

**Meeting of the Licensing Act 2003 Sub-Committee  
held at the Town Hall, Peterborough on 10 January 2018, 1:30PM**

**RECORD OF PROCEEDINGS**

1. Election of Chairman	Following a nomination which was seconded, Councillor Hiller was appointed as the Chairman for this meeting.																										
2. Apologies for Absence	There were no apologies for absence received.																										
3. Declarations of Interest	There were no declarations of interest.																										
4. Application	New Premises Licence - Temptation Taste of Portugal Limited, 309 Lincoln Road, Peterborough PE1 2PH																										
4.1 Application Reference	076406																										
4.2 Sub-Committee Members	Councillor Hiller Councillor Saltmarsh Councillor Amjad Iqbal																										
4.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen S Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee																										
4.4 Applicant	<b>Temptation taste of Portugal Limited</b>																										
4.5 Nature of Application	<p><b><u>Application Type</u></b></p> <p>Application for a new premises licence.</p> <p><b><u>Authorisations and Times Applied For:</u></b></p> <ul style="list-style-type: none"> <li>● <b>Sale of alcohol for consumption <u>on &amp; off</u> the premises</b></li> </ul> <table style="margin-left: 40px;"> <tr><td>Monday</td><td>Noon to 03.00</td></tr> <tr><td>Tuesday</td><td>Noon to 02.00</td></tr> <tr><td>Wednesday</td><td>Noon to 03.00</td></tr> <tr><td>Thursday</td><td>Noon to 03.00</td></tr> <tr><td>Friday</td><td>Noon to 04.00</td></tr> <tr><td>Saturday</td><td>Noon to 04.00</td></tr> <tr><td>Sunday</td><td>Noon to 02.00</td></tr> </table> <p style="margin-left: 40px;">New Year's Eve Noon on 31st December to Noon on 1st January</p> <ul style="list-style-type: none"> <li>● <b>Late Night refreshment</b></li> </ul> <table style="margin-left: 40px;"> <tr><td>Monday</td><td>23.00 to 03.00</td></tr> <tr><td>Tuesday</td><td>23.00 to 02.00</td></tr> <tr><td>Wednesday</td><td>23.00 to 03.00</td></tr> <tr><td>Thursday</td><td>23.00 to 03.00</td></tr> <tr><td>Friday</td><td>23.00 to 04.00</td></tr> <tr><td>Saturday</td><td>23.00 to 04.00</td></tr> </table>	Monday	Noon to 03.00	Tuesday	Noon to 02.00	Wednesday	Noon to 03.00	Thursday	Noon to 03.00	Friday	Noon to 04.00	Saturday	Noon to 04.00	Sunday	Noon to 02.00	Monday	23.00 to 03.00	Tuesday	23.00 to 02.00	Wednesday	23.00 to 03.00	Thursday	23.00 to 03.00	Friday	23.00 to 04.00	Saturday	23.00 to 04.00
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	<p>Sunday 23.00 to 02.00</p> <p>New Year's Eve 23.00 on 31st December to 05.00 on 1st January</p> <ul style="list-style-type: none"> <li>• <b>Hours premises are open to the public:</b></li> </ul> <p>Monday Noon to 03.00  Tuesday Noon to 02.00  Wednesday Noon to 03.00  Thursday Noon to 03.00  Friday Noon to 04.00  Saturday Noon to 04.00  Sunday Noon to 02.00</p> <p>New Year's Eve Noon on 31st December to Noon on 1st January</p> <p><b>Authorisations And Times Applied For After Mediation</b></p> <ul style="list-style-type: none"> <li>• The provision of 'off sales' from the scope of the application had been withdrawn and would be changed to 'on sales' only;</li> <li>• The applicant had agreed to end all licensable activities at the premises at 2am, Monday to Sunday; and</li> <li>• The applicant had agreed to conditions, attached to these minutes at appendix 1, to be placed on the licence in lieu of those initially offered on the application.</li> </ul> <p><b><u>Summary of New Premises Licence Application</u></b></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Temptation taste of Portugal Limited; 309 Lincoln Road, Peterborough PE1 2PH, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> <li>• The premises was in an 'Op Can-do' area which was subject to a special 'cumulative impact policy; and</li> <li>• The 'Off Sales' of alcohol would lead to an increase in anti-social behaviour in the vicinity.</li> </ul>
<p>4.6 Licensing Objective(s) under which representations were made</p>	<ol style="list-style-type: none"> <li>1. The Prevention of Crime and Disorder;</li> <li>2. The Prevention of Public Nuisance;</li> <li>3. The Protection of Children from Harm; and</li> <li>4. Public Safety.</li> </ol>
<p>4.7 Parties/Representatives and witnesses present</p>	<p><b><u>The Licensing Authority</u></b></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><b><u>Applicant's Representative</u></b></p> <p>The Applicant Mr Alfredo Corriea, and the Applicant's Representatives, Mr Heeler of Hegarty LLP who presented their case.</p> <p><b><u>Responsible Authority</u></b></p>

