

**LICENSING SUBCOMMITTEE
(2003 ACT)**18 August 2008
3pm – 5.45pm**Present:** Councillors Blencowe, Stuart and Upstone (Chair)**08/lic/32?? Declarations of Interest**

None.

08/lic/33 Procedure to be Followed

The procedure for hearings of the subcommittee set out on the agenda was noted

08/lic/34 Application to Vary a Premises Licence: Nusha Café Bar, Cambridge Leisure Park**Present for this application:****For the Applicant:** Jorawar Bhanghoo (applicant); Harriet Wells (Counsel); S Harrow (representing PubWatch and CAMBAC); Tony Harold (Hyline Security); Sean Howlett (representing Leisure Centre Security); Kevin Smith (Cambridge Leisure Centre Manager)**Responsible authorities:** Inspector Chris Porter, Cambridgeshire Constabulary; Richard Perks (Counsel)**The hearing:** The Licensing Officer presented her report and outlined the application being made.

Harriet Wells spoke on behalf of the applicant. She acknowledged that, in this Cumulative Impact Zone, the burden of proof was on the applicant to demonstrate that the application would not contribute to anti-social behaviour in the area. She said that each case needed to be considered individually on its merits. She referred to the original police evidence that led to the creation of the Cumulative Impact Zone where the phrase “major variation” was used. She said this application was not a major variation as it only referred to Tuesdays, Fridays and Saturdays. Planning permission currently only allowed the premises to be open until 1.30am on a temporary basis. So even if the Committee approved the variation, planning permission would need to be obtained.

Ms Wells explained that Nusha had a capacity of 150 and that no new entrants were admitted after midnight. At all other venues in the area except for the Junction, closing time was midnight. Therefore management off site was easier. The security firm Hyline provided the security for the Junction, the Bowling Alley and Nusha which was part of the CAMBAC scheme. Customers at Nusha rang for taxis from the premises using Nusha phones and were escorted to their taxis by security staff. The CCTV system had been upgraded. Nusha had also signed up to the new safer socialisation scheme and been assessed in relation to that.

Sean Howlett then spoke outlining the security in the area. There were 11 CCTV cameras on the Leisure Complex and 1 was in the area of Nusha. Over the whole time of his experience at the complex, he had had few concerns with the management and security arrangements at Nusha. He thought they dealt with troublesome individuals well; individuals were removed before trouble started. Communication with the rest of the complex about such individuals was used and worked well. There were 4-5 security staff

on site. If a troublesome individual is removed from one venue they were not allowed admittance to another.

Tony Harold of Hyline Security explained that they were a national organisation and kept a folder of incidents occurring in each region. There were none for Nusha. It was a small venue and its clientele more select. They could get help from the Junction staff if necessary.

Richard Perks for the police suggested that the presence of CCTV cameras did not stop anti social behaviour and it had been said that Nusha did have troublesome customers.

Mr Howlett replied that Nusha acted proactively in relation to potential trouble and it was security staff who acted to try and prevent ASB.

Mr Perks said that the amount of expensive equipment was there for a reason as the site was known to have a high concentration of crime.

Mr Smith replied that all except two cameras had been on site since it opened.

Mr Perks challenged the view that the 2am opening would not be an attraction to others than the regular customers of Nusha and said that word would get about that it was open until 2am. Refusing entry to those wishing to drink later would lead to incidents from disgruntled potential customers.

Mr Bhangoo said that word would also get out that there was still no admittance after midnight.

Ms Wells quoted from the police submission on page 205 of the agenda – “the granting of a 2 hours extension for the retail sale of alcohol and the provision of music and dancing within the premises will clearly increase alcohol consumption by those customers, and therefore increase the potential for related disorder”. She said that measures had been taken to address this. She also referred to a sheet provided by the police showing incidents at the complex over the past 4 years. She pointed out that there had only been one recorded incident at Nusha and that was for the theft of a mobile phone which had not been reported to Nusha staff. That could have been because the owner did not know where it had been stolen but needed to inform police for the insurance claim. The overview section in the report also indicated that ASB had fallen at the complex.

Ms Wells said that problems had existed before Nusha opened and there was no hard evidence to link the problems of the whole site with Nusha. The fact that the Junction was opening for less hours would also be likely to reduce crime and ASB. Nusha should not be penalised for the problems of the area.

