

DATE OF HEARING	Thursday, 12 January 2012		
PANEL MEMBERS	Councillor Dobbs (Chairman) Councillor Benton Councillor Swift		
APPLICATION TYPE/REF	New Premises Licence MAU 062402		
LICENSEE	Mr Farley de Passos		
ADDRESS	59 Dunsberry Road, Peterborough, PE3 8LB		
PREMISES DETAILS	Paradise Café, 83 Eastfield Road, Peterborough, PE1 4AS		
APPLICANT HEARD		Yes	
APPLICANT REPRESENTED		Yes	
Ms Marlise Rodrigues			
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			
Prevention of public nuisance			

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

NAME/DETAILS	ATTENDING	SPEAKING
PC Grahame Robinson, Cambridgeshire Constabulary	Yes	Yes
Mr Pierre Nieuwenhof (Local Resident)	Yes	Yes

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 premises was located in a residential area
2. There had been numerous incidents of noise disturbance and anti-social behaviour in the area, totalling 22 reported incidents to the police
3. There had been incidents involving people drinking in the street in the area
4. Mediation had been undertaken between the applicant and the police and a number of additional conditions had been agreed
5. There had been no formal complaints made against the business

IRRELEVANT REPRESENTATIONS

There were no irrelevant Representations:

DECISION MADE

New Premises Licence

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

Our decision therefore is:

To grant the application in the same terms applied for, the hours of opening to be:

- i) 06.00am to 01.00am Monday to Sunday.

And:

- i) The retail sale of alcohol for both on and off the premises Monday to Sunday from 07.00am to 01.00am;
- ii) Recorded music Monday to Sunday from 07.00am to 23.00pm; and
- iii) Late Night Refreshment Monday to Sunday from 07.00am to 01.00am

The Sub-Committee have taken legal advice upon the application of the Licensing Act 2003, and on the information that has been presented.

The Sub-Committee had no alternative other than to grant the licence in the same terms applied for on this occasion.

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*

1. Conditions set out in the operating schedule.

The Prevention of crime and disorder

i) CCTV equipment shall be installed inside/outside the premises and maintained in working order.

ii) CCTV recording equipment and associated cameras will be maintained once a week and will record and store digital images for a period not less than 28 days. A record of maintenance is to be kept and made available to an authorised officer upon request. CCTV images are to be produced to an authorised officer upon request

iii) CCTV cameras will be positioned so that they cover the front aspect / entrance of the property in addition to internal public rooms and the customer service area.

iv) Notices advising that CCTV has been installed on the premises shall be posted so that they are clearly visible to the public within the licensed premises.

Public Safety

(CCTV conditions as per above)

i) Fire Risk Assessment

The prevention of public nuisance

i) Receptacles for refuse storage shall be maintained in a clean condition

ii) Litter shall be prevented at all times and where identified regularly cleared from the vicinity of the premises.

The protection of children from harm

i) Staff training in relation to identifying and preventing sales of alcohol to any person who is, or appears to be drunk should be undertaken on a monthly basis. This training, together with ongoing training to prevent underage sales, such as challenge 21 or challenge 25, should be recorded in a written format and be available to an authorised officer upon demand.

3. Additional conditions proposed by the applicant following mediation.

Crime and disorder

i) CCTV recording equipment and associated cameras will be maintained once a week and will record and store digital images for a period not less than 28 days. A record of maintenance is to be kept and made available to an authorised officer upon request. CCTV images are to be produced to an authorised officer upon request

ii) CCTV cameras will be positioned so that they cover the front aspect / entrance of the property in addition to internal public rooms and the customer service area.

Public Nuisance

i) Noise Control Measures

The licensee shall take reasonable steps to prevent and control noise nuisance caused by persons using the Licensed Premises and also ensure patrons and visitors arrive and depart from the premises in a manner which will not cause annoyance to nearby residents.

ii) Noise Control Measures

Prominent, clear notices shall be displayed at all exits and outside trading area's, requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly. Staff must be given adequate instruction and training to prevent them causing unnecessary noise when they leave the premises.

iii) Noise Control Measures

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

iv) Noise Control Measures

The premises License holder shall take all necessary steps to ensure that noise or vibration is not noticeable inside or at the façade of any noise sensitive premises.

v) Noise Control Measures

The holder of the premises licence or responsible person shall ensure that no noise shall emanate from the Licensed Premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance or unreasonable disturbance to the occupiers of premises in the vicinity of the Licensed Premises.

vi) Noise Control Measures

Any request by an authorised officer of the Council in relation to reducing noise levels shall be complied with.

vii) Noise Control Measures

The placing of bottles into receptacles outside the premise shall take place at times that will minimise disturbance to nearby properties.

viii) Odour Control Measures

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.

ix) Noise Control Measures

Speakers should be located away from the noise sensitive premises, avoiding locations close to the joining wall.

REASONS FOR DECISION, LINKED TO FINDINGS OF FACT

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 new premises licence would not increase crime and disorder, or increase public nuisance.

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 (October 2010)

- 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

(to be read out by Legal Officer when decision is given to the hearing)

There was no legal advice 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 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 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 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	12 January 2012

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.