	PC Grahame Robinson, who presented the case on behalf of the Cambridgeshire Constabulary.
4.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.
4.9 Oral representations	<p>The Regulatory Officer addressed the Sub-Committee and outlined the main points with regards to the application. The key points raised in his address included the representation submitted against the application by other people a Ward Councillor and the responsible authority, Cambridgeshire Police. In summary the key points raised included:</p> <ul style="list-style-type: none"> <li>● An application for new premises licence for had been received for the Temptation Taste of Portugal Limited; 309 Lincoln Road, Peterborough PE1 2PH</li> <li>● Representations had been received from Cambridgeshire Constabulary, MANERP and Councillor Ferris as ward Councillor</li> <li>● The application had been for the sale of alcohol in a premises that was located within the Cumulative Impact Area (CIA) which was subject to consideration under a special policy.</li> <li>● Mediation had been reached by all parties to remove off sale of alcohol and change the on sale of alcohol from 4:00am to 2:00am.</li> </ul> <p><b><u>Applicant's Representative</u></b></p> <p>Mr Heeler and Mr Correia addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:</p> <ul style="list-style-type: none"> <li>● There had been a change to the sale and conditions with the two representation parties following mediation.</li> <li>● The applicant was concerned about alcohol consumption in the area and took on board his responsibility to ensure that conditions were adhered to in order to uphold the Authority's CIA policy.</li> <li>● The premises was to become a high-end delicatessen with the intention to sell specialist Portuguese alcohol accompany the food purchase, which was why an off sale had been originally applied for.</li> <li>● It was difficult for the applicant to prove that his application would affect the alcohol issues in the area as per the CIA policy.</li> <li>● There was a demand for provision of this type of business in the local area and not just from the local Portuguese residents.</li> <li>● The restaurant would be the best way to describe the premises.</li> <li>● There would be chargrill foods and a variety of meats which had been very popular in the area, however, other businesses had quit their businesses as they had just provided food.</li> <li>● The premises would mainly be known to provide food, however, it was felt that it could not survive without the alcohol sales.</li> <li>● Other shops in the area had just provided the typical alcohol drinks within the CIA area, whereas the Temptation Taste of Portugal would offer specialist drinks.</li> <li>● There would be a small amount of tables and chairs, within the premises where customers could order food sit and drink.</li> <li>● The applicant was keen to sell food with the alcohol.</li> <li>● Customers would not be able to walk out with alcohol they had purchased with food as that would constitute as an off sale.</li> </ul>

**Responsible Authority**

PC Grahame Robison addressed the Sub-Committee. The key points raised during their address, and following questions from the Sub-Committee were as follows:

- The main object to the application was the proposed sale of alcohol until 4:00am in the CIA zone.
- the previous establishment had gone into liquidation and therefore the licence been surrendered.
- Cambridgeshire Constabulary were satisfied that the other representatives were in agreement with the change in no off sales of alcohol and the time change to 2:00am as a result of mediation.
- It was felt that to grant a premises licence for the sale of alcohol in a CIA until 4:00am would increase domestic violence.
- The conditions had been made clear and changed in particular to the wording at point 10 of the attached conditions.
- There would be a referral to the Licensing Act 2003 Sub-Committee for review, should any issues arising as a result of granting the premises licence.

**Summing Up**

All parties were given the opportunity to summarise their submissions.

**Responsible Authority**

There had been no issues with the mediated conditions proposed in regards to the off sale and sale of alcohol.

**Applicant's Representative**

The applicant was aware of his responsibilities and would uphold his duty when operating under his premises licence in regards to the sale of alcohol within a CIA zone.

4.10 Written representations and supplementary material taken into consideration

**Applicant**

Consideration was given to the application for a Premises Licence, attached to the Sub-Committee report.

**Responsible Authority**

Consideration was given to the written submission attached to the Sub-Committee report from Cambridgeshire Police.

**Ward Councillor**

Consideration was given to the written submission attached to the Sub-Committee report from Local Ward Councillor Ferris.

**Other Persons**

Consideration was given to the written submission attached to the Sub-Committee report from 1 local resident on behalf of MANERP.

4.11 Facts/Issues in dispute

**Issue 1**

Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.

**Issue 2**

Whether the premises licence application would further support the 'Prevention of Public Nuisance' Licensing Objective.

**Issue 3**

Whether the premises licence application would further support the 'Protection of Children from Harm' Licensing Objective.

**Issue 4**

Whether the premises licence application would further support the 'Public Safety' Licensing Objective.

5. Decision

**The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-**

The Sub-Committee considered the representations made today and in writing from:

- Councillor Ferris
- Cambridgeshire Constabulary
- MANERP

The Sub-Committee considered:

- The application was In 'Op Can-do' area which is now subject to a special 'cumulative impact policy.
- 'Off Sales' of alcohol would lead to an increase in anti-social behaviour in the vicinity.
- There were no representations in support of the application.

The Sub-Committee considered the mediated conditions to the original application submitted by the applicant in that:

- The provision of 'off sales' from the scope of the application has been withdrawn and would be changed to 'on sales' only;
- The applicant has agreed to end all licensable activities at the premises at 2am, Monday to Sunday; and
- The applicant has agreed to conditions, attached to this at appendix 1 of this decision notice, to be placed on the licence in lieu of those initially offered on the application.

The Sub-Committee therefore **GRANTED** the licence for the premises, known as Temptation Taste Of Portugal Limited, 309 Lincoln Road, Peterborough PE1 2PH.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days.

Chairman  
Start 1:30pm – 2:10pm End

**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](http://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 at 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. 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 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 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.