Kevin Smith spoke on behalf of the management of the whole complex. He explained that around 70-80,000 people visited the site per week and that that there had only been 58 offences if one discounted the Industrial Estate and the Car Park. So that was equivalent to one offence per 100,000 people. There was close working with the police to reduce crime and ASB and they had acknowledged that there had been considerable improvement.

Mr Perks challenged the one per 100,000 figure quoted.

Mr Bhangoo spoke of all the personal incentives he had to manage the increased hours. He had invested considerably in the business including a 25 year lease and he personally worked behind the bar. Staff were well trained and he took care of them. In his absence, the staff ensured it was a safe and welcoming environment. He emphasised the importance of the proactive approach to problems, of belonging to Pubwatch and the new scheme and of working closely with the police and the other venues on the complex.

He told the Committee that he had undertaken a temporary trial of 1.30am closing for several nights during August by utilising Temporary Event Notices. The bar had been full to capacity on those evenings. So 80-100 patrons had left Nusha at 1.30am. On Saturday 8 August the Junction had closed at midnight and there had been no problems at Nusha of people trying to gain entry after midnight. All his customers were known personally to him and the later opening hours were aimed at them and were as a result of requests from them.

Members asked questions of clarification of the applicant regarding when he had opened the venue, whether he was the Designated Premises Supervisor (DPS) and why there was the request to vary the licence and whether there was seating room as well as standing room.

Mr Bhangoo confirmed that he opened Nusha in April 2005, that he was the DPS, that there was seating for 70-80 and that the request for longer opening hours had come from patrons.

Mr Perks pressed the issue of the inevitable increase in alcohol consumption and the potential for more ASB to which Mr Bhangoo responded by emphasising that the non-admittance after midnight would be enforced, would get known and it had worked on the trial evenings.

Mr Harrow spoke as a representative of CAMBAC and PubWatch. If this had been a request to open a new premises he would have objected. But in the case of Nusha he supported the application because the applicant managed his venue, staff and customers in a community way and was passionate about that.

Inspector Porter then spoke about the police view. He said he accepted that the issue was not the applicant's style of management. The concern focused on what happened outside the premises with more people and regulars drinking more alcohol and that the applicant could not control people's behaviour once they left his premises.

A member pressed Inspector Porter to justify why the increased opening hours "might" lead to increased ASB to which Inspector Porter replied that his experience and the tabled evidence showed that if premises were open longer there was an increase in alcohol related incidents.

Members asked Inspector Porter about the peak hours of drinking (Fridays and Saturdays from midnight to 2am) and estimates for the number of public around in the Leisure Park between those hours (50-100 in large groups).

Ms Wells in summing up said there was no evidence to back the police view and that the police accepted the premises was well run and that the applicant could not be responsible for incidents beyond the premises.

Mr Perks in summing up emphasised that the police view was that this was a significant increase in hours and they were concerned that, if the variation were agreed, this would negate the Cumulative Impact Zone policy. Other premises might also apply for variations as a consequence. The presumption was of refusal and the applicant had to demonstrate there would be no additional ASB. He acknowledged that it was very difficult for the police to identify which premises were associated with ASB and the Cumulative Impact Zone had been established for that reason.

Mr Perks also quoted from the Cumulative Impact Policy report where the police had produced the evidence for the policy showing that the Leisure Park had the highest number of ASB incidents and the highest number of ambulance call outs compared to other areas of the city. In addition the peak hours for disorder at the Leisure Park were 10pm-3am on Saturdays and Sundays. These statistics had led the Licensing Committee to establish the Cumulative Impact Zone and if any subsequent application was considered on its own merits then that effectively destroyed the policy.

Members of the Sub-Committee retired at 4.55pm to consider the application and returned at 5.42pm with a verdict.

The Decision: In this case, the Sub-Committee had to balance the interests of the applicant with those of the wider community. The decision was reached on its individual merits noting the evidence about noise nuisance and crime records in the vicinity of the premises. The Sub-Committee also considered the measures proposed by the applicant in the operating schedule, proposed as additional conditions in support of the licensing objectives, and found that the applicant had successfully rebutted the presumption that the variations as amended by the subcommittee would add to the existing cumulative impact and had demonstrated that no negative cumulative impact would be caused.

It was decided:

To grant to the applicant variations to the premises licence as requested in the licence application, but with the following changes;

To close at 02:00 on Tuesdays Fridays and Saturdays and at midnight on all other days except New Years Eve, and

To cease recorded music and the sale of alcohol 30 minutes before closing.

The variations of the licence to have effect from the 18th August 2008.

The Meeting concluded at 5.45pm

Chair