

AGENDA

LICENSING SUB COMMITTEE

WEDNESDAY, 11 SEPTEMBER 2024

2.00 PM

COUNCIL CHAMBER, FENLAND HALL

Committee Officer: Linda Albon
Tel: 01354 622229
e-mail: memberservices@fenland.gov.uk

- 1 To receive apologies for absence.
- 2 Members to declare any personal and prejudicial interests under the Local Code of Conduct in respect of any item to be discussed at the meeting.
- 3 Determination for the review of a Premises Licence made under the provisions of the Licensing Act 2003 – Delicious Snack Bar, Wisbech. (Pages 3 - 40)


To consider an application for the review of a premises licence in respect of Delicious Snack Bar, 50 Hill Street, Wisbech PE13 1BD

Tuesday, 3 September 2024

Members: Councillor D Oliver (Chairman), Councillor M Humphrey, Councillor N Meekins and Councillor J Carney

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Agenda Item 3

Agenda Item No:	3	
Committee:	LICENSING	
Date:	11th September 2024	
Report Title:	APPLICATION FOR THE REVIEW OF A PREMISES LICENCE MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 – DELICIOUS SNACK BAR, WISBECH	

1 Summary

- To consider an application for the review of a premises licence in respect of Delicious Snack Bar, 50 Hill Street, Wisbech, Cambs, PE13 1BD

2 Key issues

- The review has been submitted by the Cambridgeshire Constabulary triggered in response to intelligence received and subsequent inspection at the location.
- The reasons for the review are:
 - Operating not in accordance with the Licensing Act 2003 - Breach of premises licensing conditions
- The review application is made under the following licensing objective:
 - the prevention of crime and disorder.
- There is a requirement to hold a licensing hearing to determine the application for the review of a premises licence.

3 Recommendations

- That the committee determines the application, having regard for the evidence presented by the parties to the hearing, the relevant legislation and guidance applicable to this process and the content of this report and appendices.

Wards Affected	Wisbech South
Forward Plan Reference	N/A
Portfolio Holder(s)	Councillor Sam Hoy, Portfolio Holder with responsibilities for Licensing
Report Originator(s)	Andy Fox, Senior Licensing & Compliance Officer, Tel: 01354 602162, Email: afox@fenland.gov.uk
Contact Officer(s)	Amy Brown, Assistant Director, Deputy Monitoring Officer and Data Protection Officer, abrown@fenland.gov.uk

Background Paper(s)

Section 182 Guidance to the Licensing Act 2003 - [Revised guidance issued under section 182 of the Licensing Act 2003 \(December 2022\) \(accessible\) - GOV.UK \(www.gov.uk\)](#)

Licensing Act 2003 - [Licensing Act 2003 \(legislation.gov.uk\)](#)

The Licensing Act (Hearings) Regulations 2005 - [The Licensing Act 2003 \(Hearings\) Regulations 2005 \(legislation.gov.uk\)](#)

Fenland District Council's Statement of Licensing Policy 2021 – 2026 - [FENLAND DISTRICT COUNCIL](#)

Report:

1 Introduction

- 1.1 Fenland District Council as the Licensing Authority has received an application to review a premises licence, from Cambridgeshire Constabulary in their capacity as a Responsible Authority under section 51 of the Licensing Act 2003 for the premises known as Delicious Snack Bar, 50 Hill Street, Wisbech, PE13 1BD
- 1.2 The application was received on 26 July 2024. As required under the Licensing Act 2003, notice of the application was advertised on the Council's website and blue notices were placed on the premises from 29 July 2024. The 28 days consultation period ended on 25 August 2024
- 1.3 A copy of the review application, along with supporting bodycam footage can be seen at **APPENDIX B** and **APPENDIX C** to this report. The footage will be shown during the Licensing Sub-Committee Hearing.
- 1.4 A copy of the current premises licence can be seen at **APPENDIX D**.
- 1.5 The application to review relates to the following licensing objectives:
 - The prevention of crime and disorder

2 Background & Timeline

- 2.1 The Premises licence details for Delicious Snack Bar, Wisbech are:
 - Premises Licence Holder (PLH) - Mr Constantino Almeida, and has held the licence since late August 2023
 - Designated Premises Supervisor (DPS) - Mr Constantino Almeida
- 2.2 Mr Almeida holds a personal licence with the Fenland District Council - PERS0918.
- 2.3 In relation to the role of DPS, they are responsible for the day-to-day running of the premises, which includes a clear knowledge and compliance with the licence conditions.
- 2.4 On this occasion the PLH & DPS are the same person and therefore the full responsibility lies with Mr Constantino Almeida to ensure the licensing objectives are upheld at all times.
- 2.5 According to the review application an offence has been committed and this is a clear breach of a licence condition.

Specifically Condition 16 of the current premises licence which states “No alcoholic drinks will be purchased by the store owners or staff from sellers calling at the store. “
- 2.6 On the 11 May 2024 – PC 403 Josh YEOMANS attended Delicious Café Snack Bar and spoke with Mr CONSTANTINO, the conversation was recorded on PC YEOMAN’S Body Worn Camera (BWC), during the conversation and under caution Mr ALMEIDA admits to purchasing the vodka. A copy of the relevant footage is provided at **APPENDIX C**.

