

DATE OF HEARING	15 December 2010		
PANEL MEMBERS	Councillor Thacker (Chair) Councillor Dobbs Councillor Swift		
APPLICATION TYPE/REF	Variation MAU 060284		
APPLICANT	Mr Aidas Meckauskas		
ADDRESS	715 Lincoln Road, Peterborough, PE1 3HD		
PREMISES DETAILS	Kaimas Lithuanian Restaurant, 561-563 Lincoln Road, Peterborough, PE1 2PB		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED		Yes	
Ms Belinda Smith, Belinda Smith & Co Solicitors			
WITNESSES FOR APPLICANT			No
THE FOUR LICENSING OBJECTIVES			
Prevention of crime and disorder	Public safety		
Prevention of public nuisance	Protection of children from harm		
LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE			
Prevention of crime and disorder	Public safety		
Prevention of public nuisance			

**REPRESENTATIONS: RESPONSIBLE AUTHORITIES & INTERESTED PARTIES
ATTENDING AND/OR INTENDING TO SPEAK**

NAME/DETAILS	ATTENDING	SPEAKING
PC Ifor Maddox, Northern Licensing Officer, Cambridgeshire Constabulary	Yes	Yes
Ms Iwona Wojszczyk, Noise Pollution Officer	Yes	Yes
Ms Dorothy Pocock, Noise Pollution Officer	Yes	No

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 nature of the licensable activities**
- 2. The proximity of the premises to residential areas**
- 3. The conditions offered and accepted by the applicant**

IRRELEVANT REPRESENTATIONS

The Sub-Committee considered the following to be irrelevant Representations:

- 1. The issues surround parking**
- 2. Disturbances not directly attributable to the premises**
- 3. Other matters that do not impact on the licensing objectives**

DECISION MADE

**Variation Premises
Licence**

The Sub-Committee has considered the relevant representations made today and previously submitted in line with the three licensing objectives.

Our Decision therefore is:

To grant the application for the variation in part.

1. The hours of opening to be:

Sunday to Thursday

12.00 – 00.00

Friday to Saturday

12.00 – 01.00

2. The hours for the sale of alcohol, ancillary to a main meal, to be:

Sunday to Thursday

12.00 – 00.00

Friday to Saturday

12.00 – 01.00

3. Live music on the ground floor only to be permitted, the hours to be:

19.00 – 00.00

Six occasions per annum, the Licensing Team must be informed of the event 24 hours in advance and the events must only take place on Fridays and Saturdays

4. Recorded music:

During opening hours, both upstairs and downstairs in the premises.

5. Late Night Refreshment, the hours to be:

23.00 – closing time

ADDITIONAL CONDITIONS ATTACHED

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*

1. The conditions as set out at paragraph 7, on page 4 of the committee report

2. Additional conditions proposed by Responsible Authorities

Environmental Pollution Control

- **The Premises Licence Holder or the Designated Premises Supervisor to ensure that noise does not emanate from the premises so as to not cause a nuisance**
- **During the playing of music, all external doors and windows to remain closed other than for access and egress, so as to prevent a noise nuisance emanating from the premises**
- **Any request from an authorised Officer of the Council, Police Officer or Police Community Support Officer to reduce music to an acceptable level so as not to cause a noise nuisance shall be complied with**
- **Notices to be displayed in a prominent position by all exits requesting patrons to leave the premises quietly so as not to cause a noise nuisance in the immediate vicinity to neighbours**

Cambridgeshire Constabulary

- **CCTV systems to record all areas where a licensable activity takes place**
- **CCTV images to be kept for one month and made available for inspection upon request by an authorising officer of the City Council, Police Officer or Police Community Support Officer**
- **CCTV to be placed in a suitable position by all exits and entrances to record all persons visiting and leaving the premises during the hours of licensable activity**
- **CCTV recorded images must be of a suitable quality for evidential purposes**

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

Chairman to read out the agreed reasons to the hearing:

In view of the findings of fact, the Sub-Committee is satisfied on a balance of probability and considering all the circumstances, including the conditions imposed, that the requested variation would not create public nuisance, increase crime and disorder or endanger public safety.

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

Council's Statement of Licensing Policy

- Objectives, *section 4 on Page 8*
- Fundamental Principles, *section 6 on Page 9*
- Licensing Hours, *section 8 on Page 12*
- Other Legislation, *section 10 on Page 14*
- Licence Conditions, *section 13 on Page 16 and 17*
- Delegation / Decision Making / Administration, *Section 16 on page 18 and 19*

Guidance Issued under Section 182 of the Licensing Act 2003

- The Licensing Objectives, *section 2 pages 18 to 25*
- Determining applications, *section 9 Pages 78 to 81*
- Conditions attached to premises licences, *section 10 pages 83 to 96*
- Pools of conditions, *Annex D page 133 to 149*

LEGAL ADVICE GIVEN DURING DELIBERATION

No legal advice was given during deliberation.

CRIME AND DISORDER ACT 1998	Were there any implications under this Act? If so give details
<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>	
Human Rights Act 1998	How were the following articles considered
Article 1 – <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.
Article 6 – <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.
Article 8 – <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.
DATE OF SUB-COMMITTEE HEARING	15 December 2010

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.