

DATE OF HEARING	Friday, 20 January 2012	
PANEL MEMBERS	Councillor Benton (Chairman) Councillor Simons Councillor Swift	
APPLICATION TYPE/REF	New Premises Licence MAU 062433	
LICENSEE	Mr Alberto Manuel Passos	
ADDRESS	264 Gladstone Street, Peterborough, PE1 2BL	
PREMISES DETAILS	Steps Café, 94 Gladstone Street, Peterborough, PE1 2BL	
APPLICANT HEARD	Yes	
APPLICANT REPRESENTED		No
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
Mr Javed Iqbal (Local resident)	Yes	Yes
Mr Kayani (Local resident)	Yes	Yes
Councillor Nazim Khan (Ward Councillor, did not put in representation but speaking on behalf of local residents)	Yes	Yes
Councillor Mohammed Nadeem (Ward Councillor, did not put in representation but speaking on behalf of local residents)	Yes	Yes
Mr Mohammed Sabeel, representative for local residents	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. The premises was located directly next door to an off licence which was owned by the applicant
3. Mediation had been undertaken between the applicant and the Licensing Authority, Police and Pollution Control and a number of additional conditions had been agreed and a reduction in the hours of the sale of alcohol
4. There had been no formal complaints made against the business

IRRELEVANT REPRESENTATIONS

*Note here irrelevant matters mentioned at hearing and why irrelevant
e.g. not related to the relevant licensing objective, not related to licensing (e.g. parking issues)*

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 for the retail sale of alcohol to be:

09.00am to 09.00pm Monday to Sunday

The Sub-Committee having 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 equipment will be set to record all licensed areas from the time that the premises open to the public until the premises closes and all members of the public have left
- iii) Digital images shall be retained for at least 31 days and shall be produced to an authorised officer on demand
- iv) 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.
- v) An authorised person will be available at all times on the premises to show CCTV images immediately or to an authorised officer on demand.
- vi) CCTV images will be clear and comprehensible
- vii) Any new/existing CCTV system in place will be cleared for use by the Police/Licensing Authority
- viii) A log book recording all incidents of crime and anti social behaviour will be maintained and will be available to an authorised officer.
- ix) The premises licence holder shall ensure participation in the local pubwatch (or equivalent organisation) scheme operating in the area.

Public Safety

- i) 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 authorised officer.

The prevention of public nuisance

- i) Only 'background' music will be played at the premises.
- ii) Prominent, clear and legible notices at all exits shall be displayed on the premises requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
- iii) Customers will be encouraged by Steps management and staff to disperse from the area promptly.
- iv) Taxi company numbers will be made available to customers to assist in their safe and

quiet dispersal from the premises.

The protection of children from harm

- i) The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises
- ii) Signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 25' initiative
- iii) Written staff training records will be documented and updated on a monthly basis. These training records will be produced to an authorised officer on demand
- iv) Alcohol will not be stored on the lower shelves of the premises

3. Additional conditions proposed by the applicant following mediation.

1. Noise Control Measures

The holder of the premises licence or a nominated representative 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.

2. 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.

3. Noise Control Measures

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

4. Noise Control Measures

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

5. Noise Control Measures

There will be no live or recorded music at the premises. The only music will be of a 'background' level.

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	20 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.