

**PETERBOROUGH CITY COUNCIL  
LICENSING ACT 2003 SUB-COMMITTEE**

<b>DATE OF HEARING</b>	Wednesday, 21 April 2010		
<b>PANEL MEMBERS</b>	Councillor Newton (Chairman) Councillor Nawaz Councillor Swift		
<b>APPLICATION TYPE/REF</b>	Review of Premises Licence MAU 058710		
<b>LICENSEE</b>	Mr Pedro Lourenco		
<b>ADDRESS</b>	124 Gladstone Street, Peterborough, PE1 2BL		
<b>PREMISES DETAILS</b>	Portuguese Social Club, 124 / 126 Gladstone Street, Peterborough, PE1 1BL		
<b>LICENSEE HEARD</b>		<b>Yes</b>	
<b>LICENSEE REPRESENTED</b>		<b>Yes</b>	
Mr Ian Pratchett, Solicitor			
<b>WITNESSES FOR LICENSEE</b>			<b>No</b>
<b>THE FOUR LICENSING OBJECTIVES</b>			
Prevention of crime and disorder		Public safety	
Prevention of public nuisance		Protection of children from harm	
<b>LICENSING OBJECTIVES UNDER WHICH REPRESENTATIONS WERE MADE</b>			
Prevention of crime and disorder			
Prevention of public nuisance			

Signed      Councillor Newton.....      Chairman  
Date      21 April 2010.....

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<b>REPRESENTATIONS: RESPONSIBLE AUTHORITIES &amp; INTERESTED PARTIES ATTENDING AND/OR INTENDING TO SPEAK</b>		
<b>NAME/DETAILS</b>	<b>ATTENDING</b>	<b>SPEAKING</b>
PC Ifor Maddox, Cambridgeshire Constabulary	Yes	Yes
Councillor Nazim Khan	Yes	Yes
Councillor Mahmood Fazal	Yes	Yes
Mr Ed Murphy	Yes	Yes
Mr Shaffique	Yes	Yes

Signed            Councillor Newton.....            Chairman

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**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. There had been in incident of violence within the premises that had not been contained within the premises and the police had been called to deal with public affray**
- 2. The Sub-Committee heard from interested parties that there had been numerous incidences of noise nuisance emanating from both within the premises and from the front garden area**
- 3. The Sub-Committee also heard that there had been incidences of a lower level of nuisance such as broken bottles and glasses within the vicinity of the premises and issues regarding parking of vehicles immediately outside the vicinity of the premises which was attributed in some part to the patrons of the premises**
- 4. Noise levels late at night were considered to be of such a degree that it was not deemed to be reasonable or acceptable by the Sub-Committee given that the area is predominantly a family residential area**
- 5. Evidence was given by interested parties that patrons of the premises were seen to be urinating, vomiting and discarding litter within the vicinity of the premises late in the evening and during the night**

**IRRELEVANT REPRESENTATIONS**

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

- 1. The Sub-Committee disregarded alleged incidences that were some way from the premises and could not be included as part of the vicinity**