During the same visit, PC YEOMANS requests a copy of the CCTV footage of the incident, it is then established that Mr ALMEIDA does not know how to operate the system.
- 2.7 On the 4 June 2024 at approximately 14:00 hours PC 2094 Paul HAWKINS and FDC Licensing Officer attend the premises with a view to conducting a licence inspection which includes a full check of the conditions.

Mr ALMEIDA was asked to demonstrate to the officers the CCTV footage for 10/05/24 - he advised he was unable to operate the system and called a friend, who attended, and it

was established that the footage could not be played back and that nothing appeared to be stored on the Hard Drive.

At the request of PC HAWKINS the CENOS CCTV system including power cable was removed and seized for police examination.

The CENOS system has subsequently been checked by Police Forensic Imaging Unit and it has been established that the Hard drive was completely blank and contained no retrievable data.

This was a clear breach of the conditions 1-5 on Annex 2 - Prevention of Crime and Disorder:

- 1 - The premises shall install and maintain a comprehensive digital colour CCTV system.*
- 2. 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.*
- 3. 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 31 days with the date and time stamping.*
- 4. A staff member who is conversant with the operation of the CCTV system shall be present on the premises when they are open to the public and must be able to produce/download/ burn CCTV images upon reasonable & lawful request by a police officer or an authorised officer of the licensing authority or, if not present, the conversant member of staff shall produce the footage as described within 24 hours of a reasonable & lawful request.*

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.

5. The premises licence holder will ensure that a digital CCTV system is fully compliant with the guidance contained in the Information Commissioners Office (ICO) guidance document (www.ico.org.uk) regarding installation of CCTV is provided at the premises.

- 2.8 On 4 June 2024, due to the breaches identified, PC HAWKINS issued a Section 19 (Criminal Justice & Police Act 2001) notice. This was sent via email and informed Mr ALMEIDA that the premises was to cease licensable activity, specifically the 'sale of alcohol' until all conditions were met. A copy of this notice can be seen at **APPENDIX E**.
- 2.9 On 12 June 2024, whilst the Section 19 was in place, PC Hawkins received intel from a 3rd party that the premises was continuing to sell alcohol on the premises by decanting products into coffee cups. On the same day, Licensing Officer attended the location and spoke to Mr Almeida, who denied the allegations and no evidence could be seen.
- 2.10 On 20 June the Licensing Officer met with Mr ALMEIDA and his agent Mr PEARSON, they conducted a further licence compliance inspection, which included the newly installed CCTV system.

Due to the CCTV being installed and other matters addressed, the Section 19 notice was removed.

3 Representations

- 3.1 During the consultation period, 1 valid representation in support of the application has been received, a copy of this can be seen at **APPENDIX F**

3.2 A person who has submitted a relevant representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

4 Legislation/Policy Considerations

4.1 The licensing authority must carry out its functions under the 'Act' with a view to promoting the Licensing objectives, each objective has equal importance, these are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

4.2 When determining an application for a review of a premises licence, due regard should be given to the Council's Statement of Licensing Policy and the Secretary of State's Guidance section 182.

4.3 The hearing will be conducted in accordance with the approved procedures and can be seen at **APPENDIX A** to this report.

5 Determination

5.1 The Sub-Committee must determine the application on its individual merits having regard to the representations and supporting documents included within this report.

5.2 Where the committee consider that action under its statutory powers is appropriate, they make take any of the steps mentioned below, as it considers appropriate for the promotion of the licensing objectives. The steps are:

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the Designated Premises Supervisor (DPS)
- To suspend the licence for a period not exceeding three months
- To revoke the licence
- To take no action

5.3 The Sub-Committee may also consider issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. If none of the above steps is considered appropriate the licence should remain in the form, it was granted.

5.4 Where the Sub-Committee decides to modify the conditions of a licence or exclude a licensable activity from a licence, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify. Any suspension of the premises licence may be for a maximum period of three months.

5.5 Members may wish to note that any modification, amendment, suspension or revocation of the premises licence will not take effect until the end of the period for the submission of an appeal or if an appeal is submitted until such time as the appeal is determined.

5.6 Conditions can only be attached to a premises licence if they are considered appropriate for the promotion of the licensing objectives. If consideration is being given to attaching conditions, Members should consider, are the proposed conditions:

- Appropriate
- Relevant to the activity/premises/venue.
- Enforceable.

- Precise;
- Reasonable, and
- Achievable.

6 Community impact

- 6.1 The Act gives greater freedom to operators and users of premises, which is balanced by greater responsibilities for licensees and tempered by strengthened protection for the community.
- 6.2 The Licensing Act 2003 seeks to provide public protection by way of the four licensing objectives.

