

**LICENSING SUBCOMMITTEE  
(2003 ACT)**24 October 2005  
10.00am – 12.18pm

**Present:** Councillors R Smith (chair), Nimmo-Smith and Stuart (substituting Councillor Liddle)

**FOR THE INFORMATION OF THE COUNCIL****05/licE/27 Election Of Chair**

Councillor Smith was elected Chair for the meeting.

**05/licE/28 Apologies**

All members were present.

**05/licE/29 Declarations Of Interest**

Councillor Nimmo-Smith declared a personal interest in the application for Fagito, 6a Mill Road as he had visited the take-away from time to time

**05/licE/30 Procedure To Be Followed**

The procedure for hearings of the subcommittee was noted.

**05/licE/31 Fagito, 6a Mill Road**

**Present: Mr and Mrs Neocleous (licensees).**

Preliminary matters

The Sub-Committee noted that no other persons were to appear at the hearing other than the applicants.

Licensing Officer

The Licensing Officer presented the report to the Sub-Committee. She read a letter from the Guest Road Residents Association to the subcommittee which stated that Fagito had been opening late night without problems for a number of years, but reported concerns about the cumulative effect of so many licences in the Mill Road area. It was noted that the majority of comments related to Mill Road itself and not to Fagito.

Applicant

Mrs. Neocleous presented the case in support of the application. She pointed out that there were no representations from the responsible authorities. She stated that they had managed the Fagito take-away in a responsible way for the last 17 years and they had never had any complaints. She also said that the take-away had good relations with the police and a good name in Cambridge. She also said that if their opening hours were reduced by even one or two hours in the early hours of the morning they would be put out of business as this was their busiest time.

The Decision:

In reaching the decision on the application, the Sub-Committee considered the material presented to the Sub-Committee orally and in writing, the Council's Statement of Licensing Policy and the statutory guidance under the Licensing Act 2003.

Accordingly, it was resolved:

To grant the variation application, subject to conditions translated from the applicant's Operating Schedule, which are considered to be necessary for the promotion of the licensing objectives.

Details of the application:

Provision of Late Night Refreshment

Mon – Sun:           12.00 – 03.30

Hours premises open to the public

Mon – Sun:           12.00 – 03.30

The variation to have effect from the 24<sup>th</sup> November 2005.

**05/licE/32   Salisbury Conservative Club, Mill Road.**

**Present: Mr Whitehead (licensee) and Mrs Jackson, Mr Lummis and Mr Beeke (objectors)**

Preliminary matters

The committee noted that there were no representations from the Responsible Authorities.

Licensing Officer

The Licensing Officer presented the report to the Sub-Committee. She requested clarification from the applicant on bank holidays.

Applicant

The applicant clarified that Monday nights were not included on bank holidays and referred to the original application.

Mr Whitehead stated that the majority of the members were older than 40 and were family people. He had been a member for more than 30 years and as far as he knew there had been no need to call the police to the club during that time. The conditions of the club forbid the sale of alcohol to people under 18 or who were already drunk. He stated as well that prospective members needed to be proposed by another member, who was responsible for their behaviour. At this point, the licensing officer advised the

subcommittee that she had a copy of the club rules. Mr Whitehead proceeded to explain that Mill Road was busy at night with 7 other licensed premises within a quarter of a mile. He stated as well that to the best of his knowledge the residents' concerns were not to do with people coming out of the club. One of the complaints concerned possible risks for people with special needs at the Castle Project Print Finishers. He said that their premises closed at 5pm whereas most of the activity at the Club was later in the evening. He also dismissed the possible effect of the licence on residents living 1½ miles away.

To a question from one of the residents, Mr Whitehead answered that the Salisbury Conservative Club would be satisfied with one entertainment event per week. He said that about 40 to 50 members attended the premises at weekends when there was usually a singer. The capacity of the function room was 150 people. He stated that Saturdays was their only music evening, that Sunday evening was the busiest time and a doorman was in place on both nights checking the attendees' membership. The Licensing Officer advised that if the doormen were performing a security function they would have to be registered.

Finally, Mr Whitehead said that the club was well run and they have never had any problems with the police.

#### Interested Parties

Mr Lummis complained about increasing business on Mill Road, people calling taxis, banging doors, congregating by the phone box and urinating in the residents' gardens.

Councillor Smart, representing some of the residents, said she had no reason to believe that the Club was anything but well run but the problem was that the exits went into residential areas. If people were ringing for taxis and talking on mobiles residents were disturbed. From Monday to Thursday the premises were open until half past midnight which was late if you had to work the following day.

A photo of the front of the Salisbury Conservative Club was shown as proof that the notice was not very visible to people. Mr Whitehead justified the location on the main staff entrance, as this was permanently closed, as opposed to the main entrance, which opened inwards and was kept hooked back. Furthermore, the staff door faced the road and was more visible to pedestrians.

The legal adviser to the Sub-Committee clarified that the notice should be displayed prominently at the premises, conveniently visible from the exterior.