Signed                      Councillor Newton.....                      Chairman

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<p><b>DECISION MADE</b></p> <p><b>Review of Premises Licence</b></p>	<p>The Sub-Committee has considered the relevant representations made today and previously submitted in line with the two licensing objectives.</p> <p><b>Our decision therefore is:</b></p> <ul style="list-style-type: none"> <li>• to modify the conditions of the premises licence</li> <li>• to exclude a licensable activity from the scope of the licence</li> <li>• to suspend the licence for a period not exceeding three months</li> </ul> <p><b>The modifications to the conditions are as follows:</b></p> <ul style="list-style-type: none"> <li>• to remove conditions 2, 3, 13, 23, 28, 29 to 44, 77 to 79, 81 and 83</li> <li>• the licensable of late night refreshment to be removed from the licence</li> <li>• the premises licence to be suspended for all licensable activities for a period of 31 days to commence from 15 May 2010</li> <li>• a sufficient number of SIA registered door supervisors to be on the premises during any licensable activity</li> <li>• the “Challenge 25” initiative to be introduced and operated on the premises forthwith</li> <li>• the front garden area to be monitored regularly by staff to ensure that no nuisance emanates from this area to such an extent that it disturbs the neighbours</li> <li>• the premises licence holder or DPS is to ensure that noise emanating from the premises does not cause a nuisance to neighbours and take such sufficient steps to monitor noise within the premises and without</li> <li>• CCTV footage to be kept for 31 days and produced on demand to either a police officer or authorised officer of the city council during opening hours</li> </ul> <p><b>Timings of licensable activities:</b></p> <p style="padding-left: 40px;">From Monday to Sunday</p> <ul style="list-style-type: none"> <li>• Opening hours 10.30 – 23.00</li> <li>• Live music 18.00 – 21.00</li> <li>• Recorded music 10.30 – 23.00</li> <li>• Performance of dance 10.30 – 23.00</li> <li>• Dancing 16.30 – 23.00</li> <li>• Sale of alcohol 11.00 – 23.00</li> <li>• Indoor sporting events 10.30 – 23.00</li> </ul> <p>All modifications and variations to the premises licence are to be suspended until 15 May 2010 under the provisions of the Act in order to allow for Appeal.</p>
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Signed                      Councillor Newton.....                      Chairman

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**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*

**4. Conditions imposed by the Sub-Committee:**

- to remove conditions 2, 3, 13, 23, 28, 29 to 44, 77 to 79, 81 and 83
- the licensable of late night refreshment to be removed from the licence
- the premises licence to be suspended for all licensable activities for a period of 31 days to commence from 15 May 2010
- a sufficient number of SIA registered door supervisors to be on the premises during any licensable activity
- the "Challenge 25" initiative to be introduced and operated on the premises forthwith
- the front garden area to be monitored regularly by staff to ensure that no nuisance emanates from this area to such an extent that it disturbs the neighbours
- the premises licence holder or DPS is to ensure that noise emanating from the premises does not cause a nuisance to neighbours and take such sufficient steps to monitor noise within the premises and without
- CCTV footage to be kept for 31 days and produced on demand to either a police officer or authorised officer of the city council during opening hours

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**REASONS FOR DECISION, LINKED TO FINDINGS OF FACT**

In view of the Findings of Fact and submissions made, the Sub-Committee is satisfied on a balance of probability and considering all the circumstances that it is appropriate to review the Premises Licence and to modify the conditions of the premises licence, to exclude a licensable activity from the scope of the licence and to suspend the licence for a period of 31 days to commence from 15 May 2010.

**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**

- Other legislation: *Section 10 on Page 14*
- Fundamental Principles: *section 6 on Page 9*
- Reviews: *section 15 on Page 18*
- Delegation / Decision Making / Administration: *Section 16 page 18*

**Guidance issued under Section 182 of the Licensing Act 2003 (March 2010)**

- The licensing objectives: *Section 2 pages 16 to 23*
- Reviews: *Section 11 pages 97 to 100*
- Determining applications: *Section 9 pages 76 to 80*

Signed Councillor Newton..... Chairman

Date 21 April 2010.....

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**LEGAL ADVICE GIVEN DURING DELIBERATION**

No legal advice was given during deliberation.

Signed      Councillor Newton.....      Chairman

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<b>CRIME AND DISORDER ACT 1998</b>	<b>Were there any implications under this Act? If so give details</b>
<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>	
<b>Human Rights Act 1998</b>	<b>How were the following articles considered</b>
<b>Article 1</b> – <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.
<b>Article 6</b> – <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.
<b>Article 8</b> – <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.
<b>DATE OF SUB-COMMITTEE HEARING</b>	21 April 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.

9.30am – 11.47am

Signed            Councillor Newton.....            Chairman

Date              21 April 2010.....