



Meeting of the Licensing Act 2003 Sub-Committee

held in the Bourges/Viersen Rooms, Town Hall, Peterborough on 22 January 2024, 1.30pm

RECORD OF PROCEEDINGS

To be read in conjunction with the agenda for the meeting.

[\(Public Pack\)Agenda Document for Licensing Act 2003 Sub-Committee, 22 January 2024, 1.30pm \(peterborough.gov.uk\)](#)

Should you wish to listen to the debate had, please visit download the audio recording at:

[Licensing Act 2003 Sub-Committee - 22 January 2024, 1.30pm \(audio recording\)](#)

1. Apologies for Absence	There were no apologies for absence received.
2. Declarations of Interest	There were no declarations of interests made.
3. Application	New Premises Licence - Temptation Taste of Portugal, 1237 Bourges Boulevard, New England, Peterborough, PE1 2AU
3.1 Application Reference	124535
3.2 Sub-Committee Members	Cllr Ray (Chairman) Cllr S Bond (Vice Chairman) Cllr Thulbourn
3.3 Officers	Maria Crowe, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee Karen Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
3.4 Applicant	Mr Alfredo Correia
3.5 Nature of Application	<u>Application Type</u> New Premises <u>Summary of New Premises Licence Application</u> In accordance with the Licensing Act 2003, following the submission of an application for a new premises licence for Temptation Taste of Portugal, 1237 Bourges Boulevard,

	<p>New England, Peterborough, PE1 2AU, which had attracted representations in objection to the application, the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> • 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. • The premises was located within the 'Operation Can – Do' area and was therefore subject to the provisions of the special 'cumulative impact' policy. <p>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,</p> <ul style="list-style-type: none"> • Monday through to Sunday from 1000hrs to 2200hrs.
3.6 Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> 1. The Prevention of Crime and Disorder 2. The Prevention of Public Nuisance 3. The Protection of Children from Harm 4. Public Safety
3.7 Parties/Representatives and witnesses present	<p><u>The Licensing Authority</u></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant</u></p> <p>Mr Alfredo Correia</p> <p><u>Responsible Authority</u></p> <p>PC Hawkins, Cambridgeshire Constabulary</p> <p><u>Other Persons</u></p> <p>Laura Kelsey, Safer Communities</p>
3.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.
3.9 Oral representations	All parties were given the opportunity to present their case and oral representations were provided by:

	<p>Maria Crowe, The Regulatory Officer Mr Correia, the Applicant PC Hawkins, Cambridgeshire Constabulary, Responsible Authority Objector Laura Kelsey, Safer Communities, Other Persons Objector <u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions.</p>
<p>3.10 Written representations and supplementary material taken into consideration</p>	<p><u>Applicant</u></p> <p>Consideration was given to the application for a New Premises Licence, attached to the Sub-Committee report.</p>
<p>3.11 Facts/Issues in dispute</p>	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the ‘Prevention of Crime and Disorder’ Licensing Objective.</p> <p><u>Issue 2</u></p> <p>Whether the premises licence application would further support the ‘Prevention of Public Nuisance’ Licensing Objective.</p> <p><u>Issue 3</u></p> <p>Whether the premises licence application would further support the ‘Protection of Children from Harm’ Licensing Objective.</p> <p><u>Issue 4</u></p> <p>Whether the premises licence application would further support the ‘Public Safety’ Licensing Objective.</p>
<p>3.12. Decision</p>	<p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</p> <p>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,</p> <ul style="list-style-type: none"> • Monday through to Sunday from 1000hrs to 2200hrs.

	<p>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</p> <p>The Sub-Committee considered the representations made and in writing from:</p> <ul style="list-style-type: none"> • Laura Kelsey, Safer Communities as "other person" • The police in their capacity as a Responsible Authority • Ben Williams, Kings Chambers, Representative for the Applicant <p>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.</p> <p>Such behaviour included public order, criminal damage, violence and sexual offences.</p> <p>The police list the number of licensed premises in the area and stated the area was at saturation point.</p> <p>Safer Communities conducted a consultation during 2023 in the area and residents were concerned about, amongst other things:</p> <ul style="list-style-type: none"> • Drinking and drug abuse • General safety • Perceived increased and prevalence of alcohol • Alcohol related anti social behaviour and domestic abuse <p>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.</p> <p>The Applicant in support of the licence being granted stated:</p> <ul style="list-style-type: none"> • 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
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- 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.