APPENDIX A – LICENSING PROCDEURES



PROCEDURE FOR DETERMINATION OF APPLICATIONS MADE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 FOR THE REVIEW APPLICATION OF A PREMISES LICENCE

INTRODUCTION

- Meetings of the Licensing Committee, whether the full committee of 12 members or panels of 3 members drawn from the full committee, shall be held in public unless the Licensing Authority deems that it is not in the public interest to do so. Reasons for exclusion of the public must be given at the hearing by the Chairman of the committee. Determinations will be made in private at conclusion of the hearing but announced in public thereafter.
- All hearings convened will be heard by a panel known as the Sub-Committee (but still referred to as the Licensing Committee) of 3 members drawn from the full committee of 12. The quorum of the committee/panel is 3 members. Therefore, 4 members of the Licensing Committee will usually be invited to attend each hearing (i.e. one as a reserve), in case of one of those invited subsequently needing to tender an apology for absence or, on being informed of the details of the application or meeting the applicant or objector (or for some other reason), deciding that s/he possesses a personal and prejudicial interest in the matter that prevents him/her participating in the hearing. At the beginning of each committee/hearing a Chairman will be appointed by those members present unless the Chairman of the whole committee is present.
- Members of the committee shall endeavor to be present throughout an individual hearing. If a member of the committee is required to leave a hearing temporarily, the Chairman shall adjourn the hearing for the duration of the member's absence. If a member is not present for the whole of an item of business they will not be able to debate or vote on that item of business.
- Where a committee undertakes a site visit prior to a hearing, a member shall be precluded from taking part in the hearing if he/she has not attended the site visit.
 - (a) To avoid taking into account "local" factors that could influence improperly his/her judgement, a member cannot serve on the committee undertaking a hearing at which a matter is being discussed that relates to a Premises Licence, Club Premises Certificate, Temporary Events Notice or Personal Licence where either the premises are or the person is resident in the ward which that member represents on Fenland District Council.,

When selecting members to participate in a hearing, the Member Services team will ensure there is compliance with this requirement.

NOTE: All questions and statements will be directed through the Chairman.

APPENDIX A – LICENSING PROCDEURES

INTRODUCTION

- (1) The Chairman will, at the beginning of the meeting, welcome all those present and explain both the reason for the hearing and the procedure to be followed. They will inform attendees of any changes to committee membership (if any) since publication of the Notice of Meeting. The Chairman will also seek confirmation that everyone present has received this procedure and a copy of the report pack
- (2) The Chairman will introduce to all present the members of the committee.
- (3) The Chairman will then introduce and explain the respective roles of
 - (i) the Legal Adviser to the committee
 - (ii) the Clerk to the committee
 - (iii) the officer representing the Licensing Authority (“the Licensing Manager”).
- (4) The Chairman will invite those present to introduce themselves.

BODY

- (5) The Chairman will ask the Licensing Officer to outline the case, by presenting the report which refers to the review application of the premises licence and the licensable activities, days and hours of operation, reason for the review.
- (6) The Chairman will invite members of the committee to ask relevant questions to clarify the content of the Licensing Officer’s report.
- (7) The Chairman invites the applicant – Responsible Authority Officer (RA) to put the case in support of a review application for the premises licence.
- (8) If applicable the applicant can call any witness(es) to give evidence in support of his/her case.
- (9) Once the applicant has presented his/her case, the Chairman invites questions to the applicant (RA):
 - The licence holder (or their representatives);
 - interested persons (or their representatives);
 - members of the committee.
- (10) The Chairman invites the Licence Holder to put forward their case regarding the review of the premises licence.
- (11) The Chairman will then invite questions to the Licence Holder from:
 - the Responsible Authority Officer (or their representatives)
 - interested persons (or their representatives);
 - members of the committee.
- (12) The Chairman will then invite any interested persons to put forward their case, based on the representation submitted.

APPENDIX A – LICENSING PROCDEURES

CONCLUSION

- (13) The Chairman then invites the responsible authority officer, licence holder and interested persons (or their representatives) if they have anything else they wish to add. They may comment upon what has been said but no new evidence should be introduced.
- (14) The Chairman seeks confirmation from all parties that they are satisfied that they have said all that they wished to.
- (15) The Chairman will then thank all those who have spoken and invite the committee to retire in private to determine the application. The committee members will then debate the case presented to them at the hearing and seek to reach a determination. When the committee has reached a proposed determination with reasons or has decided to defer a determination, it shall call in the Legal Adviser to clarify the proposed determination/decision.

DETERMINATION

- (16) Once a determination/decision has been reached, the committee will return to the room and the Legal Adviser will announce in public any legal advice that he/she has given in private.
- (17) The Chairman will read out the determination and the reasons for such (unless the committee is unable to reach a determination at conclusion of the hearing). A signed copy of the determination will be given to all interested parties.
- (18) If the committee is unable to reach a determination at that time, the Chairman will explain that all interested parties will be notified as soon as possible in writing (but within 5 working days) of the determination and the reasons for such.



Creating a safer
Cambridgeshire

Licensing Act 2003

Delegation of responsibilities by the Chief Officer of Police

In accordance with the provisions of the Licensing Act 2003 I hereby delegate authority to Cambridgeshire Constabulary Licensing Officers to develop policies and procedures and to exercise all powers vested in the Chief Constable of Cambridgeshire Constabulary. Such delegation to include the power to delegate specific tasks to licensing Constables and support staff.

This delegation shall remain in force unless otherwise notified.

Signed

A handwritten signature in black ink, appearing to read 'Nick Dean', is written over a horizontal line.

