

**LICENSING SUBCOMMITTEE  
(2003 ACT)**17 November 2008  
10am – 12.35pm

**Present:** Councillors Blencowe, Liddle and Stuart (Chair)

**08/lic/53 Minutes**

The minutes of the meeting on 22 September were confirmed as a correct record and signed by the Chair.

**08/lic/54 Declarations of Interest**

None.

**08/lic/55 Procedure to be Followed**

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

**08/lic/56 Application for a new Premises Licence: Tudor Rose Café, 54 Mill Road, Cambridge****Present for this application:**

**For the Applicant:** Jeremy Sirrell, Palmers Solicitors, Basildon, Cwneyt Cimen (Applicant), Hasan Degirmenci (DPS)

**Responsible Authorities:** Inspector Chris Porter and PC Peter Sinclair for Cambridgeshire Constabulary.

**Interested Parties:** Catherine Barnard (resident); Paul Crossley (resident); Frank Gawthrop, Secretary of Glisson Road and Tenison Road Residents Association (GTARA) representing a number of residents; Councillor Walker representing the views of local traders in Mill Road.

**The hearing:**

The Council's Solicitor explained at the beginning of the meeting that there would be an adjournment until 10.15am as Councillor Benstead who was to have been a member of the Sub-Committee was unable to attend due to a family crisis and that Councillor Blencowe was to substitute for him and needed time to read the papers.

The applicant and the DPS were also delayed by traffic problems in Cambridge.

The meeting reconvened at 10.25am

The Licensing Officer presented her report and outlined the application being made. She said that the applicant had indicated on Friday last that they were minded to ask for an adjournment and that the applicant would doubtless clarify this.

Jeremy Sirrell said that had been the case, but the short adjournment at the beginning of the meeting had allowed the applicant to have useful discussions with the police representatives and, as a result, he understood the police would be withdrawing their objection.

Inspector Porter confirmed they were minded to do that but still had some questions about the additional conditions which the applicant had brought to the meeting especially with regard to the use of the garden.

The Members of the Sub-Committee clarified how best to proceed and it was agreed to have a further 5 minute adjournment so that the police and all the interested parties could be informed of the additional conditions and decide how that affected their position on the application.

The meeting adjourned at 10.35am and reconvened at 10.55am.

Jeremy Sirrell said that valuable progress had been made and he understood the police would withdraw their objection. The main problem for the residents was the sale of alcohol up to 11pm and the applicant understood their concerns.

He then spoke to the additional conditions which were tabled with the consent of all parties present.

The Members of the Sub-Committee suggested changes to the wording of new conditions 4 and 8.

The Members of the Sub-Committee asked questions of clarification of the applicant concerning:

1. The use of the phrase in condition 10 "including door supervisors" which was not usual in a restaurant so why was it included?
2. With regard to condition 17, would patrons be able to go into the garden with a bottle of alcohol while they smoked a cigarette?
3. With regard to condition 12, when would such drink promotions take place?
4. Would customers be aware that consumption of alcohol was not allowed in the garden?

Jeremy Sirrell said that it was unlikely that door supervisors would be used and that the wording had been taken from another document, that the phrase "or into the garden" be added to condition 8 to deal with the second point and that it was highly unlikely that drink promotions would take place but this condition was there to reassure residents. Customers would be aware of the ban on taking alcohol into the garden.

Inspector Porter then said that the police would withdraw their objection and asked that the word "consumption" be substituted for the word "service" in condition 17 and that the police would have reasonable access to the staff training records.

Catherine Barnard, making a personal representation, said that she was grateful to the applicant for agreeing that there would be no consumption of alcohol in the garden. She raised three further issues:

1. She referred to condition 14 "no customers in the garden after 10pm" and asked whether this could be reduced further to 8.30pm like the other premises next door.
2. She was grateful to the applicant for condition 2 "No music shall be provided to any external areas", and asked how they proposed to stop any seepage of the internal sound to the outside.
3. How many tables were planned for the garden? Currently there were 4 which could seat 16 people and she was concerned about the noise from such a number of persons.

With the agreement of all parties, she tabled photographs taken from her garden which abuts the garden of the Tudor Rose.

Jeremy Sirrell said that with regard to her second point, any music would be background music only, that none of the residents had objected on the grounds of noise from music and there was no reason to anticipate problems in the future. With regard to her other two points, it was a question of balancing residents' concerns with business needs.

