

Ref: Temptation Taste of Portugal 309 Lincoln Rd / License Application



Creating a safer
Cambridgeshire

Thursday 14th December 2017

Darren Dolby
Licensing Officer
Peterborough City Council
Town Hall
Bridge Street
Peterborough
PE1 1HZ

Dear Darren,

Re: Premises License Application – ‘Temptation Taste of Portugal – 309 Lincoln Road, Peterborough, PE1 2PH.

On 20th October 2017 Cambridgeshire Constabulary Licensing Department (Peterborough District) received e-mail notification from Peterborough City Council Licensing Authority of an application for a new Premises License at 309 Lincoln Road, Peterborough, PE1 2PH. The application has been submitted by legal representation from Hegarty LLP, Peterborough acting on behalf of the applicant. The applicant is Mr. Alfredo Correia who has an Alcohol Personal License reference 045947 issued by Peterborough City Council. Mr. Correia is the premises license holder and designated premises supervisor at the next door premises ‘A Tasca’, 311, Lincoln Road, Peterborough, PE1 2PH – the premises next door.

I understand that the applicant wishes to open a new venue and describes it as a restaurant called ‘Temptation Taste of Portugal’. The applicant seek to install hours and conditions consistent with the ‘Off & On’ sale of alcohol and provision of late night refreshment. No other licensable activities are applied for. The hours applied for are from 12:00hrs to 02:00hrs Tuesday and Sunday; 12:00hrs to 03:00am Monday, Wednesday and Thursday; and 12:00hrs to 04:00hrs on Friday and Saturday.

Cambridgeshire Constabulary wish to make a formal representation in relation to this application. We seek to reject the application unless the applicant can consider and apply the following recommendations / amendments to the application.

309 Lincoln Road is a retail unit located centrally within the densely occupied retail / residential area of Lincoln Road. This area is subject to a Cumulative Impact Area (Special Policy) drawn up and adopted on 18th April 2013 and reviewed and continued in 2015. It has been positively identified that there is a significant concentration of licensed premises within the Millfield / Gladstone area, and there is sufficient evidence of a negative impact on the statutory licensing objectives. Peterborough City Council’s ‘Statement of Licensing Policy’, ‘Special Policy on Cumulative Effect’ - Paragraph 11.6 states:

*“This special policy creates a rebuttable presumption that applications within the Op Can Do area for **new premises** or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced”.*

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Para 11.7 states:

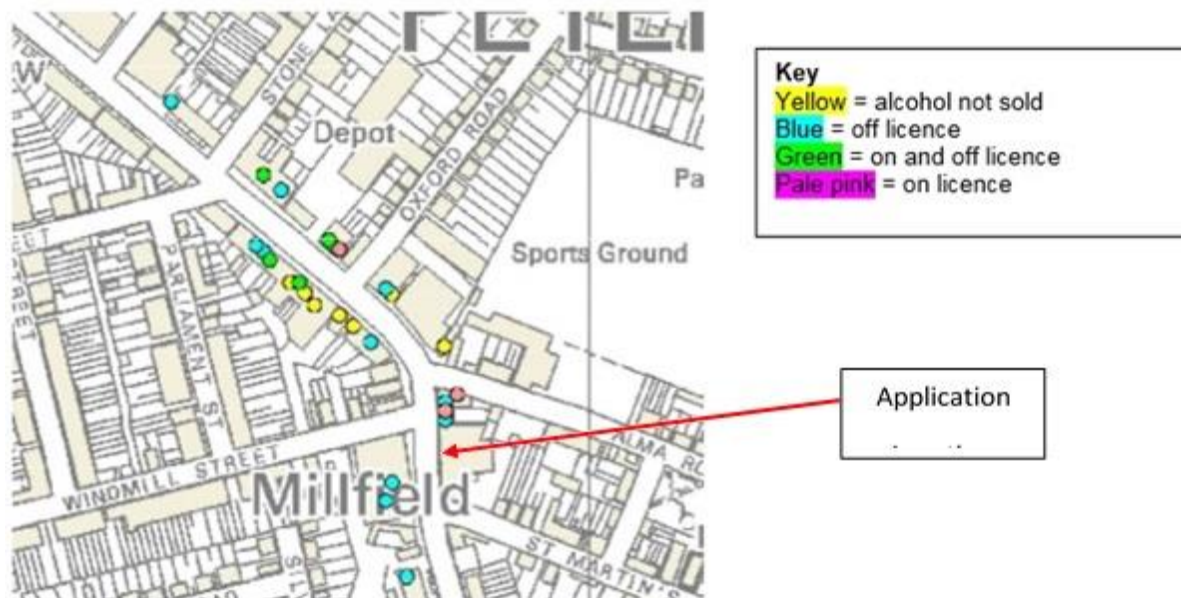
“Applications will need to address the special policy issues in their operating schedules in order to rebut such a presumption”.

The area surrounding 309 Lincoln Road has been specifically identified as having high levels of crime and anti-social behaviour, often associated to the saturation of licensed premises and abuse of alcohol. There is a direct correlation between the location of licensed premises and reports of noise, littering, violence and other forms of anti-social behaviour. This is not surprising when you consider that the immediate area is densely populated with families from a large variety of nationalities and backgrounds, living and working in housing stock which comprises mainly of Victorian style terracing and multi occupancy flats and houses. It is important to add that the licensed premises have grown up rapidly around people’s homes in the last few years – not the other way round.