Nick Dean
Chief Constable
Cambridgeshire Constabulary
1 October 2018

**Delicious Snack Bar, 50 Hill Street Wisbech PE13 1BD
Premises Licence Review**

LC1

**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, PC 2094 Paul HAWKINS acting on behalf of The Chief Constable Nick DEAN of Cambridgeshire Constabulary 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 club premises, or if none, ordnance survey map reference or description Delicious Snack Bar, 50 Hill Street	
Post town WISBECH	Post code (if known) PE13 1BD

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

**Delicious Snack Bar, 50 Hill Street Wisbech PE13 1BD
Premises Licence Review**

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

23/0724/LAPRE

Part 2 - Applicant details

Please tick yes

I am

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)

X

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

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

Mr Mrs Miss Ms Other
 title

(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Delicious Snack Bar, 50 Hill Street Wisbech PE13 1BD
Premises Licence Review**

Current address

Post Town

Postcode

Daytime contact telephone
number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail (optional)

**Delicious Snack Bar, 50 Hill Street Wisbech PE13 1BD
Premises Licence Review**

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Cambridgeshire Constabulary Hinchingsbrooke Park Huntingdon Cambridgeshire PE29 6NP
Telephone number (if any)
E-mail (optional) LicensingNorth@cambs.police.uk

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

- 1) the prevention of crime and disorder**

**Delicious Snack Bar, 50 Hill Street Wisbech PE13 1BD
Premises Licence Review**

Please state the ground(s) for review (please read guidance note1)

This application to review the premises licence.

Delicious Snack Bar

50 Hill Street

Wisbech

Cambridgeshire

PE13 1BD

Breach of Premises Licensing Conditions.

Consideration has been given to the Licensing Objectives:

- The prevention of crime and disorder;

**Delicious Snack Bar, 50 Hill Street Wisbech PE13 1BD
Premises Licence Review**

Please provide as much information as possible to support the application (please read Guidance

Delicious Snack Bar, 50 Hill Street Wisbech PE13 1BD

The premises is operating as a local convenience store / café / alcohol on & off licence operating under premises licence (PL No: 23/0724/LAPRE) issued by Fenland District Council (FDC) (copy listed in Appendix A). The premises licence holder is listed as Mr Constantino Almeida.

The premises licence allows the following:

Premises Opening Times

Monday to Sunday 08:00 to 23:30hrs

Sale by Retail of Alcohol

Monday to Sunday 08:00 to 23:30hrs

The premise is situated within an area of commercial properties.



**Delicious Snack Bar, 50 Hill Street Wisbech PE13 1BD
Premises Licence Review**



28th November 2023 – Mr Andy FOX, FDC Licensing conducted a licensed premises inspection with consultant Billy Davies and the Licence Holder Mr ALMEIDA present. The premises failed the inspection, due to non-compliance of the licence conditions. Following the stepped approach method, a further Inspection was conducted by Mr Fox of FDC Licensing, on 7th Jan 24, compliance was met except for a sign on the door requesting patrons & Staff to respect the needs of residents and leave the premises and the area quietly.

On Friday 10th May 2024 it is alleged that an offender has entered the Delicious Snack Bar, offered the Licence Holder / DPS, Mr Constantino ALMEIDA a bottle of Vodka for £10 (RRP £22.79) the vodka had been purchased by the offender with a stolen bank card at another premises. Mr ALMEIDA accepted the offenders offer, purchasing the bottle before placing it on the back shelf behind the bar.

(Theft offences • An offence under any of the following provisions of the Theft Act 1968 —Section 22 (handling stolen goods) is a relevant offence under the Licensing Act 2003.)

This was breach of condition 16 listed on the operating schedule:

“No alcoholic drinks will be purchased by the store owners or staff from sellers calling at the store. “

**Delicious Snack Bar, 50 Hill Street Wisbech PE13 1BD
Premises Licence Review**

On the 11th May 2024 – PC 403 Josh YEOMANS attended Delicious Café Snack Bar and spoke with Mr CONSTANTINO, the conversation was recorded on PC YEOMAN'S Body Worn Camera (BWC), during the conversation and under caution Mr ALMEIDA admits to purchasing the vodka. A copy of the relevant footage is provided (Appendix C.). Whilst at the premises PC YEOMANS requests a copy of the CCTV footage of the incident, it is then established that Mr ALMEIDA does not know how to operate the system.

On the 4th June 2024 at approximately 14:00 hours PC 2094 Paul HAWKINS and Mr Andy FOX (FDC Licensing Officer) attend the premises to speak with Mr ALMEIDA and to conduct a Premises Licence Inspection. Mr ALMEIDA was asked to show the officers CCTV for 10/05/24 - he advised he was unable to operate the system and called a friend, who attended, and it was established that the footage could not be played back and that nothing appeared to be stored on the Hard Drive. The friend of Mr ALMEIDA then removed the CENOS CCTV system including power cable and handed it to PC HAWKINS at 14:08 hours and was seized for police examination. The CENOS system has subsequently been checked by Police Forensic Imaging Unit and it has been established that the Hard drive was completely blank and contained no retrievable data.

This was in breach of the following conditions:

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 31 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 when they are open to the public and must be able to produce/download/ burn CCTV images upon reasonable & lawful request by a police officer or an authorised officer of the licensing authority or, if not present, the conversant member of staff shall produce the footage as described within 24 hours of a reasonable & lawful request. 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.

Whilst Mr FOX continued with the inspection it became apparent that MR ALMEIDA was also not complying with the following conditions:

The premises licence holder shall ensure, by the completion of a written risk assessment, that the provision of SIA 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.

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 12 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 ie. Challenge 25,*
- c) Recognising signs of drunkenness, refusing service*

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.

