

**LICENSING SUBCOMMITTEE
(2003 ACT)**18 January 2006
10.50am – 11.27am**Present:** Councillors Blencowe, Hymans (Chair), Stuart.**FOR THE INFORMATION OF THE COUNCIL****06/licA/ APOLOGIES**

None.

06/licA/ DECLARATIONS OF INTEREST

There were no declarations of interest.

06/licA/ PROCEDURE TO BE FOLLOWED

The procedure for hearings of the subcommittee was noted.

06/licA/ MINUTES

The minutes of the meetings held on 8 June, 27 June, 1 August, 17 August, 7 September and 26 September were confirmed and signed as correct records.

06/licA/ KBC BBQ, 32/34 HILLS ROAD**Present:** Mr and Mrs Haghi (applicant), Mr Gawthrop (interested party).*Preliminaries*

There were no additional items to circulate. Those persons listed above spoke during the proceedings.

Mr Gawthrop asked the Sub-Committee whether the hearing should go ahead. This was based on the fact that the hours of opening in the advert, which had been placed in the Cambridge Evening News, were different to those being considered at the hearing. He said that despite the hours under consideration being less than advertised for, the principle of re-advertising the correct information was surely proper.

The legal advisor to the Sub-Committee and Licensing Officer advised that Sub-Committee that the Regulations did not stipulate that an applicant must advertise the hours applying for, the extract from the Regulations was shown to Mr Gawthrop.

The Sub-Committee agreed to consider the application on the hours advertised, not as stated in 1.2 of the report and took the view that the issue raised by Mr Gawthrop was one which could be discussed at the meeting of the Licensing Committee on 25 January.

The Sub-Committee noted that an additional interested party had not arrived but had indicated that he would attend. As the meeting was about to start 20 minutes later than advertised, the Sub-Committee agreed to proceed.

Licensing Officer

The Licensing Officer introduced the report. The hours the Sub-Committee were to consider were those advertised ie. Mon-Sat 23.00-01.30, Sun 23.00-00.00. The Sub-Committee noted however that the applicant had already agreed to amend the application, the hours of which were reflected in paragraph 1.2 of the report, to comply with the planning conditions on the premises.

Applicant

The Sub-Committee noted the following points during the applicant's presentation and answering questions:

- Had run the premises for over 10 years with no complaints from the authorities
- No objections had been made by nearby residents
- No alcoholic drinks were sold
- There were no seats in the shop and no more than 10 people could be in the shop at any time
- The applicant stood at the doorway after 00.00 to ensure appropriate conduct and he refuses to serve unruly customers
- There were two bins within the shop and one on the street outside. Litter checks were made daily in the immediate area.

Interested Parties

The Sub-Committee noted the following points during the interested parties' presentation and answering questions:

- No complaint about the running of this premises
- Late night refreshment establishments in the local area attract a minority of people public who will leave litter, cause vandalism and other anti-social behaviour late at night in streets nearby
- A premises opposite the applicant's premises closed at midnight and this was thought a more appropriate benchmark for the local area

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.

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 the individual merits of the application, bearing in mind that these premises are in a mixed commercial and residential area.

It was decided :

To grant the 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 – Thur	23.00 to 01.00
Fri-Sat	23.00 to 01.30
Sun	23.00 to 23.30

Hours premises are open

Mon – Thur	11.00 to 01.00
Fri-Sat	11.00 to 01.30
Sun	12.00 to 23.30

The meeting ended at 11.27am

CHAIR