Mr Beeke said that his family life had been persistently disturbed by the noise. He had a young child who was woken up by people leaving the club. He also found litter and bottles in his front garden from people leaving the Club.

The applicant said that to the best of his knowledge no-one took bottles out of the Club.

Councillor Nimmo-Smith asked Mr Beeke whether he had ever made a formal complaint. He said that he hadn't.

The Sub-Committee advised the residents to report any incidents to the authority and to keep notes of incidents.

The Sub-Committee adjourned for deliberation.

The Decision:

In reaching its decision on the application, the Sub-Committee considered the material presented to it, the written and oral representations made, the Council's Statement of Licensing Policy and the Statutory Guidance under the Licensing Act 2003.

In this case, the Sub-Committee had to balance the interests of the applicant with those of the wider community. The Sub-Committee reached the decision on its individual merits, bearing in mind that these premises are in a residential area.

Accordingly, it was decided:

To grant the variation application in part only, details of which are given below, subject to conditions translated from the applicant's Operating Schedule as detailed in the report to the Sub-Committee at paragraph 3.1, with the condition relating to Door stewards for the promotion of public safety, amended to read as follows:-

'A door steward shall be present at the doors when music and dancing is taking place to control ingress/egress through the doors'.

The sub-committee imposed an additional condition for the promotion of the prevention of crime and disorder namely:-

'No customers are to be admitted or permitted to leave when carrying open or sealed bottles or glasses.'

and an additional condition for the promotion of the prevention of public nuisance namely:-

Only one regulated entertainment event per week of either live or recorded music.

The conditions imposed were considered to be necessary for the promotion of the four licensing objectives.

The Sub-Committee did not grant the variation application sought by the applicant in its entirety. The Sub-Committee felt it necessary to reject parts of the application to promote the prevention of public nuisance and of crime and disorder.

The sale or supply of alcohol:

Mon – Thurs:	10.00 to 00.00 hrs
Fri & Sat:	10.00 to 01.00 hrs
Sun:	12.00 to 00.00 hrs

## Seasonal variations and non-standard timings

Christmas Eve:	10.00 to 01.00
New Years Eve:	10.00 to 02.00
Bank Holiday Saturdays & Sundays:	10.00 to 01.00

Hours premises are open to members and guests

Mon – Thurs:	10.00 to 00.30 hrs
Fri & Sat:	10.00 to 01.30 hrs

Sun: 10.00 to 00.00 hrs

Seasonal variations and non-standard timings

Christmas Eve: 10.00 to 01.30

New Years Eve: 10.00 to 02.30

Bank Holiday Saturdays & Sundays: 10.00 to 01.30

Films, indoors only:

Mon – Thurs: 12.00 to 23.30 hrs

Fri & Sat: 12.00 to 00.00 hrs

Sun: 12.00 to 23.00 hrs

Indoor sporting events:

Mon – Thurs: 10.00 to 00.00 hrs

Fri & Sat: 10.00 to 01.00 hrs

Sun: 12.00 to 23.30 hrs

The provision of regulated entertainment, namely, live music, recorded music and the provision of facilities for dancing (indoors):

Only one event per week

Sun – Thurs: 12.00 to 23.30 hrs

Fri & Sat: 12.00 to 01.00 hrs

Seasonal Variations and non-standard timings

Christmas Eve: 12.00 to 01.00 hrs

New Year's Eve: 12.00 to 01.30 hrs

The variation to have effect from the 24<sup>th</sup> November 2005.

**05/licE/32 City Kebabs, Regent Street**

**Present: Mr Teksin (licensee) and Planning Enforcement Officer (Responsible Authority).**

Licensing Officer

The Licensing Officer presented the report to the Sub-Committee.

Applicant

Mr Teksin defended his application for extra time based on the later closing hours of pubs. He also noted that no residents were objecting and that an extra half hour on his normal opening hours would not make any difference to them.

### Planning Enforcement Officer

The Planning Enforcement Officer told the subcommittee that in 1994 a planning condition had been imposed on City Kebabs preventing them from opening after 23.00hrs to protect local amenity. The applicant had been opening in breach of this condition for over 10 years but there had been no complaints. After 10 years breaches of the condition could not be enforced. The planning officer said that in view of this, if the applicant applied to have the condition removed the Planning Authority would agree.

He pointed out that the premises are in a commercial area with no residential dwellings.

### The Decision

In reaching the decision on the application, the Sub-Committee considered the material presented to the Sub-Committee orally and in writing, the Council's Statement of Licensing Policy and the statutory guidance under the Licensing Act 2003.

Accordingly, it was decided:

To grant the variation application, subject to conditions translated from the applicant's Operating Schedule, which are considered to be necessary for the promotion of the licensing objectives.

Details of the application:

#### Provision of Late Night Refreshment

Mon – Sun:           12.00 – 04.00

Hours premises open to the public

Mon – Sun:           12.00 – 04.00

The variation to have effect from the 24<sup>th</sup> November 2005.

**CHAIR**