

LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No. 3.
22 January 2024		PUBLIC REPORT
Contact Officers:	Maria Crowe, Trainee Regulatory Officer Darren Dolby, Licensing Regulatory Officer	Tel. 453426 Tel. 453540

APPLICATION: NEW PREMISES LICENCE

APPLICANT: Mr Alfredo Correia

REFERENCE NO: 124535

PREMISES: Temptation Taste of Portugal, 1237 Bourges Boulevard, New England, Peterborough, PE1 2AU

GLOSSARY OF TERMS: Attached at **Appendix A** on **Page 8**

1. PURPOSE OF REPORT

1.1 To consider and determine this application for a new premises licence for Temptation Taste of Portugal, 1237 Bourges Boulevard, New England, Peterborough, PE1 2AU taking into account the representations against the application that have been received.

2. BACKGROUND INFORMATION

2.1 This is a new application for a premises licence at the premises. This premises has never been licenced as it was formerly a bakery.

2.2 Since 18th April 2013 the Licensing Authority has adopted a special policy relating to the cumulative impact in respect to all licensed premises within the ‘Operation Can – Do’ area. An explanation of what this special policy entails can be found on page 11 of the Council’s Statement of Licensing Policy. The Council’s Cumulative Impact Assessment statement can be found at **Appendix C Page 29** which includes a map of the CIA area.

2.3 The premises fall within the ‘Operation Can – Do’ area and is therefore subject to the provisions of the special ‘cumulative impact’ policy.

3. AUTHORISATIONS AND TIMES APPLIED FOR

- **Sale of alcohol for consumption both on and off the premises**

Monday to Sunday 10:00 to 22:00

4. APPLICATION

4.1 Please refer to the application attached at **Appendix B – Pages 11**

4.2 Representations against the application being granted have been received from Cambridgeshire Constabulary and Peterborough City Councils Public Health team in their

capacity of a 'Responsible Authority', and from Peterborough City Council Safer Community Service, in their capacity of 'other persons'. These representations are attached at **Appendices D, E and F on Page 39, 45 and 51.**

- 4.3 Part P of the application sets out the applicant's proposed conditions under the licensing objectives, these being, 'The Prevention of Public Nuisance', 'Public Safety', 'Prevention of Crime and Disorder' and 'The Protection of Children from Harm'. These are also contained within the body of this report (in section 7) and in accordance with section 10.5 of Guidance have been interpreted into enforceable conditions. Only those appropriate and proportionate for the promotion of the licensing objectives have been included in the Operating Schedule.
- 4.4 No representations have been received from any other of the Responsible Authorities, Peterborough Trading Standards, Cambridgeshire Fire and Rescue Service, Licensing Authority, Peterborough City Council Planning Department, Peterborough City Council Health & Safety Department, Peterborough City Council Environmental Pollution Team, or Children's Services.
- 4.5 A 'Notice' was displayed in the newspaper in accordance with Part 4 No. 25 of Statutory Instruments 2005 No. 42 – The licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

5. REPRESENTATIONS

- 5.1 Summary of issues raised in the representations against the application being granted:
- The granting of the licence would increase the availability of alcohol in the area leading to a negative impact on the licensing objectives, especially the prevention of crime and disorder objective.
 - The granting of the licence would contribute to anti-social behaviour and crime in the area.
 - The increase in alcohol related hospital admissions.
- 5.2 Members should note that the correspondence attached against the application are in their entirety. Please note that not all matters raised within the representations are relevant matters for consideration under the Licensing Act 2003. It is up to the Committee to decide upon what 'weight' they attach to these areas.

6. MEDIATION

- 6.1 Mediation has not been undertaken.

7. APPLICANT'S PROPOSED CONDITIONS UNDER THE LICENSING OBJECTIVES:

7.1 Crime and disorder

The premises shall install and maintain a comprehensive digital colour CCTV system. All public areas of the licensed premises, including all public entry and exit points, and the street environment will be covered, enabling facial identification of every person entering in any light condition. The CCTV cameras shall continually record while the premises are open to the public and recording shall be kept available and unedited for a minimum of 28 days with the date and time stamping. A staff member who is conversant with the operation of the CCTV system shall be present on the premises at all times when they are open to the public and must be able to produce/download/ burn CCTV images upon request by a police officer or an authorised officer of the licensing authority. Any footage must be in a format that can be played back on a standard personal computer or standard DVD player. Where the recording is on a removable medium (ie. compact disc, flash card etc), a secure storage system to store those recording mediums shall be provided.

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) regarding installation of CCTV is provided at the premises.

The premises licence holder shall ensure, by the completion of a risk assessment, that the provision of door supervisors at the premises is appropriate to ensure the safe control of the premises and shall review this on a regular basis and upon request from the Police and/or the Licensing Authority.

An incident log (which may be electronically recorded) shall be kept at the premises for at least six months, and made available on request to the police or an authorised officer of the licensing authority, which will record the following incidents including pertinent details:

- (a) all crimes reported to the venue, or by the venue to the police
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs, offensive weapons, fraudulent ID or other items
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any faults in the CCTV system, searching equipment or scanning equipment
- (i) any visit by a relevant authority or emergency service
- (j) the times on duty, names and the licence numbers of all licensed door supervisors employed by the premises.

