

DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE

APPLICATION OF THE PREMISES LICENCE – TEMPTATION TASTE OF PORTUGAL, 1237 BOURGES BOULEVARD, NEW ENGLAND, PETERBOROUGH, PE1 2AU

22 JANUARY 2024

This Decision Notice refers to the application of the premises licence Temptation Taste Of Portugal, 1237 Bourges Boulevard, New England, Peterborough, PE1 2AU.

The Sub Committee convened to determine an application for a new premises licence located within the cumulative impact zone.

The applicant, Alfredo Correia, had applied to licence Temptation Taste of Portugal, 1237 Bourges Boulevard, Peterborough, in order to sell alcohol as on and off sales,

- Monday through to Sunday from 1000hrs to 2200hrs.

The Sub-Committee considered the Licensing Officer's report; the premises application and supporting information; and the objections raised by the police, Public Health and Safer Communities:

The Sub-Committee heard in person from:

- Laura Kelsey, Safer Communities as "other person"
- The police in their capacity as a Responsible Authority
- Ben Williams, Kings Chambers, Representative for the Applicant

The police in their detailed representation dated 4th December 2023, stated that alcohol related anti-social behaviour existed in the area and another licensed premises was likely to add to the existing cumulative impact.

Such behaviour included public order, criminal damage, violence and sexual offences.

The police list the number of licensed premises in the area and stated the area was at saturation point.

Safer Communities conducted a consultation during 2023 in the area and residents were concerned about, amongst other things:

- Drinking and drug abuse
- General safety
- Perceived increased and prevalence of alcohol
- Alcohol related anti social behaviour and domestic abuse

Public Health in their detailed representation dated 12th December relating to the north of the city encompassing the special zone, highlight health issues associated with alcohol, hospital admissions and the levels of deprivation.

The Applicant in support of the licence being granted stated:

- Fresh licence but applicant had a number of licences in the area. No issue from the premises so licensed and applicant intended to be DPS. Applicant was a trusted licensee
- Area does have issues but the application would not add to those issues as this was not an off licence; and it was intended to be a better-quality establishment to displace existing issues
- Discrete sales of Portuguese alcohol to compliment cafe and food sales

In deliberations the Sub Committee were referred to:

- Peterborough City Council's Statement of Licensing Policy, in particular the Special Policy
- The Government Guidance issued under section 182 of the Licensing Act 2003

The Special Policy

In April 2013, following "Operation Can-Do", the licensing authority adopted a special policy in order to help redress the cumulative impact of licensed premises in the area.

Evidence based assessments show there exists disproportionate social issues, including alcohol abuse and alcohol related anti social behaviour adversely impacting on family life and the community, partly due to the proliferation of licensed premises and the easy access to alcohol.

The 2020 consultation revealed that the policy was still required, and the policy was reimplemented in January 2021.

Further information on "Op can do" and the policy can be found on the Council's website.

The Statutory Government Guidance at paragraph 14.44 stated:

A CIA should never be absolute. Statements of licensing policy should always allow for the circumstances of each application to be considered properly and for applications that are unlikely to add to the cumulative impact on the licensing objectives to be granted. After receiving relevant representations in relation to a new application for or a variation of a licence or certificate, the licensing authority must consider whether it would be justified in departing from its CIA in the light of the individual circumstances of the case. The impact can be expected to be different for premises with different styles and characteristics. For example, while a large nightclub or high capacity public house might add to problems of cumulative impact, a small restaurant or a theatre may not. If the licensing authority decides that an application should be refused, it will still need to show that the grant of the application would undermine the promotion of one or more of the licensing objectives and that appropriate conditions would be ineffective in preventing the problems involved.

In the Licensing Authority's Statement of Licensing policy at paragraph 12.4 it states:

The Cumulative Impact policy creates a rebuttable presumption that relevant applications within the area for new premises licences, 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.

And at paragraph 12.11

Applicants will need to address the cumulative impact in their operating schedules in order to rebut such a presumption.

We have disregarded irrelevant matters that do not promote the licensing objectives.

