

**LICENSING SUBCOMMITTEE
(2003 ACT)**26 January 2009
10am – 10.40am***APPROVED BY MEMBERS - DRAFT TO BE SIGNED*****Present:** Councillors Stuart (Chair), Benstead and Hart**09/lic/12 Declarations of Interest**

Members declared the following personal interests:

None

09/lic/13 Procedure to be Followed

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

**09/lic/14 Application for a new Premises Licence: CB1 Internet Café,
32 Mill Road, Cambridge****Present for this application:****For the Applicant:** Paul Buckingham (Manager); Rupert Gould (Manager)**Outside Body:** PC Pete Sinclair**Interested Parties:** None**The hearing:** The Licensing Manager presented her report and outlined the application being made. She stated that the applicant was seeking a new premises licence. The application for live music had now been withdrawn, and there had been no history of a licensing application being granted under the Licensing Act 2003.

Representations had been received from the Police Authority who proposed seven conditions detailed in the committee report the adoption of which would render the application acceptable to them, and from the Secretary of the Guest Road Area Residents Association requesting no alcohol sales at weekends.

The proposed hours to operate was 09.00 – 22.00 Monday to Sunday considering there would be no late night disturbances and that there was an agreement in place by the applicant to implement the further conditions attached. The applicant would need to be prepared to have the Challenge 21 scheme in place.

The Licensing Manager stated she had received representation from the police and proposed attaching seven conditions, which incorporated the policy considerations at paragraph 6 of the committee papers. She stated it was for the applicant to demonstrate that it was operating a schedule that would not contribute to the negative cumulative impact as the premises fell within a cumulative impact zone.

The applicant submitted that they had liaised with PC Sinclair and that they were prepared to fully accept the conditions. The applicant stated that he believed that granting the licence would not contribute to the negative cumulative impact. The applicant stated that he did not intend to change the current nature of the business or the clientele by way of the licensing application, and wished to continue to operate in the same way.

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

- Did the premises have an outside seating area?

A: The applicant explained that the outside seating area was located to the back of the premises.

- Cllr Stuart raised her concerns over the sale and supply of alcohol up until closing time (22.00).

A: The applicant addressed this by stating that the alcohol licence was raised to 22.00 hours as it was never clear when the poetry recitations would finish. Therefore the alcohol license had been raised to 22.00 in order to stay in line with the opening hours. The applicant stated the hours by no means reflected a regular practice.

- It was traditional to have a drinking stoppage period 20-30 minutes prior to the premises closing.

A: The Licensing Manager replied that the decision was down to the Councillors to decide whether they wished to impose this.

- Cllr Benstead asked the applicants whether they were aware that serving alcohol would be limited to 24 occasions a year?

A: The applicants stated that food would always be served with the alcohol.

PC Sinclair stated that some venues had a period of 'drinking up time' which was considered good practice. However, PC Sinclair submitted that he did not see this as becoming a problem due to the nature of the business. He stated that he had since liaised with the applicant and reached the decision to negotiate condition 4 found at paragraph 4 of the committee papers. He stated that the applicants had agreed for the current paragraph which reads as follows:

'The Supply of intoxicating liquor to the external seating areas shall be by waiter/waitress service only'

To be substituted to read as follows:

'A digital CCTV system will be fitted and maintained in working order and will record images during trading hours. Images will be retained for 31 days and made available to police or an authorised person from a responsible authority under Licensing Act 2003 upon request.'

He requested that a monitor be fitted onto the bar in order to display the activity in the outdoor seating area as the CCTV would be in place in order to capture this.

As the objectors were not present, Cllr Benstead asked the applicants some questions that would reflect the concerns of the objectors:

- Weekends tended to have a high percentage of drinking activity – what were the applicant's views on the impact of the premises being granted the alcohol licence?

A: The applicant retorted that the drinking license would not make a difference to the area due to the nature of the business, and would therefore not have an impact on the surrounding area.

- Cllr Benstead stated that by selling alcohol until 22.00, not 18.00, consideration of GTARA had to be taken into account.

A: The applicants replied that Saturday and Sundays were the busiest times in the week. By restricting the alcohol serving times, they would be losing trade.

- What form of alcohol would be sold?

A: The applicant stated that they would sell red and white wine and beer in packs, but would not be selling draft beer.

Members of the Sub-Committee retired at 10.20am to consider the application and returned at 10.35am with a verdict.

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 and the Interested Parties, the Council's Statement of Licensing Policy and the statutory guidance under the Licensing Act 2003. The list of the interested parties who spoke at the meeting appears in the minutes of the meeting.

In this case, the Sub-Committee had to balance the interests of the applicant with those of the wider community, and in particular the potential for issues of public nuisance affecting the residents close to the premises.

It was decided:

To grant a new Premises Licence for the supply of alcohol between the hours of 12:00 and 22:00 Monday to Sunday subject to: -

1. Save for 2 below alcohol shall not be sold or supplied on the premises (which includes any outside garden or terrace area) otherwise than as and ancillary to persons consuming food.
2. Alcohol may also be sold or supplied to persons attending bona fide pre-arranged poetry events or forums and limited to 24 occasions a year. A book shall be kept to record details of those events and will be made available for inspection by a police officer or authorised person at any reasonable time.
3. Substantial food and non-alcoholic beverages including drinking water shall be available at all times the premises are open to the public
4. CCTV equipment shall be installed at the premises and shall be maintained in good working order and shall record images whilst the premises are open to the public. A camera shall monitor any garden or terrace area and the monitor shall be installed at the bar/counter. The CCTV equipment and the recordings made shall be retained for not less than 31 days and shall be made available to the Police on request.
5. No draft beer will be sold or supplied
6. The hours for the sale or supply of alcohol shall be limited to 09:00 to 20:00 each day except for events under 2. above when alcohol may be sold or supplied to 22:00 hours.
7. The Designated Premises Supervisor or relevant person will actively operate the "Challenge 21 Policy" and this will include a voluntary agreement to only accept identity cards with the "Pass" accreditation; passports; photo ID driving licences; any National identity card as ruled by any British Court as a bona-fide recognised form of identification; or any future identification card as approved by central government as a bona-fide recognised form of identification.
8. Alcohol must be served with food or at organised functions such as poetry evenings and functions.
9. Fire extinguishers shall be placed in appropriate places and maintained in working order.
10. Recorded music shall be of a background level only.
11. The placing of waste, including bottles, into receptacles outside the premises and the emptying of waste receptacles by waste

contractors shall only be permitted to take place between 07:00 and 23:00 to minimise disturbance to nearby properties.

For the following reasons;

1. The application as amended by the applicant prior to the hearing and with the conditions proposed by the Police Authority and amended at the hearing in agreement with the applicant and the Licensing Manager meets the licensing objectives and overcomes the presumption under the Cumulative Impact policy
2. Due weight had been given to the representations of the other interested parties' concerns about public nuisance arising from the new licence.

With effect from: 26 January 2009

The Meeting concluded at 10.40pm

Chair