

Ref: 'Pontos De Amigos' – 40 Russell Street / License Application



Creating a safer  
**Cambridgeshire**

Thursday 25<sup>th</sup> October 2018

Licensing Officers  
Peterborough City Council  
Sand Martin House  
Bittern Way  
Fletton Quays  
Peterborough  
PE2 8TY

Re: Premises License Application – 40 Russell Street, Peterborough, PE1 2BQ

On 28<sup>th</sup> September 2018 Cambridgeshire Constabulary Licensing Department (Peterborough District) received e-mail notification from Peterborough City Council Licensing Authority of an application for a new Premises License at 40 Russell Street, Peterborough, PE1 2BQ. The application has been submitted by Consultant Humera Rajpoot of Money Wize on behalf of Maria Marcelo of 15 Williamson Avenue, Peterborough, PE3 6BA. The DPS is proposed as Ms. Marcelo who holds an alcohol personal license reference 077589 issued by Peterborough City Council Licensing Authority.

I understand that the applicant wishes to open a Café / Restaurant with meals provided for consumption on the premises with alcoholic drinks to accompany the meals. The application seeks an 'ON' License to sell alcohol daily between 08:00hrs and 22:00hrs.

This proposed licensed premises is located in a dense residential area within the CAN-DO Operational area, and ultimately within the Cumulative Impact Area (Special Policy) drawn up and adopted on 18<sup>th</sup> April 2013. It has been positively identified that there is a significant concentration of licensed premises within the CAN-DO area, and there is sufficient evidence of a negative impact on the statutory objectives. Peterborough City Council's 'Statement of Licensing Policy', 'Special Policy on Cumulative Effect' - Paragraph 11.6 states:

*"This special policy creates a rebuttable presumption that applications within the Op Can Do area for new premises or club premises certificates or **variations** 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".*

Para 11.7 states:

*"Applications will need to address the special policy issues in their operating schedules in order to rebut such a presumption".*

The applicant has not recognised the Cumulative Impact Area and has not demonstrated within the application how this premises will not impact further on the saturation already present and the associated alcohol harms despite being asked to do so in mediation correspondence. The conditions offered are insufficient and in my opinion will not address how the sale of alcohol at this premises will not contribute to the existing negative cumulative impact.

I am aware that this premises is described as a Café / Restaurant, and the application seeks 'ON' sale of alcohol with recorded music. Although it is not clear within the application there is reference that the alcohol will be sold with a meal. Detailed within 'Section 5 – Operating Schedule' of the application – the applicant has provided a general description of the premises as –

*“Café / Restaurant – The meals provided are generally for the consumption on the premises and alcohol drinks to accompany the meals available”.*

Furthermore the premises lies in a residential area that does not form part of a commercial area. I feel that the applicant seriously needs to reconsider and address the timings that alcohol is available and when the premises is open.

Constabulary Proposal:

To amend all licensed hours to reflect:

Monday to Sunday: 09:00hrs to 21:00hrs. Premises to close at 21:30hrs

Alcohol will be strictly 'On' Sale only.

Alcohol will only be sold ancillary to the sale of food. *(Alcohol can only be purchased with a substantial meal)*

### **Prevention of Crime & Disorder**

1. The premises licence holder will ensure that a HD digital CCTV system is fully compliant with the Information Commissioner's Office (ICO) guidance document ([www.ico.org.uk](http://www.ico.org.uk)) regarding General Data Protection Regulations (GDPR); and that the relevant Data Controller is registered with the ICO.
2. CCTV will be provided in the form of a recordable system, capable of providing pictures of High definition (HD) evidential quality in all lighting conditions in particular facial recognition. Cameras must cover the entire licensed area including the curtilage of the premises.
3. CCTV equipment must be maintained in good working order, be correctly time and date stamped and must be retained for a minimum period of 28 consecutive days.
4. The premises licence holder must ensure at all times that an appointed member of staff is present when the premises is conducting a licensable activity, who is capable and competent at using the CCTV system and downloading CCTV footage on their own recordable media, and be able to hand this footage over to the Police / Local Authority on request.
5. All images downloaded must be provided in a format that can be viewed on readily available equipment without the need for specialist software.

6. The operator will stock their own downloaded media. The recording equipment and discs/USB pen drives must be kept in a secure environment under the control of the DPS or other responsible named individual.
7. 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.
8. A 'Refusals Register' will be kept at the premises and maintained by all staff, detailing declined sales to those suspected of being underage or drunk. The register will include the date and time of the potential sale, what product was refused and a brief description of the person and the name and signature of the person who refused the sale. This register will be produced to a Police Officer / Local Authority Officer upon request.
9. All non APLH qualified staff will be trained immediately with regards to the sale of alcohol under the Licensing Act 2003 prior to making any alcohol sales. This training must be ongoing, documented on relevant training records and made available for inspection by the Police / Local Authority on request.
10. Alcohol will only be sold ancillary to a meal purchase and consumed within the premises.

#### **Promote Public Safety**

11. Adequate and appropriate first aid equipment and materials must be available on the premises.
12. Valid public liability insurance must be kept in force and a copy of the schedule must be available for inspection by a Police Officer / Local Authority Officer.
13. 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.

#### **Prevent Public Nuisance**

14. Any music at the premises will be unamplified and only as ambient background sound.
15. There will be no window display posters or similar advertising containing reference to alcohol on the premises frontage or the highway abutting the premises.
16. No person will be allowed to enter or leave the premises with an open vessel of alcohol and the licensee will proactively discourage persons from congregating at the front of the store.
17. A clear & legible notice will be displayed in a prominent location at the exit from the shop asking customers to respect local residents and to leave the area quietly.
18. Waste collection contractors will not collect refuse from the premises between 21:00hrs and 07:00hrs. Any litter or waste must be contained within the boundary of the premises (as indicated on the plan) and regularly cleared.
19. Receptacles for waste will be placed at the front of the premises, and the front of the premises will be kept litter free. These receptacles will be emptied on a regular basis to avoid public nuisance through smells or odours and shall be maintained in a clean condition.

20. Trade waste containers will only be left out on the day of collection and will be stored off the public right of way at all times.

#### **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. Any person selling or supplying alcoholic drink or other age restricted product must have received appropriate training, act under the authority of a personal license holder (DPS Authorisation), and must ask for photo ID proof of age where they have reason to believe that the individual may be less than 25 years of age.
23. No person under 18 will be allowed on the premises after 20:00hrs and must be accompanied by an appropriate adult at all other times.

If the applicant is willing to accept the aforementioned proposals there will be no further representation from the Constabulary.

Kind regards

PC1572 Grahame Robinson  
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