

PETERBOROUGH CITY COUNCIL

5 - JUL 2011

ENVIRONMENTAL HEALTH

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I South Central East Residents Association (SCERA)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Marisqueira Restaurant, 62 Cromwell Road, Peterborough

Post town Peterborough

Post code (if known) PE1 2EG

Name of premises licence holder or club holding club premises certificate (if known)

Mr Joaquim Mendes, 92a Gladstone Street, Peterborough, [REDACTED]

Number of premises licence or club premises certificate (if known)

057609

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Mohammed Saeed
63 Russell Street
Peterborough
PE1 2BJ

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

There are a whole host of issues that impact on the quality of life of local residents that clearly emanate from the said premises. Below is a list of the problems/ issues that are being caused by the customers using the premises.

These and other similar incidents of antisocial and violent behaviour occur regularly and particularly on Friday and Saturday nights, between the times of 12.00 midday to 5am. We also believe there are other licencing conditions that are not being adhered to (i.e closing at 3am, doors and windows are kept open while loud music is being played).

1. Noise which includes loud music, screaming and shouting, abusive language and fighting. The premises are advertised as a Café/Restaurant but actually it runs more on a bar/night club model.

2. Loud music is being played in the premises resulting in local residents including school children and the elderly being woken or kept up till beyond 02.00 am and being deprived of a proper nights sleep. This is made worse by the fact the premises keeps all its windows and doors open during business hours, which is in clear contravention of the existing conditions of licence.

3. Screaming & shouting not just outside the premises when the customers leave but continuing along the streets as they leave the area in the early hours of the morning.

4. Anti social behaviour, when leaving the premises such as urinating in local gardens and streets and being abusive and threatening residents when asked to stop.

5. Violence with regular fights starting inside the premises and continuing onto the street outside

6. Criminal damage to local property and vehicles.

7. Foul and abusive language amongst the users of the premises and at times this is also targetted at passers by and local residents including women and children.

8. Blocking off the pavement and drinking outside the premises at various times by customers.

RECOMMENDATIONS:

We the local residents appreciate that this is a business and we have nothing against it in principal therefore, we are not asking for the licence to be revoked. We respectfully request the panel to impose the following conditions which we hope will allow the business to continue and more importantly alleviate the problems/issues that are being caused by the business at the present time.

A) The opening hours be reduced to 11pm every evening of the week. - This will help to reduce the antisocial behaviour, the violence (fighting), urianting in public, breaking bottles etc.

B) We ask that the premises only be allowed to play incidental music. - This will alleviate the problems of noise pollution being suffered by local residents. We feel this should not be an issue as the premises is a Cafe/Restaurant and therefore only minimal background music is required.

Please provide as much information as possible to support the application
(please read guidance note 2)

(1)

Date: 27th May 2011
Mr Mohammed Saeed
Address: Russell Street
Time: 11.30pm

After parking my car outside outside 25 Russell Street, I had to walk past the Marisqueira Restaurant on 62 Cromwell Road, Peterborough to get to my house. As I got closer to the junction of Cromwell Road & Russell Street I could see a brawl was taking place between 30-40 people outside the Marisqueira Restaurant. People were running in and out of the premises some trying to stop the fighting while others were getting involved. I placed a call to the emergency services to request the Police to attend 62 Cromwell Road as a fight was in progress. People fighting had flowed out onto the road and pavement on both sides of Russell street therefore blocking the road for oncoming traffic. There was lots of shouting and swearing in addition to the fight that was happening. I could see that there were quite a few local residents including children who had come out to see what was happening and they were clearly very frightened at seeing the violence. I know this incident was directly associated with the Marisqueira Restaurant as I clearly saw people coming out and getting involved in the violence and others who were trying to break up the fight taking people back inside the premises.

2.