A refusals record will be kept at the premises which details all refusals to sell alcohol. This record will include the date and time of the incident, a description of the customer, the name of the staff member or volunteer who refused the sale, and the reason the sale was refused. All entries will be made within 24 hours of the refusal. The record will be made available for inspection upon request by an officer of a Responsible Authority.

An incident Record will be kept at the premises which details all incidents of concern that occur on the premises. This record will include the date and time of the incident, a description of the incident & customer, the name of the staff member or volunteer dealt with the matter, Police reference Number if reported. All entries will be made within 24 hours of the incident. The record will be made available for inspection upon request by an officer of a Responsible Authority.

All sealed containers of alcoholic drinks offered for sale for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises.

Prominent, clear notices shall be displayed at all exits and in outdoor areas requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly.

Due to the breaches identified, PC HAWKINS issued a Section 19 (Criminal Justice & Police Act 2001) notice via email on 04/06/24, informing Mr ALMEIDA that the premises was to stop selling alcohol immediately until all conditions were met. (Appendix D).

Whilst the Section 19 was in place, PC HAWKINS received information from a 3rd party on 12th June 24, that Mr ALMEIDA was continuing to serve alcohol on the premises, decanting products into disposable coffee cups. Unable to attend, PC HAWKINS contacted Mr FOX who attended on the 13th June and spoke with Mr ALMEIDA, who denied the allegations, Mr FOX was unable to prove any offences relating to this matter.

Following a call from Mr Ray PEARSON (Consultant to Mr ALMEIDA), Mr FOX attended the premises on 20th June 24 and carried out a further inspection and was able to retract the Section 19. Reporting to PC HAWKINS that a new CCTV system had been installed, it was fully operational with instructions in Portuguese and English and all the previous conditions breaches had been resolved.

The breach of licensing condition are in contrary to section 136 of the LA03 Unauthorised licensable activities

(1)A person commits an offence if—

(a)he carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or

(b)he knowingly allows a licensable activity to be so carried on.

The lower footfalls within towns and cities, the crimes associated to Theft and the impact it is having on retailers across the UK has been well documented in the National News within recent months and those that receive stolen goods only encourage this criminal activity to continue. Delicious Snack Bar even has a condition on the licence to discourage the potential of handling stolen goods, which the licence holder admits to ignoring.

The activities described within the application demonstrates how the operator has undermined the licensing objective of Crime and Disorder.

Cambridgeshire Constabulary respectfully requests that consideration be given to suspension of the Premises Licence and the change of Designated Premises Supervisor (DPS), to ensure future compliance. Positive action by the committee will also discourage other operators from committing similar offences.

For information

This is supported by guidance issued under section 182 of the Licensing Act 2003

11.24 “...Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority’s role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.”

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.”

East Lindsey District Council v Abu Hanif (t/a Zara’s Restaurant) 2016

In this case, the High Court upheld the Licensing Committee’s decision to revoke a premises licence where the licensee had employed an illegal worker.

The significance of the case is that it reaffirms the principle that *Responsible Authorities need not wait for the licensing objectives to actually be undermined.....*

Commenting on the way committees and courts should approach the promotion of the licensing objectives, Mr Justice Jay said:

[T]he prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence.

The full Judgement is only available from subscription services such as [Westlaw](#) or [Lawtel](#).

R (on application of Daniel Thwaites plc) v Wirral Magistrates’ Court and Others (2008) EWHC 838 (Admin)

This case, referred to as ‘the Thwaites case’, is important because it emphasises the important role that Responsible Authorities have in providing information to decision makers to contextualise the issue before them.

This case is sometimes misconstrued as requiring decisions to be based on ‘real evidence’, and that conditions cannot be imposed until problems have actually occurred. This is wrong. *The purpose of the Act is to prevent problems from happening. Decisions can and should be based on well-informed common sense*

The Honourable Mrs Justice Black said:

[D]rawing on local knowledge, at least the local knowledge of local licensing authorities, is an important feature of the Act's approach. There can be little doubt that local magistrates are also entitled to take into account their own knowledge but, in my judgment, they must measure their own views against the evidence presented to them. In some cases, the evidence presented will require them to adjust their own impression. This is particularly likely to be so where it is given by a Responsible Authority such as the police.

The approved judgment is available from [Guildford Council](#).

Appendix List

Appendix A. Copy of Premises Licence for Delicious Snack Bar, 50 Hill Street, Wisbech (23/0724/LAPRE)

Appendix B. Copy of Delegation of responsibilities by the Chief Officer of Police

Appendix C. Body Worn Camera evidence.

Appendix D. Copy of Section 19

**Delicious Snack Bar, 50 Hill Street Wisbech PE13 1BD
Premises Licence Review**

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

**Delicious Snack Bar, 50 Hill Street Wisbech PE13 1BD
Premises Licence Review**

[Empty rectangular box for content]

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities X
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 X
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)

**Delicious Snack Bar, 50 Hill Street Wisbech PE13 1BD
Premises Licence Review**

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

SignaturePaul Hawkins

Date.....25/07/24

CapacityPC 2094 – Alcohol Licensing Officer, Cambridgeshire Constabulary

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

PC 2094 Paul Hawkins
Licensing Officer
Thorpe Wood Police Station
Thorpe Wood

Post town

Peterborough

Post code

PE3 6SD

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) LicensingNorth@cambs.police.uk

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.