Paul Crossley, making a personal representation, thanked the applicant for the additional conditions. His main concern was that the premises were to be open 7 days a week up to 10pm, which, with time required for clearing up was at least 10.30pm if not 11pm. This had considerable impact on residents with young children and adults who had to get up to go to work.

Jeremy Sirrell said that 10pm was a considerable concession from the applicant as the current licence allows him to be open until 11pm. He said staff would be asked to clear up quietly in the garden area.

A member of the Sub-Committee clarified that Catherine Barnard and Paul Crossley had been speaking personally. They agreed they had mentioned the Cumulative Impact Zone in their letters to the Licensing Officer and said that Frank Gawthrop and Councillor Walker would be addressing this aspect of residents' objections.

Frank Gawthrop explained that he was Secretary of GTARA and speaking on behalf of a number of residents in the area. Most houses in the area were Victorian terraced houses with sash windows and opening straight on to the street. So noise in the street from patrons leaving premises (voices and car doors shutting and cars starting up) was a concern. Residents also experienced late night vandalism to their parked cars. Residents welcomed the implementation of the Cumulative Impact Zone part of which required premises applying for new sale of alcohol licences to have to demonstrate that they would not add to the alcohol problems in the area; the presumption was that new applications would be refused unless such evidence could be produced. GTARA did not want to see any new licences granted in Mill Road.

Councillor Walker explained that she was a ward councillor for the area and was representing a number of local traders with businesses near to the Tudor Rose. She also lived in the area and had experience of the problems of Mill Road. She explained that the implementation of the CIZ had only been put in place from May 2008 and in July 2008 the Section 30 Dispersal Order had been renewed for the Petersfield part of Mill Road but not for the Romsey part. The Safer Neighbourhoods reports brought to the meeting of East Area Committee on 2 October was worrying in relation to the Mill Road area. The problems were due to the number of outlets selling alcohol in the area. She still supported the police objection on 3 grounds:

1. Local traders could give numerous anecdotes about unpleasant incidents including feeling frightened and intimidated and people urinating and defaecating in outside their premises (and this was not only the so-called street life people).
2. Customers coming to the Tudor Rose could have a small amount of food and drink a lot despite conditions 4 and 5. Day time was as much a problem time as the evening.
3. The CIZ should be applied to support the traders who are trying to make Mill Road a desirable shopping area and need all the help they can get from the City Council.

Jeremy Sirrell agreed that the CIZ was relevant but quoted from the legislation at paragraph 13.34 which said that there was a need to distinguish between different kinds of premises selling alcohol. For example, pubs, clubs and bars were different to restaurants and the majority of alcohol related problems came from those frequenting pubs clubs and bars. He emphasised that the applicant had made significant concessions to address the concerns of local residents and traders.

Before the Sub-Committee retired to consider the application, the Council's solicitor quoted from the legislation with regard to what they needed to consider when deciding whether or not to grant the licence.

Members of the Sub-Committee retired at 11.45am to consider the application. They called the Council Solicitor in to advise them on wording of their decision. They returned at 12.33pm with a decision.

### **The Decision:**

In reaching the decision on the application, the Sub-Committee considered material presented orally and in writing, the representations made by the Applicant's representative and the Responsible Authority, and representations made by two local residents appearing in their personal capacity, one local resident appearing as secretary of the Glisson and Tenison Road Resident's Association, and Councillor Walker appearing on behalf of traders in the immediate vicinity of the premises. Members took into account 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 decision was reached on its individual merits, bearing in mind that these premises are in a mixed commercial and residential area.

It was decided:

That it is justifiable to depart from the special policy on cumulative impact because of the conditions offered by the applicant, and because of the Police's withdrawal of their objections to the application, and because of the consensus between several of the resident objectors that the new conditions addressed many of their concerns.

The Sub-Committee therefore decided to grant the application subject to the conditions contained in the applicant's operating schedule as well as the conditions presented at the start of the meeting and agreed by the applicant and the police subject to amendments to the text drafted during the course of the meeting, all of which conditions are given below:

#### Sale/supply of alcohol (on the premises)

Mon-Sun                      12.00 to 23.00

#### Late night Refreshment (indoors and outdoors)

Mon – Sun                      23.00 to 00.00

Hours premises are open  
Mon- Sun 07.00 to 00.00

Conditions submitted by the applicant before the hearing:

#### General

All reasonable steps shall be taken to ensure that the premises will have a positive impact on the local environment and its residents at all times

#### The Prevention of Crime & Disorder

Any incidents of a criminal nature occurring on the premises shall be reported to the Police.