	<p>In the Licensing Authority’s Statement of Licensing policy at paragraph 12.4 it states:</p> <p>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.</p> <p>And at paragraph 12.11</p> <p>Applicants will need to address the cumulative impact in their operating schedules in order to rebut such a presumption.</p> <p>We have disregarded irrelevant matters that do not promote the licensing objectives.</p> <p>The Decision</p> <p>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.</p>
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AGENDA ITEM 4. PREMISES LICENCE REVIEW - UK PLUS EU – 27 BROADWAY, PETERBOROUGH, PE1 1SQ

4. Application	Premises Licence Review - UK Plus EU – 27 Broadway, Peterborough, PE1 1SQ
4.1 Application Reference	MAU: 125014
4.2 Sub-Committee Members	Cllr Rylan Ray (Chair) Cllr S Bond (Vice Chair) Cllr Thulbourn
4.3 Officers	Darren Dolby, Regulatory Officer Colin Miles, Lawyer – Legal Advisor to the Sub-Committee

	Karen Dunleavy, Democratic Services Officer – Clerk to the Sub-Committee
4.4 Applicant	Cambridgeshire Constabulary
4.5 Nature of Application	<p><u>Application Type</u></p> <p>Review of Premises Licence</p> <p><u>Summary of Premises Licence Review Application</u></p> <p>In accordance with the Licensing Act 2003, following the submission of an application for a premises licence review for UK Plus EU – 27 Broadway, Peterborough, PE1 1SQ , the Licensing Authority was required to hold a hearing.</p> <p>A summary of the issues raised by persons objecting to application included:</p> <ul style="list-style-type: none"> • On 13 November 2023 a known shoplifter entered the store in possession of goods which had been stolen from a store in Hereward Cross. The shoplifter left the store and was arrested nearby. Police then entered the store and recovered 2 boxes of stolen chocolate bars from the rear storeroom. • Based on the above the store is suspected of selling stolen goods. • Behind the store’s main counter Police found a metal pole which appeared to have been adapted to use as a weapon. • Section 11.28 of Guidance (issued under section 182 of the Licensing Act 2003) recommends that revocation of the licence even in the first instance, should be seriously considered where reviews arise and the licensing authority determines, that the crime prevention objective is being undermined through the premises being used to further crimes.
4.6 Licensing Objective(s) under which representations were made	<ol style="list-style-type: none"> 1. The Prevention of Crime and Disorder 2. Public Safety
4.7 Parties/Representatives and witnesses present	<p><u>The Licensing Authority</u></p> <p>The Regulatory Officer, who presented the case on behalf of the Licensing Authority.</p> <p><u>Applicant</u></p> <p>PC Hawkins, Cambridgeshire Constabulary</p> <p><u>Licence Holder and Representative</u></p>

	<p>Mr Alan Amer Mr Fayak</p> <p><u>Other Persons</u></p> <p>Laura Kelsey, Safer Communities</p>
4.8 Pre-hearing considerations and any decisions taken by the Sub-Committee relating to ancillary matters	There were no pre-hearing considerations.
4.9 Oral representations	<p>All parties were given the opportunity to present their case and oral representations were provided by:</p> <p>Darren Dolby, Regulatory Officer PC Hawkins, Cambridgeshire Constabulary Laura Kelsey, Safer Communities, Other Persons Mr Kayak, Licence Holder's Representative.</p> <p><u>Summing Up</u></p> <p>All parties were given the opportunity to summarise their submissions.</p>
4.10 Written representations and supplementary material taken into consideration	<p><u>Applicant</u></p> <p>Consideration was given to the application for a Premises Licence Review, attached to the Sub-Committee report.</p>
4.11 Facts/Issues in dispute	<p><u>Issue 1</u></p> <p>Whether the premises licence application would further support the 'Prevention of Crime and Disorder' Licensing Objective.</p>
4.12 Decision	<p>The Sub-Committee listened to all the evidence put before it and also took into account the contents of the application and all representations and submissions made in relation to it. The Sub-Committee found as follows:-</p> <p>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.</p> <p>The review was supported by Safer Communities as "other person".</p>

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.

	<p>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.</p> <p><u>The Decision</u></p> <p>In order to promote the licensing objective in question, the Sub-Committee believed it was necessary to:</p> <ul style="list-style-type: none">• REVOKE the premises licence for the premises, known as UK Plus EU – 27 Broadway, Peterborough, PE1 1SQ.
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Chairman

1.30 Start pm – 15:57 End pm

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