Rukhsana
Russell Street
Date: 15th May 2011
Time: 03.30am

From 10.00pm on Saturday 14th May 2011 until around 4am on Sunday 15th May 2011, there was constant disruption for us due to the very loud music being played in the Marisqueira Restaurant, 62 Cromwell Rd, Peterborough. I have a child who suffers from a rare medical condition which requires constant 24 hour supervision. During the night she has a nurse stay with her to change her medication whilst she sleeps and although we regularly have to put up with loud music until the early hours of the morning both me and the nurse particularly remember this occasion as on the night concerned we felt very scared due to the high level of anti social behaviour that accompanied the very loud music. From past experience of suffering verbal abuse and threats of violence from Marisqueira's customers when I had asked them to keep the noise down, this time I was too scared to open the front door to have a look. Instead I and the nurse looked out of my bedroom window, and saw the doors and windows of the Marisqueira Restaurant fully open and could clearly hear the music bellowing from the premises along with a group of rowdy people standing outside smoking, drinking and shouting at each other and passers by. As I watched I saw two of them throw bottles onto the road and one of them hit a car parked opposite my house. The noise and antisocial behaviour has been steadily getting worse with every weekend this year.

Further incidents continued on attached sheet:

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them



Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

..... *M. J. J.*

Date

..... *05/07/2011*

Capacity

..... *Resident*

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

(5

Mr Mohammed

Russell Street

Date: 3rd June 2011

Me and my wife found it hard to sleep on the night of Friday 3rd June 2011 due to the loud dance music emanating from the Marisqueira Restaurant, 62 Cromwell Rd, Peterborough. At around 3am the intensity of the noise increased due to the amount of people congregating outside the premises, I looked out of my bedroom window I could see people fighting, screaming and shouting, and also blue lights flashing. It was only the next day that I discovered that a brutal attack had occurred on an innocent taxi driver.

I have been disturbed by the goings on at the Marisqueria Restaurant for many months now. My daughter has lodged a complaint with the City Council for some time now with regards to the level of noise and nuisance coming directly from the Marisqueira Restaurant, 62 Cromwell Road, Peterborough and its patrons.

(3)

Mr Younis

Cromwell Road

Date: 23rd April 2011

I live a few houses away from the Marisqueira Restaurant on Cromwell Road Peterborough. On the above night loud music was being played at the Marisqueira Restaurant, from 6pm until 3.30am. I am a cancer sufferer and found it very difficult to sleep on the above night, along with the loud music there was a constant gathering of people outside the Marisqueira Restaurant, talking loudly, smoking, drinking and shouting. I felt scared to step outside my house and could not approach anybody for help. I called the police who advised me that it was a council issue and they could not help. I then out of frustration at 1am made my way outside into my front garden where upon I found three men sitting on my garden wall drinking. I approached the men and asked them if they could kindly keep the noise down as we were trying to sleep and for them to stop sitting on my wall. The three of them laughed at me and said something in a foreign language and one of them smashed his bottle against the front wall of my house and walked towards the Marisqueira Restaurant. I then stepped out on to the footpath and could see up to 10 people standing outside the Marisqueira Restaurant and being very noisy. I witnessed the three gentlemen who I asked to move off my wall enter the Marisqueira Restaurant. In the morning I discovered empty beer bottles in my front garden.

The noise and antisocial behaviour has been steadily getting worse over the past few months.

(4)

Mr Zahid

Cromwell Road

Date: 6th May 2011 to the 4th June 2011

Due to the high number of times we suffer from noise and anti-social behaviour from the Marisqueira Restaurant on Cromwell Road, I have now been keeping a diary of these instances since early May 2011. I can confirm that on these nights: Friday 6th May, Saturday 7th May, Friday 13th May, Saturday 14th May, Friday 20th May, Saturday 21st May, Friday 27th May, Saturday 28th May, Friday 3rd June, Saturday 4th June 2011, loud music was being played from the Marisqueira Restaurant with people congregating outside the premises smoking, shouting, and talking loudly and on occasions violence has flared. I arrive home between the hours of 1-2am on the weekends due to my work commitments. The noise is also troubling to my family and neighbours who find it hard to sleep at the weekends.

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