To deter the use of drugs, the toilets shall be checked on a two hourly average whilst the premises are open.

CCTV equipment with recording facilities shall be installed and operated at the premises to provide comprehensive coverage and shall be maintained in working order.

The CCTV system shall conform to the following points:

1. Cameras must be sited to observe the entrance and exit doors, both inside and outside
2. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification
3. Cameras viewing till areas must capture framed not less than 50% of the screen.
4. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
5. Be capable of visually confirming the nature of the crime committed.
6. Provide a linked record of date, time and place of any image.
7. Provide good quality images – colour during opening times.
8. Operate under existing light levels within and outside the premises.
9. Have the recording device located in a secure area or locked cabinet.
10. Have a monitor to review the images and recorded picture quality.
11. Be regularly maintained to ensure continuous quality of image capture retention.
12. Have signage displayed in the customer area to advise that CCTV is in operation.
13. Digital images must be kept for 31 days.
14. The Police shall have access to images at any reasonable time.
15. The equipment must have a suitable export method so that an evidential copy can be made of any data required in a format suitable for replay on a standard computer. Copies must be made available to the Police upon request.

#### Public Safety

Fire fighting equipment shall be installed throughout the premises and maintained in working order.

All emergency exits shall be kept free of obstruction at all times.

#### The Prevention of Public Nuisance

Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

#### The protection of children from harm

On occasions when the venue is open for the sale of alcohol the DPS or relevant person will actively operate a 'Challenge 21 policy'. This will include a voluntary agreement to only accept identity cards with a 'pass' accreditation, passports or photo ID driving licences, or any future identification card as approved by central government, as bona-fide recognised forms of identification.

A register of refused sales shall be kept and maintained on the premises. Staff shall be fully trained in alcohol sales with ongoing refresher training.

**Conditions submitted by the applicant during the hearing:**

1. The Licensee, that is the person in whose name the premises licence is issued, shall ensure that at all times when the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
2. No music shall be provided to any external areas.
3. The Licensee shall take all reasonably practicable steps to ensure that patrons entering into and departing from the licensed premises do not cause nuisance or annoyance to adjoining residents or passers by.
4. The supply of alcohol will only be ancillary to the taking of a table meal.
5. The premises will continue to be food led.
6. There shall be no sale and/or supply of alcohol off the premises.
7. The Licensee shall display notices requesting departing patrons to have regard to their neighbours.
8. The Licensee shall take all reasonably practicable steps to ensure that bottles and drinking vessels are not taken from the premises.
9. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. New staff will be trained before commencing their duties. Records will be kept of all training. Police to have access to training records on reasonable request.
10. All members of staff at the premises including door supervisors if any, shall see "credible photographic proof of age evidence" from any person who appears to be under the age of 21 and who is seeking to consume alcohol. Such credible evidence, which shall include a photograph of the customer, will either be a passport photograph, driving licence, or proof of age card carrying a "Pass" logo.
11. A suitably worded sign of sufficient size and clarity must be displayed at the point of entry to the premises and in a suitable location at the point of sale, including menus, advising customers that they may be asked to produce evidence of their age.
12. The Licensee will continue only to promote responsible drink promotions. In the event that any drink promotion, however modest, is shown to contribute to problems within the vicinity, the Licensee will withdraw such promotion upon the appropriate representations received from Cambridgeshire Police. For the avoidance of doubt the Licensee will not advertise, fly post, promote, sell or supply alcoholic drinks in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.
13. The Licensee shall display a public notice visible from the public highway which includes a telephone contact number for a responsible person on the premises to be available should a member of the public wish to call to discuss any matter in relation to the premises.
14. No customers shall be permitted in the garden after 10pm.

15. No draft beer to be sold.
16. All meals are to be served by waiter/waitress service only.
17. No consumption of alcohol is permitted in the garden.

With effect from: 17<sup>th</sup> November 2008.

The Meeting concluded at 12.35pm

**Chair**