concern as the staff were unaware of what age alcohol could be consumed by persons on the premises, they seemed to think that children (irrespective of age) could consume alcohol if they were having a meal with parents. Even after providing them with the answers (children aged 16+ could consume wine, beer or cider if accompanied by an individual aged over 18 and were having a meal) they asked if children could consume Baileys. The DPS did know the answers, but a staff member who stated that he had just passed the personal licence course did not.

I went through some of the conditions on the licence, reiterating that alcohol could only be sold to persons ancillary to a substantial meal. The CCTV was checked by Stuart and problems with downloading the images were still occurring at 17.30, as they couldn't make it download to a USB memory stick. I understand that this issue was resolved at approx 18.07. As the premises has CCTV they were informed that they must register with the ICO (Information Commissioners Office).

I had a quick look at the Fire Risk Assessment and the maximum capacity within the document was 80, but the premises has 86 covers and that excludes any staff. The rest of the document did not look suitable or sufficient and didn't cover all aspects. Stuart has contacted the fire officer in order for them to visit and provide further assistance.

The staff had a particular issue with condition 23 on the licence which reads 'Music will be kept to an incidental background level.' They continued asking questions such as, 'But if we have a party then that's alright in it?' Even after they read the condition themselves. They also seemed to think that the licence has too many conditions for a restaurant.

The conditions (29 and 33) in relation to staff training records could not be verified. They showed me a signed sheet but could not produce what the staff had been trained on as they said that all this information was on the computer seized by the police. They did have a new book marked refusals log, it had no recorded entry's as it had just been put in place.

They said that one of their staff did have a valid first aid certificate (as required by condition 32), but they did not have a copy on site, I advised them to take a photocopy and keep it on the premises.

They do not have a City Link radio (as required by condition 35).

They were provided information to enable them to employ a SIA, as required by condition 34. I advised the DPS to email the travel lodge with the telephone number of the premises, as required by condition 38. He got the email address whilst we were present.

Mr Khubaib did complain about the Travel Lodge, as he states that their faulty plumbing is allowing raw sewage to seep through his ceiling into his restaurant. This has been reported to the food team, as this has obvious concerns in relation to his food business. Food officers are hoping to visit the premises today (11/2/13) to assess the situation.

The new DPS stated that he was being the DPS as a favour. I informed him that he must have the controlling influence over all sales and refusals of alcohol, as it was his personal

licence being put at risk if any illegal sales occurred. However, the DPS did seem to know the position he was in and also seemed to have a knowledge of what was required of him.

They were aware that free drinking water must be provided. They did not have an age verification policy in place, one was provided to them. They were not aware of the 'smaller measure' mandatory condition, and when asked what would they do if a customer wanted a 125ml of wine they said 'tell them we only serve in 175ml'. They do not have a 125ml measure so will measure a 125 by using a 50ml twice and a 25 measure once. I informed them that this was not considered best practice.

Overall I was disappointed, they kept saying that my job was to help them, which I mostly agree, but informed them that it wasn't my job to run their business.

Mr Khubaib said that he wants to mediate with the licensing department and the police in the hope that the review application can be withdrawn.

Kind regards

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Representation from the Pollution Control Team at Peterborough City Council

I visited the premises on the 3rd August with Darren Dolby and PC1572 Grahame Robinson to meet with the PLH, Mr Khubaib. During the visit I looked around the premise and took note that there were several speakers embedded in the ceiling and a couple of small wall mounted ones. I pointed out the Public Nuisance conditions of his licence particularly number 23. Music will be kept to an incidental background level. I also explained how the ceiling mounted speakers were inappropriate for the restaurant as the sound would travel upwards. With Mr Khubaib's permission I went behind the bar and set the amplifier's volume for the inbuilt system to an appropriate level for incidental music. I told Mr Khubaib the volume level and said that the volume should never be turned up louder than that otherwise he would be breaking his licence conditions.. I also turned the bass setting to the lowest and asked him not to change it.

On investigating the restaurants Facebook page I came across a picture with the title "Last Night party" (sic) uploaded on the 20th January 2013, I have attached a copy . This shows a woman dancing in front of 2 large speakers which in my opinion would be unnecessary to provide an incidental level of music.

I suggest that due to the complaints received from the Travel Lodge conditions 23 and 25 have been broken.

Public Nuisance

23. Music will be kept to an incidental background level.
24. Waste will be collected and deliveries will be made during reasonable hours.
25. The premises license holder shall take all necessary steps to ensure that noise or vibration is not noticeable at the façade of any noise sensitive premises / nearest residential property.
26. The placing of bottles into receptacles outside the premises shall take place at times that will minimise disturbance to nearby properties.
27. The premises licence holder shall implement a system to ensure that offensive smells from the licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

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