Part A

Premises Licence

The Licensing Authority, Fenland District Council
Fenland Hall, County Road, March
Cambridgeshire, PE15 8NQ. Tel: 01354 654321

Premises Licence Number

23/0724/LAPRE

Premises Licence valid from

27th August 2023

Part 1 – Premises Details

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

Delicious Snack Bar
50 Hill Street
Wisbech
Cambridgeshire
PE13 1BD

Telephone number:

Where the licence is time limited the dates

Licensable activities authorised by the licence

Sale by Retail of Alcohol – On Off sales

Times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol – On/Off sales

Monday to Sunday 08:00 hrs to 23:00 hrs

Non-Standard Timings

Christmas and New Year from the end of licensed hours to the beginning of licensed hours the next day.

The opening hours of the premises

Monday to Sunday 08:00 hrs to 23:30 hrs

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Mr Constantino Almeida

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Registered number of holder; for example company number, charity number (where applicable)

Not Applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Constantino Almeida

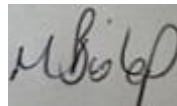
[REDACTED]
[REDACTED]
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

PERS0918

Fenland District Council

Premises Licence issue date: 29th August 2023



.....(Michelle Bishop)
ON BEHALF OF FENLAND DISTRICT COUNCIL

Annex 1 – Mandatory Conditions

Premises Licence (On & Off Sales of alcohol)

1. Under Section 19(2) of the Licensing Act 2003, no supply of alcohol shall be made under this premises licence at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Under Section 19(3) of the Licensing Act 2003 every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective [words added];
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.
6. The responsible person must ensure that where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (a) beer or cider: ½ pint;

- (b) gin, rum, vodka or whisky: 25ml or 35ml; and
- (c) still wine in a glass: 125ml;

These measures must be displayed in a menu, price list or other printed material which is available to customers on the premises and if a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price. For the purposes of this condition:
- * "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - * "permitted price" is the price found by applying the formula - $P = D + (D \times V)$ where:
 - * P is the permitted price;
 - * D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and
 - * V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - * "relevant person" means the holder of the premises licence, the designated premises supervisor (if any) in respect of such a licence, or the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - * "valued added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

The permitted price must be rounded up to the nearest penny.

A change to the permitted price which would apply as a result of a change to the rate of duty or VAT charged in relation to alcohol would not apply until the expiry of the period of 14 days beginning on the day on which the change in the rate of duty or VAT takes effect.

Annex 2 – Conditions consistent with the Operating Schedule

General Licensing Objective –

1. Keep the premises clean and tidy. Monitor patrons on quantity of alcohol consumed. Refuse service to anyone intoxicated or suspected of drug use. Monitor customers to prevent anti-social behaviour.

Prevention Of Crime and Disorder Objectives –

1. The premises shall install and maintain a comprehensive digital colour CCTV system.
2. 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.
3. 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 31 days with the date and time stamping.
4. A staff member who is conversant with the operation of the CCTV system shall be present on the premises when they are open to the public and must be able to produce/download/ burn CCTV images upon reasonable & lawful request by a police officer or an authorised officer of the licensing authority or, if not present, the conversant member of staff shall produce the footage as described within 24 hours of a reasonable & lawful request. 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.
5. The premises licence holder will ensure that a digital CCTV system is fully compliant with the guidance contained in the Information Commissioners Office (ICO) guidance document (www.ico.org.uk) regarding installation of CCTV is provided at the premises.
6. The premises licence holder shall ensure, by the completion of a written risk assessment, that the provision of SIA 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.
7. A record (Including name, SIA Badge number, Contact details) of the SIA Door Supervisors employed shall be kept for a period of 12 months and be made immediately available upon request of a Responsible Authority.
8. 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 12 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 ie. Challenge 25,
 - c) Recognising signs of drunkenness, refusing service
9. 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.

10. A refusals record will be kept at the premises which details all refusals to sell alcohol. This record will include the date and time of the incident, a description of the customer, the name of the staff member or volunteer who refused the sale, and the reason the sale was refused. All entries will be made within 24 hours of the refusal. The record will be made available for inspection upon request by an officer of a Responsible Authority.
11. An incident Record will be kept at the premises which details all incidents of concern that occur on the premises. This record will include the date and time of the incident, a description of the incident & customer, the name of the staff member or volunteer dealt with the matter, Police reference Number if reported. All entries will be made within 24 hours of the incident. The record will be made available for inspection upon request by an officer of a Responsible Authority.
12. The designated premises supervisor shall ensure that tables are cleared of all bottles and glasses on a regular basis during trading hours to avoid an accumulation of glassware
13. The premises licence holder and/or designated premises supervisor shall ensure that any outside area included in the licence will be controlled in a safe and effective manner to the same standard operated within the premises building and will pay special attention to the impact that the use of the outside area has on the surrounding community
14. No super-strength beer, lagers, ciders, perrys or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises
15. There shall be no availability / sell of miniature spirits, or individual vessels / containers of Beers/larger/cider/perrys for consumption off sales.
16. No alcoholic drinks will be purchased by the store owners or staff from sellers calling at the store.
17. All sealed containers of alcoholic drinks offered for sale for consumption off the premises must be clearly labelled or marked with the name and postcode of the premises

Public Safety Objectives –

1. 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
2. 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

Prevention Of Public Nuisance Objectives –

1. The holder of the premises licence shall ensure that noise caused by persons using, arriving at or departing from the premises shall not cause nuisance or unreasonable disturbance to the occupiers of residential properties
2. The holder of the premises licence shall ensure that no music or amplified speech originating from the premises shall be audible inside any residential property at any time. Note: For the purposes of this condition noise may be considered inaudible when it is at a low enough level that it is not recognisable as emanating from the source in question and/or it does not alter the

perception of the ambient noise environment that would prevail in the absence of the source in question.

