

LICENSING SUBCOMMITTEE12 October 2009
10.00am – 1.05pm**Present:** Councillors Blencowe, Boyce and Wright**09/Lic/57 Appointment of a Chair**

It was agreed that Councillor Boyce would Chair

09/lic/58 Declarations of Interest

None

09/lic/59 Procedure To Be Followed

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

09/lic/60 Adjournment

Mr Anderson requested a 15-minute adjournment as Mr Blagden had been delayed in traffic. The Sub-Committee adjourned at 10.10am and returned at 10.30am.

09/lic/61 Application for a new Premises Licence: Jamie's Italian, The Guildhall, Cambridge**Present for this application:**

For the Applicant	Responsible Authority	Interested Parties	Ward Councillors
James Anderson: A solicitor from Popleston Allen	Inspector Marcia Nichols,	N/A	N/A
Simon Blagden, Managing Director, Jamies Italian	PC Peter Sinclair	N/A	N/A

The Hearing: The Licensing Manager presented her report and outlined the application being made. She stated that the Council, as the licensing authority, had received an application for a new Premises Licence in respect of the premises to be known Jamie's Italian on Wheeler Street/Peas Hill.

The application was for a new premises licence to allow the following:

Sale/supply of alcohol (on and off the premises)

Mon – Sat 08:00 to 23:30

Sun 08:00 to 22:30

Non-standard timings

New Years Eve 08:00 to 02:00 hours the following morning

Hours premises are open

Mon – Sat 08:00 to 00:00

Sun 08:00 to 23:00

Films (indoors)

Mon-Sat 08:00 to 23.30

Sun 08:00 to 22.30

Non-standard timings

New Years Eve 08:00 to 02:00 hours the following morning

Late night refreshment (indoors)

Mon-Sat 23:00 to 00:00

Non-standard timings

New Years Eve 23:00 to 02:00 hours the following morning (not a licensable activity between 08:00 and 23:00 as detailed in application)

The Licensing Manager asked the committee to note that the application asked for non standard timings for the sale of alcohol and the showing of films for New Years Eve but had omitted to ask for non standard open times. This will need to be addressed at a later date.

This hearing has been called in response to representations from the Police. An exchange of correspondence has taken place and a proposed set of conditions was circulated.

Mr Anderson spoke on behalf of the applicant. He stated that the proposed set of conditions seeks to strike a balance with the police. Jamie's Italian operates in similar circumstances in Brighton without problems. The restaurant makes in revenue primarily from food not alcohol. However, he accepts police concerns. The venue is high profile and is leased with tight conditions which would continue if there was a change of ownership at a later date. Jamie's seeks to attract mature professional individuals and will have a positive impact on the City Centre.

The Members of the Sub-Committee asked the applicant's representative the following questions to which the response was as shown below:

- Will number of people in the building be controlled?

Yes, there will be limits.

- Is it correct that some stores were open already when a cumulative impact zone was declared?

Yes, this applied to the stores in Bristol, Brighton and London.

- Have the current proposed conditions come from the applicant?

Yes, as a amendment to the original application?.

- Will the deli be selling wine to be consumed off the premises?

This was the original plan but has been superseded by the current proposal.

Inspector Nichols spoke on behalf of the police. Initial concerns about alcohol sales have been addressed and she is happy to agree the current conditions and to withdraw the representation.

Members asked for clarity on staffing levels and door security.

Members of the Sub-Committee agreed the application in principle.

The Decision: In reaching the decision on the application, the Sub-Committee considered the material presented at the hearing both orally and in writing and the representations made before and at the hearing, the Council's Statement of Licensing Policy and the legislation and the statutory guidance under the Licensing Act 2003 and the legal advice received during the hearing.

In this case, the Sub-Committee decided:

To grant the application as applied for and including the following conditions :

Prevention Of Crime & Disorder

1. A digital CCTV system with appropriate recording equipment will be installed, operated and maintained throughout the premises internally to cover all public areas with sufficient numbers of cameras as agreed with Cambridge Police. Images shall be retained for 31 days and made available to the police or authorised officer on reasonable request. The CCTV images will record and display dates and times, and these times will be checked regularly to ensure their accuracy with GMT.
2. Whenever the premises are open to the public a minimum of 198 seats will be provided at all times on the ground floor.

3. With the exception of guests waiting to be seated for a table meal, the sale or supply of alcohol on the ground floor shall be by way of waiter/waitress service, and will be sold as ancillary to substantial refreshment. Persons waiting to be seated for a meal shall be encouraged by staff to be seated at tables as soon as one becomes available.
4. On the first floor, alcohol will only be supplied either as an ancillary to the provision of substantial refreshment or to persons attending a bona fide, pre booked private function.
5. There will be no draught beers, or draught lagers for sale at the premises.
6. Substantial food and non alcoholic beverages shall be available at all times in all parts of the premises.
7. Save for the outside seating area delineated on the plan, there shall be no off sales from the premises
8. Tables and chairs shall be removed & securely stored away from the external area by 2300 hrs.
9. The external seating area will be adequately supervised by staff whilst it is use. The police will liaise with the management concerning the external dining area at the premises. In the event that there should be any issues in regard to the use that area that undermines one or more of the licensing objectives the management will use there best endeavours to address the situation in good time, and if necessary remove the tables from use until such a time it is agreed that those concerns are addressed.

