

<b>LICENSING ACT 2003 SUB COMMITTEE</b>		<b>AGENDA ITEM No. 3</b>
<b>21 APRIL 2010</b>		<b>PUBLIC REPORT</b>
Contact Officers:	Adrian Day, Licensing Manager Darren Dolby, Licensing Regulatory Officer	Tel: 454437 Tel. 453561

<b>APPLICATION:</b>	Review of Premises Licence
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<b>PREMISES:</b>	Portuguese Social Club 124 / 126 Gladstone Street, Peterborough, PE1 1BL
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<b>REFERENCE NUMBER:</b>	MAU 058710
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<b>GLOSSARY OF TERMS:</b>	Attached at <b>Appendix A - Page 5</b>
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## 1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for a review of a Premises Licence under Section 51 of the Licensing Act 2003 for the above premises, taking into account the representation made by Cambridgeshire Constabulary in their capacity as a Responsible Authority, a letter and petition from local residents in their capacity as interested parties and a letter of support of the review by children services. The review was bought under the Prevention of Crime and Disorder and the Prevention of Public Nuisance objectives.

## 2. BACKGROUND INFORMATION

- 2.1 On the 1<sup>st</sup> August 2005 an application was made to Peterborough City Council to apply for a conversion and variation of an existing justice's licence to a premises licence as per schedule 8 of the Licensing Act 2003. This application was for the Gladstone Arms which was the original name of the licensed premises situated at 124 / 126 Gladstone Street. As no representations were received from any of the responsible authorities or from any interested party, the premises licence was granted on the 18<sup>th</sup> October 2005. A copy of the original premises licence, number 45540, is attached at **Appendix B - Page 9**.
- 2.2 On the 24<sup>th</sup> April 2006 an application for a new Club Premises Certificate was made by the Portuguese Social Club for the premises at 124 / 126 Gladstone Street. After full consultation the Certificate was granted on 25<sup>th</sup> May 2006. A copy of this Club Premises Certificate is attached at **Appendix C - Page 27**. The original converted premises licence was surrendered upon the granting of the Certificate.
- 2.3 An application to vary the Club Premises Certificate was applied for on 6<sup>th</sup> October 2006 to extend the authority to play live and recorded music until 1.30am on a Friday and Saturday. As there were no representations against the application the variation was granted on 6<sup>th</sup> November 2006.

**2.4** On 16<sup>th</sup> October 2007 an application for a new Premises Licence was made by Mr Celso Lourenco & Mr Pedro Lourenco for the premises. This application went to mediation after a valid representation was made by Peterborough City Council's Noise Pollution Team. A number of conditions appeasing the Noise Team's concerns were agreed and the Premises Licence, number 50734, was granted on 14<sup>th</sup> November 2007. The Club Premises Certificate for the premises was surrendered upon the granting of the Premises Licence.

**2.5** On 8<sup>th</sup> February an application was received to transfer the Premises Licence Holder to Mr Manuel da Silva and Mr David Narquel Carvalho. A further Premises Licence Holder variation was applied for on 11<sup>th</sup> March 2008 to transfer the licence to Mr Pedro Lourenco. A copy of this licence, number 51390 which is the current Premises Licence is attached at **Appendix D - Page 43**. Both these variations were unopposed by the Police.

**2.6** As part of the mediation process an application for a minor variation was applied for by the Premise Licence Holder. This is dealt with within the 'Mediation' part of this report at Section 5.

**3. APPLICATION**

**3.1** In accordance with section 51 of the Licensing Act 2003 following the submission of an application to review the premises licence from Cambridgeshire Constabulary, a Responsible Authority, the licensing authority must hold a hearing.

**3.2** A copy of the application to review, which was received at these offices on 24<sup>th</sup> February 2010 is attached at **Appendix E - Page 57**.

**3.3** A 'Notice' was displayed on the premises in accordance with Part 5 no. 38 of Statutory Instruments 2005 No. 42 – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005

**3.4** A letter of support for the review has been received from children services, but not from any of the other remaining Responsible Authorities. The letter of support from children services is attached at **Appendix F - Page 65**. A letter and a petition containing the details of 35 local residents have been received. A plan indicating the location of these interested parties in relation to the premises is attached at **Appendix G – Page 67**.

**4. RESPONSIBLE AUTHORITY / INTERESTED PARTIES**

LICENSING OBJECTIVE:	REPRESENTATIVE:
<p><b>Prevention of Crime and Disorder</b></p> <p><b>Public Nuisance</b></p>	<p><b>Responsible Authority:</b> Cambridgeshire Constabulary As per the application for review attached at <b>Appendix E - Page 57</b></p> <p><b>Responsible Authority:</b> Children's Social Care Services. A letter of support for the review is attached at <b>Appendix F - Page 65</b></p> <p><b>Interested Parties:</b> A petition containing the details of 35 local residents</p> <p><i>To comply with the Data Protection Act all letters have been distributed to Committee Members and the applicant, but are not for public circulation</i></p>

#### **4.1 Summary of issues raised by Responsible Authorities and Interested Parties.**

- Incidents of excessive noise.
- An incident of Violent Disorder attributable to the premises.
- Incidents of Anti Social Behaviour in and around the premises

#### **5 LICENSING OFFICERS COMMENTS**

**5.1** Mediation has taken place between the Premises Licence Holder's representative, the Police and a local resident Mr Shaffiq Mohammed who was also representing other local residents.

**5.2** A mediated agreement was initially reached between all parties in which the Premises Licence Holder agreed to apply for a minor variation to the premises licence to appease all parties. Amongst the variations applied for was the reduction of hours of all licensable activities until 11pm. The full Minor Variation Application form is attached at **Appendix H - Page 69**. However Mr Shaffiq wrote to the Licensing Authority on 23<sup>rd</sup> March 2010 on behalf of himself and local residents stating that they opposed the Minor Variation and wished for stricter conditions being placed on the licence. A petition containing the details of 35 local residents was sent in with this letter.

**5.3** As the Minor Variation was unable to be processed and granted the original application for a review of the premises licence must be determined by the Licensing Act 2003 Sub Committee.

#### **6. POLICY & GUIDANCE IMPLICATIONS**

**6.1** The following sections/paragraphs are applicable to this application:

##### **6.2 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*

##### **6.3 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*

#### **7. LEGAL OFFICER'S COMMENTS**

**7.1** The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a review of a premises licence following the application by Cambridgeshire Constabulary (Responsible Authority) to review the premises licence made under section 51 of the Licensing Act 2003.

**7.2** In this case, the application was received at these offices on 24<sup>th</sup> February 2010.

**7.3** The application before this committee will consider –

- (i) The application to review the licence,
- (ii) Any relevant representations

**7.4** The committee will take such of the steps as it considers that action is necessary for the promotion of the licensing objectives. The steps are –

- (a) to modify the conditions of the premises licence

- (b) to exclude a licensable activity from the scope of the licence
- (c) to remove the designated premises supervisor from the licence
- (d) to suspend the licence for a period not exceeding three months, or
- (e) to revoke the licence

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added

**7.5** In addition the guidance issued under section 182 of the Licensing Act 2003 states:

‘The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. But, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvements – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.