3. Prominent, clear notices shall be displayed at all exits and in outdoor areas requesting customers and staff to respect the needs of local residents and leave the premises and the area quietly
4. While live or recorded music takes place, the licensee or management shall undertake regular monitoring of noise levels at the nearest noise-sensitive locations. A record shall be kept of any monitoring, including the date, time and location of monitoring; the name of the monitor; and any action taken. Records shall be kept for no less than six months and shall be made available upon request by a police officer or an authorised officer of Fenland District Council

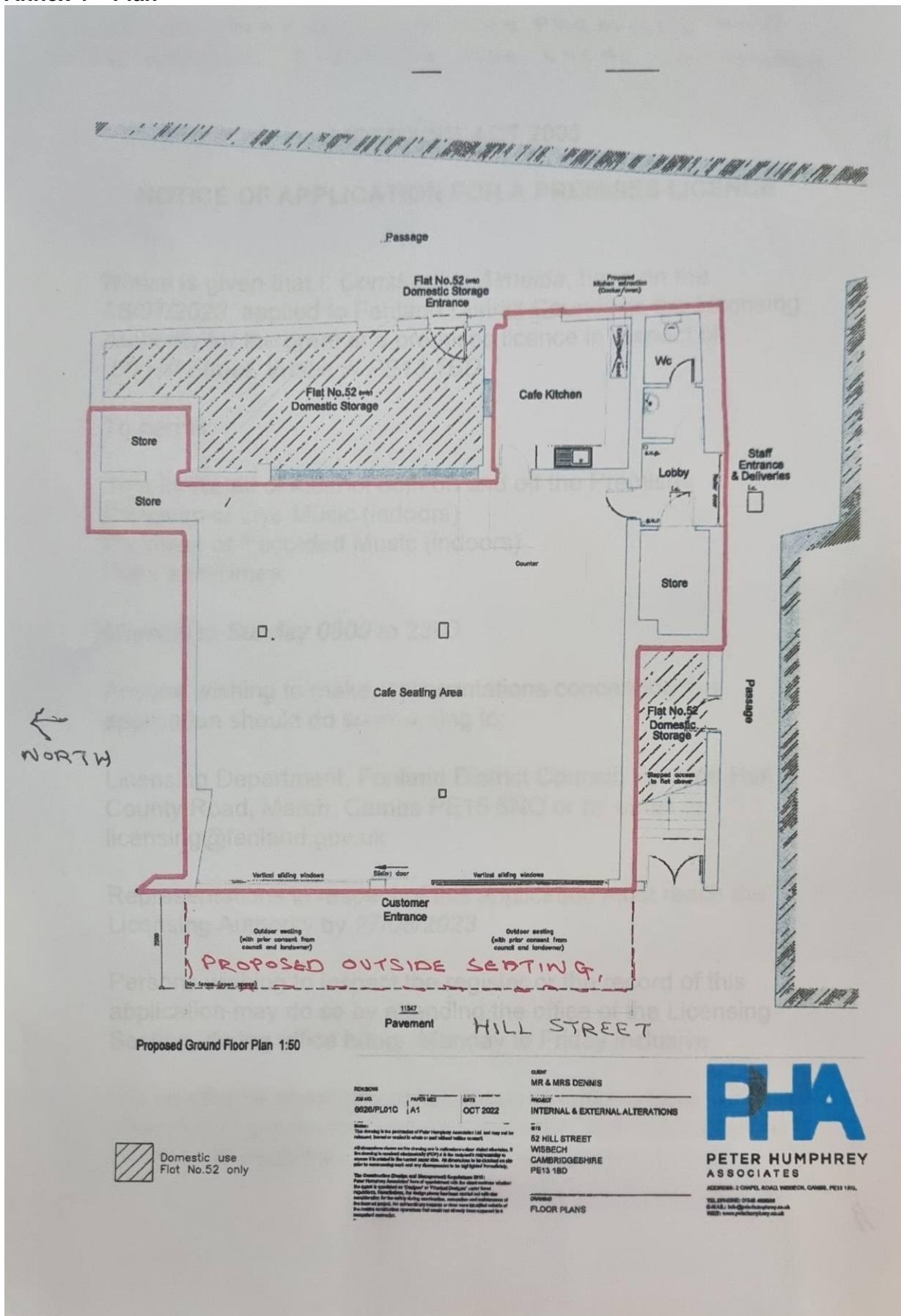
Protection Of Children From Harm –

1. 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.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

Annex 4 – Plan



**CLOSURE NOTICE MADE UNDER SECTION 19 OF THE
CRIMINAL JUSTICE AND POLICE ACT 2001**



**Creating a safer
Cambridgeshire**

Date & Time of the closure notice: ...16:53 hours 04/06/24..

