



RECORD OF DECISION

To be completed and signed before Members return to open session to announce their decision.

RECORD OF DECISION: APPLICATION UNDER LICENSING ACT 2003

Licensing Sub Committee Date: 5 February 2024

Members:

- i. Councillor Russ McPherson (Chair)
- ii. Councillor Dinah Pounds
- iii. Councillor Rachel Wade

To consider the application of Valmir Dautaj in regard to the premises known as Sunset Lounge at 106 Cherry Hinton Road, Cambridge CB1 7AJ to provide the supply of alcohol within Cambridge City.

We heard representations from the following persons:

- i. Alex Beebe, Licensing Officer - Cambridge City Council.
- ii. Graham Goodwill, Legal Representative, Sunset Lounge
- iii. Councillor Anna Smith
- iv. Councillor Immy Blackburn-Horgan

The reason you appeared before the Sub-Committee:

To consider an application for a premises licence to provide:

Sale by retail of alcohol - Monday to Saturday: 11:00 22:00

In making our decision we considered the following:

- i. Statutory provisions (Licensing Act 2003) Statutory Guidance
- ii. Cambridge City Council's Statement of Licensing Policy Reports
- iii. Advice from Legal Officer
Representations from:
- iv. Councillor Anna Smith and Councillor Blackburn Hogan,
- v. Mr Goodwill on behalf of the applicant.

Evidence from:

The Panel allowed late evidence consisting of photographic evidence and a plan of the location of the restaurant from the applicant.

Residents

We found the following facts.

- i. Extensive representations from residents.
- i. Statements from Councillors representing residents.
- ii. Change of Use from takeaway to restaurant and when questioned there were no mitigations or intended alterations to nuisance caused to the residents.
- iii. Licensing objectives
- iv. The granting of alcohol licence brings with it the right to play music. Page 10 of the additional evidence shows a speaker next to a window, which shows existing potential disregard to residents.
- v. Up until now, The Sunset lounge has been presented up as shisha bar, with amplified music and dancing in the promotional material. The sudden change in the narrative to a quiet family restaurant raises concerns going forward as to the actual use of the venue.
- vi. No positive responses were provided to residents/Councillor's noise concerns. Residents' objections appeared to be disregarded and no goodwill was shown to address their concerns. Neither the Application nor the representations provided any adequate measures to reduce noise nuisance.
- vii. Significant use of the TENs suggests the intended use of the venue as a bar as opposed to a family restaurant.

We did not consider the following matters to be relevant:

- ii. Renovation costs
- iii. Substantial changes to the application.
- iv. The fact that the applicant no longer includes the extension as part of the application is irrelevant as it is subject to planning enforcement.

Our reasons for this are:

- i. The cost of renovation is not a licensable consideration.
- ii. The new additions did not form part of the original application.
- iii. The fact that the extension is not going to be used being as mitigation to allow the application is relevant to page 53, section 3, where the Senior Compliance officers says that it is subject to a compliance investigation which will shortly result in enforcement action. This is therefore not for consideration as a licensing objective or mitigation from the applicant.

We consider all evidence to be relevant, including late submission of photographic evidence by Applicant's representative.

Our decision is as follows:

Our decision is to refuse the granting of alcohol licence to Sunset Lounge of 106 Cherry Hinton Road, Cambridge.

Our reasons for reaching the decision are as follows:

- i. We do not consider that the current application supports or promotes the 4 licensing objectives.
- ii. The historic use of the TENS Licenses would indicate the future aspirations of the current owners.
- iii. Residents' concerns have not been adequately addressed.

Signed: Councillors Pounds
Councillor McPherson
Councillor Wade

Date: 05 Feb 2024

The applicant or those who made a relevant representation has the right of appeal to a Magistrates Court within 21 days from the date of this decision notice by contacting:

Cambridgeshire Magistrates Court, The Court House, Bridge Street,
Peterborough,
PE1 1ED.

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