Documented written/online records of training shall be completed and kept for each member of staff. Training shall be regularly refreshed and at no greater than 6 monthly intervals. Training records shall be made available for inspection upon request by a Police officer or an authorised officer of the Licensing Authority. Training shall include (but not exclusively):

- a) Responsibilities under the Licensing Act 2003
- b) Relevant age restriction in respect of alcohol sales i.e. challenge 25
- c) Recognising signs of drunkenness, refusing service
- d) Actions to be taken in an emergency/reporting an incident to emergency services
- e) Crime scene management (i.e. spiking/assaults/sexual assaults)
- f) Drugs policy
- g) Safeguarding (children and vulnerable persons)
- h) Spiking
- i) Suspicious packages
- j) VAWG (violence against women and girls) preventative training.

A log (which may be electronically recorded) shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale, and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Licensing Authority at all times while the premises are open.

The Designated Premises Supervisor shall ensure that a written notice of authority is kept at the premises for all staff who sell alcohol ('DPS Authorisation List' or similar). The notice shall be made available for inspection upon request of the police or an authorised officer of the licensing authority and all staff selling alcohol must be in possession of formal identification to verify their identity against the notice.

The only alcohol permitted to be sold at the premises, for both, on and off sales, will be confined to premium wines and beers.

No beer over 5% ABV will be sold at the premises.

Labels/stickers will be attached to every vessel of alcohol sold, clearly identifying that the alcohol was purchased at Temptation – Taste of Portugal.

7.2 **Public Safety**

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.

Valid public liability insurance shall be kept in force and a copy of the schedule will be displayed at the venue and made available for inspection by an authorised Local Authority or Police Officer on request.

7.3 **Prevention of Public Nuisance**

Music played at the premises shall be background only. For the purposes of this condition, 'background' means music that is inconspicuous i.e., it is possible to hold a conversation at normal volume with the music playing.

The premises licence holder, or a responsible person nominated by them in writing, shall receive and respond to complaints throughout the duration of all licensable activities. These complaints shall be recorded, and the records made available to the local authority upon request. Such records shall be retained for a minimum of 2 years.

Alcohol consumed outside the premises shall only be consumed by patrons seated at tables.

7.4 **Protection of Children**

The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises & signage will be prominently placed within the premises advertising the fact that the premises operate the 'Challenge 25' initiative.

8. POLICY & GUIDANCE IMPLICATIONS

8.1 The following sections/paragraphs are applicable to this application:

8.2 **Council's Statement of Licensing Policy**

- Objectives, Section 4 on Page 6
- Fundamental Principles, Section 6 on Page 8
- Licence Conditions, Section 15 page 18
- Delegation / Decision Making / Administration, Section 18 on Page 20

8.3 **Guidance Issued under Section 182 of the Licensing Act 2003 April 2018**

- The Licensing Objectives – Section 2 pages 6 to 12
- Applications for Premises Licences – Section 8 pages 55 to 72
- Determining applications – Section 9 pages 74 to 82
- Conditions Attached to Premises Licences – Section 10 page 83 to 95

9. LICENSING OFFICER'S COMMENT (FOR INFORMATION)

9.1 Regulation 19(a) requires authorities to disregard any information given by a party or person that is "not relevant" to the application.

10. LEGAL OFFICER'S COMMENTS

10.1 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 new licence made under Section 17 of the Licensing Act.

10.2 In this case, the application was received at these offices on 27 November 2023.

- 10.3 The application before this Committee will be treated on its own merits, and the Licensing committee will make its decision based upon:
- The merits of the application.
 - The promotion of the four licensing objectives.
 - The statement of policy of the Licensing Authority; and
 - The Guidance issued by the Secretary of State for Culture, Media, and Sport under section 182 of the Licensing Act 2003 – April 2018.
- 10.4 The licensing authority may determine the application, depending upon what is appropriate for the promotion of the licensing objectives, in any of the following ways:
- Decide to grant the licence in the same terms as it was applied for;
 - Decide to grant the licence, but to modify or add conditions (to promote the licensing objectives);
 - Exclude from the scope of the licence a licensable activity; and
 - Decide to refuse to grant the licence.
- 10.5 Conditions are modified if they are altered, omitted or any new condition added (Section 35(4) Licensing Act 2003).

APPENDIX A

LICENSING ACT 2003

GLOSSARY OF TERMS

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases, they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

'Child'

- (a) means an individual aged under 16
- (b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

DCMS: Department for Culture Media and Sport

'Designated Premises Supervisor' means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

'Other Persons':

- persons who live, or are involved in a business, in the relevant licensing Authorities area and who are likely to be affected by the application and are not a Responsible Authority.

'Late Night Refreshment' means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

'Licensable Activities' means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

'Licensing Authority': - is the licensing function of Peterborough City Council

'Licensed Premises' includes club premises and events unless the context otherwise requires.

'Licensing Objectives'

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

'Operating Schedule' means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives

'Challenge 25' means that a retailer will ask for proof of identification if they have reason to believe that the person making a purchase of alcohol is under the age of 25.

'Rateable Value': as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

'Regulated Entertainment' (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Except where there is an exemption under the Live Music Act 2012 or Statutory Instrument 2013 No. 1578 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

'Relevant Licensing Authority': is the Authority in the area the premises are situated.

'Responsible Authority' means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children's Services – Child Protection & Review Manager
- Primary Care Trust or Local Health Board (Director of Public Health)
- The Relevant Licensing Authority, Peterborough City Council
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

'Supply of alcohol':

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

'Temporary Event Notice' means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 168 hours (7 days);
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

'the Act': means the Licensing Act 2003

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