

## **RECORD OF DECISION**

### **LICENSING SUB-COMMITTEE**

**DATE OF HEARING: TUESDAY, 9 JULY 2024**

**MEMBERS: Councillors B S Banks, P A Jordan and N Wells (Chair)**

**APPLICATION CONSIDERED: LITTLE PIGGY CAFE, 21 HIGH STREET, FENSTANTON, CAMBRIDGESHIRE PE28 9JZ**

#### **We heard representations from the following persons:**

The Applicant

Responsible Authorities – Huntingdonshire District Council Environmental Health

#### **We found the following facts:**

1. The Business has been in operation as a café since March 2023.
2. The Business employs 6 permanent members of staff and 5 of them live in the village.
3. The Application relates to the Café area and outdoor sitting area.
4. The main objections from interested parties were in relation to Noise nuisance and public safety.
5. The responsible authorities made representations in relation to their concerns about health and safety regarding the safety of the outdoor sitting area.

#### **In making our decision we considered the following:**

- ❖ Statutory provisions referred to in the report
- ❖ Statutory Guidance referred to in the report
- ❖ Huntingdonshire District Council's Statement of Licensing Policy
- ❖ Licensing Officer's Report
- ❖ Advice from the District Council's Legal Representative
- ❖ Submission from the Applicant
- ❖ Representations from those listed above
- ❖ Written representations from those not present at the hearing
- ❖ Suggested amendments from the Applicant

- ❖ Responses to questions asked by Members and those attending the hearing.

**We did not consider the following matters to be relevant:**

1. Ongoing planning application is not relevant to the licensing objectives.
2. Signatures of support provided on the day by the applicant.

Our reasons for this are:

1. Judgement can only be made on the existing premises.
2. The submission of the signatures was late.

**Our decision is as follows:**

**To Grant the License for the retail sale of alcohol; on sales only inside the café premises, excluding the outdoor area from the plan, subject to the following conditions as provided by the police:**

1. All serving staff will undertake responsible alcohol sales training prior to engaging in the sale of alcohol. Refresher training will be carried out at least once every 12 months. Fully auditable training records should be maintained for all staff in respect of the sale of alcohol. These will be made available for inspection upon request to the Police and all other Responsible Authorities.
2. A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.
3. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable photographic driving licences, passports, HM forces cards, or a form of identification with the "PASS" hologram.
4. The premises licence holder shall ensure that notices shall be prominently displayed in the premises to advise patrons and staff that a 'Challenge 25' scheme operates in the premises.
5. Prominent, clear and legible notices at all exits will be displayed requesting patrons departing to respect the needs of local residents and to leave the premises and the area quietly.
6. The premises licence holder shall install and maintain a comprehensive CCTV system. The outdoor licensed seating area will be covered, as will customers entry and exit points which will enable frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of the police or an authorised officer throughout the preceding 31-day period. A staff member from the premises who is conversant with the operation of the CCTV system shall always be on the premises when the premises are open to the public. This staff member shall be able to show police recent data or

- footage with the absolute minimum of delay when requested and be able to download relevant footage onto a disc or memory stick.
7. Staff will take reasonable steps to ensure that customers do not take partly consumed alcoholic products or drinking receptacles away from the premises.
  8. A Refusals log will be kept and made available for inspection by police or authorised officer of a responsible authority.
  9. Alcohol shall be served by way of waiter/waitress service to seated customers.
  10. The outside seating area will be carefully monitored by staff to ensure it is being used in a responsible manner as not to cause a disturbance to local residents.

**Our reasons for reaching the decision are as follows:**

- 1. The Applicant has already had 10 events under Temporary Event Notices with limited complaints.**
- 2. We took into account the concerns raised by environmental health services regarding the lack of adequate safety measures in place for the outside seating area.**
- 3. The use of the outdoor sitting area is likely to exacerbate the level of noise outside the premises.**

**Date:** 9 July 2024

**PLEASE NOTE**

You have a right of appeal to the Magistrates Court against the decision above. You MUST lodge any appeal with the Magistrates Court within 21 days from the date of this decision.

The address of the Magistrates Court is:-  
Peterborough, Huntingdon and Fenland Magistrates Court  
Bridge Street  
Peterborough  
PE1 1ED