The Prevention of Public Nuisance

10. There will be no live amplified music at the venue.
11. The outside seating area will only be used for customers taking table meals. The sale or supply of alcohol to persons seated at those tables shall be by way of waiter/waitress.
12. There shall be background music only.
13. The management shall respect the needs of residents and businesses within the vicinity.

The Protection of Children from Harm

14. All staff will be trained in respect of Licensing Act requirements and offences, and in particular in respect of underage sales. If there is any doubt about the age of any customers requesting the purchase of alcohol, photographic evidence will be required.

With effect from: 12th October 2009

09/lic/62 Application for a new Premises Licence: Subway, 2 Emmanuel Street, Cambridge

Present for this application:

For the Applicant	Responsible Authority	Interested Parties	Ward Councillors
Mr Williams, Solicitor, Licensing Legal	Inspector Marcia Nichols,	N/A	N/A
Mark Greening, Soundbites Catering Ltd	PC Peter Sinclair	N/A	N/A

The Hearing: The Licensing Manager presented her report and outlined the application being made. She stated that the Council, as the licensing authority, had received an application for a new Premises Licence in respect of the premises to be known Subway on xxx.

The application was for a new premises licence to allow the following:

Provision of Late Night Refreshment (indoors)

Thur - Sat 23:00 – 03:00

Hours premises to be open

Mon – Wed 07:00 -23:00

Thur – Fri 07:00- 03:30

Sat 08:00-03.30

Sun 09:00-22.00

By mutual agreement the following documents were circulated: Violent Crime Performance Update Cambridge City Violent Crime Task Group July – Aug 2009; Incident Report Sheets for Emmanuel Street and Subway 2005 to

2009; Letter MDS Security outlining proposed provision of SIA licensed door staff.

Mr Williams outlined the door staff that would be provided. There are currently four Subway outlets in the City and this is the first to apply for late night provision. Technically, Subway could already open late for the provision of cold food. The premises is in the City Centre Cumulative Impact Area (CIA) and the applicant feels that these issues have been addressed. The premises will not sell alcohol, will employ SIA registered door staff, will relieve pressure on other late night food venues, uses CCTV (and shares this with the Police if needed), subscribes to CAMBAC and will operate a controlled queuing system.

The circulated documents show that since 2005 this venue has recorded one incident a month and some of these have been reported to the police by Subway staff when the venue has been closed. The Emmanuel Street site has recorded 21 incidents in the last 9 months with 4 of those outside opening hours. The demand for hot food exists and an additional outlet could relieve pressure on other hotspots around the City.

The Members of the Sub-Committee asked the applicant's representative the following questions to which the response was as shown below:

- Would be provision of door staff be new?

The outlet is currently open until 11.00pm without door staff, if granted the door staff would be in place from 10.00pm offering additional security.

Inspector Nichols spoke on behalf of the police who believe the venue will have a detrimental impact on the area. The statistics show a disproportionate number of incidents when compared to other Subway outlets in the City. Emmanuel Street is a busy through route and after 1.00pm the demographic in the area is very different from the daytime period. Dispersal of large numbers of late night revellers is problematic and any queuing system is prone to tensions which may lead to disorder. The Cumulative Impact Area was introduced to guard against further hotspots. Other late night food venues use door staff and still record a number of incidents. The suggested additional hours mirror the current peak period for violent incidents.

The current initiative is high cost to the police and is unsustainable. Extended hours for this venue will cause an additional burden on services at a time of public spending costs. The additional conditions suggested would not mitigate the problem and the police would object even if the venue was outside the CIA.

Open discussions:

Members did not feel that one door person could not control the internal and external areas. Mr Williams suggested that an additional food venue would be useful as food would absorb alcohol. However, the members felt that this would just attract those already under the influence to the area. The Chair asked for clarity on the queuing system and how many could be accommodated within the shop. Mr Williams suggested that at least 10 people could wait in the shop and queues outside were unlikely. The police suggested it would be hard to judge the potential conflicts both inside and outside the venue.

Mr Williams felt that there was an issue of fairness as this venue is not selling alcohol and similar food venues are already in operation. The police responded by saying there is an issue of proportionality and they need to consider flash points. Mr Williams suggested a Licence could be granted and then revoked if problems occurred. A door person would be a deterrent and the shop is currently able to cope at busy times without customer queuing outside.

In summary the applicant stated:

1. Drinkers want foot late at night and additional venues help to disperse crowds and relieve problems in other areas.
2. Reasonable steps have been taken to minimise the impact
3. New hours will not add to problems
4. If the venue causes problems the License could be revoked

In summary the Police stated:

1. Extending hours will increase the number of incidents in the area.
2. The suggested additional measures already used in similar venues does not stop the problems
3. The CIA was introduced to prevent venues opening that would have a detrimental impact on the area.

Members of the Sub-Committee retired at 12.30 to consider the application and returned at 1.05pm.

The Decision:

The Sub-Committee rejected the application as it did not consider the measures to mitigate were sufficient for a venue in this location.

The Meeting concluded at 13.08

Chair