The Decision

The Sub-Committee considered the operating schedule to be sufficient, and therefore **GRANTED** the application as applied for, for the premises known as Temptation Taste of Portugal, 1237 Bourges Boulevard, Peterborough.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:

Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel No. 01223 376000.
There is a fee to pay.

Councillor Ray

Sub-Committee Chairman

DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE

REVIEW OF THE PREMISES LICENCE – UK Plus EU – 27 BROADWAY, PETERBOROUGH, PE1 1SQ

22 JANUARY 2024

This Decision Notice refers to the review of the premises licence UK Plus EU – 27 Broadway, Peterborough, PE1 1SQ, Peterborough, for breach of the licensing objective:

- The prevention of crime and disorder

The review application was submitted by Cambridgeshire Constabulary following an incident on 13th November 2023 at the shop, and a subsequent visit on 14th November 2023 to the shop.

The review was supported by Safer Communities as “other person”.

The Premises Licence Holder and Designated Premises Supervisor was Mr Alan Amer. The licence currently permits:

- Sale by retail of alcohol daily from 0700hrs to 2200hrs

The Sub-Committee considered the representations made at the hearing and in writing by:

- Cambridgeshire Constabulary
- Safer Communities as “other person”
- Mr Fayak – Representing licensee

The Facts

On 13th November 2023 a known shoplifter was seen to enter the premises in possession of stolen goods, then a short time later, exits without the goods. He was detained and tried to discard £15.00. Officers recovered two boxes of stolen chocolate valued at £60 from the storeroom of the shop. The chocolate was stolen from Poundland.

The following day PC Hawkins and a Licensing Officer visit the premises to seize CCTV footage covering 13th November. Whilst at the premises, officers seize a metal pole which had been adapted to enable its use as a weapon.

The shop keeper had not been prosecuted.

Safer Communities in their representation informed that according to the Office of National Statistics reports of shoplifting in Peterborough had increased by 54% in the 12 months leading to June 2023.

The Sub Committee viewed CCTV footage of the incident. Also, PC Hawkins produced the metal pole to show the Sub-Committee.

Mr Fayak had stated:

- Business tried to meet licensing objectives
- Metal pole not a weapon
- Person dropped goods off in storeroom without knowledge of Mr Fayak

In deliberations the Sub-Committee was referred to:

- Peterborough City Council's Statement of Licensing Policy
- The Government Guidance issued under section 182 of the Licensing Act 2003
- Licensing Act 2003

The Statutory Government Guidance states at Paragraph 11.27:

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises, amongst other things:

- As the base for organisation of criminal activity.

Facilitating the purchase of and reselling of stolen goods, in other words "fencing", we say is "organisation of criminal activity".

And at Paragraph 11.28:

It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

We have disregarded matters that do not relate to the licensing objective in question, and those that fall outside of this Sub Committee's remit.

It is the function of the Licensing Sub Committee to take steps with a view to the promotion of the licensing objectives and in this instance the objective of the prevention of crime and disorder. The Sub Committee must take a wider view of the impact of such criminality on the general public.

There can be little doubt that shoplifting funds other criminal activity and anti-social behaviour, be it alcohol or illegal drugs related.

The options available to the Sub Committee were:

- modify the conditions of the premises licence
- exclude a licensable activity from the scope of the licence
- remove the designated premises supervisor
- suspend the licence for a period not exceeding three months
- revoke the licence

The Sub Committee took a serious view of licensed premises being used to facilitate the purchase and resale of stolen goods. The Sub Committee was also concerned that a metal pole which could be used as a weapon was also found behind the counter of the shop, within easy reach.

Finally, the selling of stolen goods under the guise of being legitimate, undermined more honest shopkeepers who will pay the full price for goods to be sold to the public.

The Decision

In order to promote the licensing objective in question, the Sub-Committee believed it was necessary to:

- **REVOKE** the premises licence for the premises, known as UK Plus EU – 27 Broadway, Peterborough, PE1 1SQ.

If any person is aggrieved with this decision, they have 21 days from today to appeal to the Magistrates' Court sitting in Peterborough. There is usually a fee to pay.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:

Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel No. 01223 376000.
There is a fee to pay.

Councillor Ray

Sub-Committee Chairman