Authorised Officer making the Notice:PC 2094 Paul HAWKINS

Signature of Officer:*Paul Hawkins*

Cambridgeshire Constabulary

Name and Address of affected premises:

**Delicious Snack Bar,
50 Hill Street
Wisbech
PE13 18D**

Alleged unlicensed use of Premises:

Crime & Disorder conditions

- 1. CCTV not working, data not stored on Hard Drive breaching CCTV Condition 1 to 5
- 2. SIA Risk assessment not completed – Condition 6
- 3. Training for Staff (1 staff member) not completed - conditions 8 & 9
- 4. Refusal Book last used 30/11/23 – Condition 10
- 5. Incident Book not present / in use – Condition 11
- 6. Use of labels on alcohol not in use – condition 17

Public Nuisance Conditions

- 1. Signage requesting staff leave the premises quietly not present – condition 3.

Steps that may be taken to end the alleged unlicensed use of the premises, or to prevent it from re-occurring:

- 1. Install working CCTV
- 2. Ensure the Licensee / DPS / Staff have a clear understanding of the licensing conditions and adhere to them.

The person to whom the closure notice has been served:

Almeida Constantino

Signature:Via Email [Redacted]



Name: Almeida Constantino

Date:04/06/24



Notes:

1. A police officer or an authorised officer from the local authority, has decided to issue this closure notice under the terms of section 19 of the Criminal Justice and Police Act 2001 ("the 2001 Act"). The notice alleges that the said premise has been operating illegally without a license to sell alcohol in contravention of sections 136 of the Licensing Act 2003 as an unauthorised sale of alcohol. It also mentions the actions which may be taken by the owner or manager of the premises to end the unauthorised sale of alcohol, or to prevent it from re-occurring.
2. Section 20 of the 2001 Act - Closure Order
Your attention is drawn to section 20 of the 2001 Act. This provides that the police, or as the case may be the local authority, can take action against the said premises by applying to a justice of the peace at the local magistrates' court for a closure order if the unauthorised sale of alcohol (as alleged in this closure notice) is continuing, or there is a reasonable likelihood that the premises will be so used in the future. The application for a closure order must be made not less than 7 days, and not more than 6 months, after the date on which this closure notice was served.
3. After an application for a closure order is made, the justice of the peace may issue a summons requiring the applicant, and also the person or persons on whom the closure notice was served, to attend a hearing at the court on a specified date and time. At the hearing the court will consider the applicant's complaint against the said premises and decide whether a closure order should or should not be made.
4. In accordance with the Magistrates' Courts Act 1980, and under the law on human rights, you are entitled to be legally represented at the hearing and to make representations to the court before any decision is taken.

Appeals - Section 24 of the 2001 Act
5. An appeal against a decision by the magistrates' court to grant a closure order, or a decision to refuse an application for a closure order, can be made by an affected person to the Crown Court within 21 days.

Enforcement Powers and Offences - Section 25 of the 2001 Act.
6. It is an offence for a person, without reasonable excuse, to permit a premise to be open in contravention of a closure order made by the magistrate's court. Any person found guilty of such an offence will be liable to a fine not exceeding £20,000, or to imprisonment for a term not exceeding three months, or to both.
7. It is also an offence for a person who, without reasonable excuse, fails to comply with any other terms of a closure order made by the court, or does an act which contravenes those other terms. Any person convicted of this offence is liable to a fine not exceeding £5,000, or to three months imprisonment, or to both.
8. Police officers and authorised officers from the local authority have the power to enter the said premises at "any reasonable time", and do anything reasonably necessary to secure compliance with the closure order (for example, to board up the premises). However, when exercising this power, the constable or the officer must produce evidence of his authority to enter and also his identity before entering the premises, if asked to do so by the owner (or the occupier or the person in charge of the premises).

9. It is an offence for a person to intentionally obstruct police officers or authorised local authority officers from exercising these powers. Any person convicted of obstructing a police officer is liable to a fine not exceeding £5,000, or to one month's imprisonment, or to both. Any person convicted of obstructing an authorised local authority officer is liable to a fine not exceeding £5,000.



From: [REDACTED]
To: [licensing](#)
Subject: Licensing Review: Delicious Snack Bar - 50 Hill Street, Wisbech PE13 1BD
Date: 21 August 2024 07:22:06

Dear Sirs,

I write in relation to the review of the premises licence for Delicious Snack Bar.

I own and operate a licensed premises in Wisbech. I well understand the difficulties small businesses face. My wallet was stolen from the rear of our premises and the debit cards used to purchase alcohol which was then sold at a discount to Delicious Snack Bar. The thieves also, with the help of the licensee, also attempted to complete a number of contactless "cashback" transactions - which I believe is unlawful.

Like many market towns, Wisbech is not without its challenges. We desperately need the police and local authorities to come together and drive improvements. We as business owners must do our bit too. I feel the licensee has knowingly and consistently undermined any effort to improve the Town. It seems unlikely to me that this was the first time he had purchased alcohol he knew to be stolen.

As angry as I am about the stolen wallet, I am even more disappointed that somebody who should be seeking to improve Wisbech is engaged in activity that hurts the Town.

The same is true of other Licensees. The police know who they are, but nothing seems to be done. Whilst I have no desire to see businesses closed (even competitors) I do feel that there is an opportunity here for authorities to "be seen to be doing something"

I would hope that in addition to any legal sanction that FDC/The Police may impose, the details of any findings are widely published, so as to give confidence to the public and act as a deterrent to others.

Yours faithfully,

[REDACTED]