Already saturated with alcohol retail premises, there are 10 ‘Off-License’ premises and 6 other licensed premises including two large supermarkets within 300 yards, which have contributed either directly or indirectly towards the alcohol harm issues which affect the area. Extending the availability of alcohol in the area via another ‘Off sale’ premises will undoubtedly hinder this effort and will significantly contribute to the already ever present issues.

Map taken from PCC Special Policy

Map 2: Licensed premises between St Martin’s Street and Stone Lane on Lincoln Road 2012-13



In the period 01st January 2016 to November 2017, year on year we have seen decreases in crimes associated with alcohol harm. However, we have seen an increase compared to 2015. The image below demonstrates that in Eastern North sector we have seen an overall increase in violent crime (+36%) and alcohol related incidents (10%). The detailed issues have been dealt with by Police and partners and we strive to reduce the figures further.

Crime / ASB figures comparison table

	Jan-16	Dec-16	Jan-17	Nov-17	Change %	2015 % Change
ASB	1279		988		-22.0%	-19.0%
Alcohol	569		535		-6.0%	+10.0%
All Violence	706		774		+9.6%	+36.0%
Assault with Injury	223		198		-11.2%	-4.8%
Domestic Violence	868		763		-12.1%	-8.0%

Whilst this is potentially another licensed premises within the Cumulative impact area ultimately the decision on granting the license lies with the Licensing Sub-Committee. The applicant has offered comprehensive conditions for inclusion on the license. I wish to offer a revision to these conditions that provide transparency.

I am aware that the applicant has been approached via his legal representation. However in the absence of a response either way, I am submitting this representation against the grant of the license. Should the applicant consider and choose to adopt my recommendations I see no need for a formal review of the application.

I firstly ask that *the sale of alcohol is restricted to 01:00am daily*. Whilst portraying itself as a *Restaurant* I feel that the premises *should be restricted to 'On' sale of alcohol only*. Conditions within the application suggest that alcohol will be sold with 'Take-away' food. I may be swayed if this was 'carry-out' alcohol following a substantial meal but feel it is alcohol being sold ancillary to a 'Take-Away' order. Allowing this to happen up to 04:00am in the morning would offer a continuation of available alcohol in an area already saturated and effected by alcohol harm.

I have reviewed the conditions offered by the applicant. For the sake of clarity and compliance I offer the following conditions which will be placed on the license.

Prevention of Crime –

1. The Premises License Holder and/or Designated premises supervisor will maintain an 'Incident report register' in a bound book, in which full details of all incidents are recorded, and all staff have access to. This shall be completed as soon as possible and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry. The register is to be kept on the premises at all times and shall be produced to a Police Officer or an authorized Officer when requested. The records should be retained for a minimum of 12 months.
2. The premises licence holder will ensure that a digital CCTV system is fully compliant with the guidance contained in the Information Commissioner's Office (ICO) guidance document (www.informationcommissioner.gov.uk) regarding installation of CCTV is provided at the premises.
3. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of a least 2 hours afterwards
4. A digital CCTV system shall cover all areas of the premises to which the public have access including any outside areas; and shall be retained for a minimum of 31 days;

and should be produced to a Police Officer or authorised officer immediately upon request.

5. The CCTV system shall be capable of downloading images to a recognizable viewable format and will offer an unrestricted identifiable facial image of each person that enters the property in all light conditions.
6. At all times the premises are open for business a member of staff shall be present who is capable of operating the digital CCTV system and downloading images at the request of a Police Officer or authorised officer.
7. If the CCTV equipment (including any mobile units in use at the premises) breaks down the premises licence holder or the designated premises supervisor shall ensure that they verbally inform both the Police & Licensing Authority as soon as is reasonably practicable. This information should be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Police and Licensing Authority shall be informed when faults are rectified.
8. 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.
9. Written staff training records will be documented and updated on at least a 6 monthly basis, or where there is a change of staff. These training records will be produced to a Police Officer or authorised officer on demand.
10. Substantial food and non-intoxicating beverages, including drinking water, shall be available at the premises where alcohol is sold or supplied for consumption on the premises.

Public Nuisance -

11. The premise license holder shall not participate or encourage flyposting of events or the venue and any leaflet distribution shall be managed in such a way as to prevent litter.
12. The holder of the premises licence shall ensure that noise caused by persons using, arriving at or departing from the premises shall not cause nuisance or unreasonable disturbance to the occupiers of residential properties.
13. Prominent, clear notices shall be displayed at all exits **[and in outdoor areas]** requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly.
14. The holder of the premises license shall ensure that no music or amplified speech originating from the premises shall be audible inside any residential property **(or hotel bedroom/other specified relevant receptor)** at any time.
15. All external doors and windows must be kept closed, other than for access and egress.
16. Disposal of waste bottles into external receptacles where noise will be audible to neighbouring properties must not occur between 23:00 and 07:00 hours.
17. The premises license holder will ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.

Public Safety -

18. A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorized officer.
19. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises
20. Valid public liability insurance shall be kept in force and a copy of the schedule shall be available for inspection by an authorised officer on request.

Protection of children from harm -

21. The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises and signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 25' initiative.
22. Signage will be prominently placed within the premises advertising the fact that the premises operate the 'Challenge 25' initiative.
23. Any person selling or supplying alcoholic drink must do so under the authority of a personal licence holder and must ask for a photo ID proof of age where they have reason to believe that the individual may be less than 25 years of age.
24. A refusal log will be accurately maintained on every refusal made in relation to the attempted purchase of alcohol by a juvenile or intoxicated person.

Yours sincerely

Grahame Robinson
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Cambridgeshire Constabulary
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Image 1



Image 2 –

