



LICENSING SUB-COMMITTEE

To: Councillors Benstead, Holt and Sinnott

Despatched: Friday, 30 September 2016

Date: Monday, 10 October 2016

Time: 11.00 am

Venue: Committee Room 1 & 2, The Guildhall, Market Square, Cambridge,
CB2 3QJ

Contact: Sarah Steed

Direct Dial: 01223 457013

AGENDA

- 1 **Appointment of a Chair**
- 2 **Declarations of Interest**
- 3 **Meeting Procedure**
- 4 **Diamond Grill Hearing Report** (*Pages 7 - 50*)

Information for the Public

Location The meeting is in the Guildhall on the Market Square (CB2 3QJ).

Between 9 a.m. and 5 p.m. the building is accessible via Peas Hill, Guildhall Street and the Market Square entrances.

After 5 p.m. access is via the Peas Hill entrance.

All the meeting rooms (Committee Room 1, Committee 2 and the Council Chamber) are on the first floor, and are accessible via lifts or stairs.

Public Participation Some meetings may have parts, which will be closed to the public, but the reasons for excluding the press and public will be given.

To speak at a Licensing hearing, you must have made a representation during the consultation period on the relevant application and registered your intention to speak with Democratic Services prior to the hearing.

The Licensing department can be contacted on 01223 457000 or licensing@cambridge.gov.uk.

For general advice about speaking at committees please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

Filming, recording and photography The Council is committed to being open and transparent in the way it conducts its decision making. The public may record (e.g. film, audio, tweet, blog) meetings which are open to the public.

Facilities for disabled people Level access to the Guildhall is via Peas Hill.

A loop system is available in Committee Room 1, Committee Room 2 and the Council Chamber.

Accessible toilets are available on the ground and

first floor.

Meeting papers are available in large print and other formats on request prior to the meeting.

For further assistance please contact Democratic Services on 01223 457013 or democratic.services@cambridge.gov.uk.

Queries on reports If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or <http://democracy.cambridge.gov.uk/>

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Mod.Gov App You can get committee agenda and reports for your tablet by using the mod.gov app

Licensing Act 2003 - Licensing Sub-Committee: Hearings Procedure

Preliminary Matters

1. **The Chair** will commence the hearing by introducing him/herself, the other two members of the Sub-Committee and the officers present.
2. **The Chair** will ask the applicant(s)/the responsible authorities/the interested parties present, and their representatives (if applicable), to introduce themselves and identify their interest in the proceedings.

Failure of a party to attend the hearing

3. If a party has informed the licensing authority that he/she does not intend to attend or be represented at a hearing, the hearing may proceed in his/her absence.
4. If a party who has not so indicated fails to attend or be represented at a hearing, the Sub-Committee may –
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
 - (b) hold the hearing in the party's absence.
5. Where the Sub-Committee holds the hearing in the absence of a party, the Sub-Committee will consider at the hearing the application, representations or notice made by that party.
6. **The Chair** will explain the procedure to be followed at the hearing and will confirm whether the Sub-Committee must reach its decision at the end of the hearing or within 5 working days of the hearing, depending on the application being heard.
7. **The Clerk to the Sub-Committee** will indicate whether any party has requested permission for any other person(s) (other than his/her representative) to appear at the hearing to assist the Sub-Committee in relation to the application, representations or notice of the party making the request. The Sub-Committee will decide whether to grant permission to allow any other person(s) to appear at the hearing on behalf of the party; such permission will not be unreasonably withheld.
8. **The Clerk to the Sub-Committee** will ask whether any party is seeking to introduce any document(s) or other information not previously disclosed to all the other parties to the hearing and the licensing authority. If all the other parties consent, the previously undisclosed document(s) or other information can be produced by a party in support of their application, representations or notice (as applicable).
9. The hearing will take the form of a discussion led by the Chair of the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers that cross-examination is required to consider the representations, application or notice as the case may require.
10. The Sub-Committee will consider any requests to permit cross-examination on

a case-by-case basis. When permission is given to one party, it will also normally be extended to all other parties.

11. The Sub-Committee will decide the equal maximum period of time that each party will have to present their case.

The Hearing

12. *The Licensing Officer will present the report to the Sub-Committee.*

13. Members may ask any relevant questions of the Licensing Officer.

14. *The applicant, or the party who has initiated the hearing, will present their case first.*

15. The party shall be entitled to:

(a) give further information in support of their application, representations or notice (as applicable) in response to a specific request by the licensing authority prior to the hearing;

(b) question any other party (if permission has been given by the Sub-Committee);

(c) address the Sub-Committee.

16. If the Police are a party to the hearing, they will present their case. The Police have the rights listed in paragraph 15 (a) – (c) above.

17. If any other “responsible authority” are a party to the hearing, they will present their case in turn after the Police and have the rights listed in paragraph 15 (a) – (c) above.

18. Any other interested parties will then present their case in turn and have the rights listed in paragraph 15 (a) – (c) above.

19. Members of the Sub-Committee may ask questions of the/each party or any other person permitted to appear at the hearing in support of the party.

20. **The Chair** will invite the applicant, or the party who has initiated the hearing, and any parties making representations, to briefly summarise their points if they wish.

21. **The Chair** will ask the applicant, or the party who has initiated the hearing, and all parties making representations, that they are satisfied that they have said all they wish to.

The Decision

22. In considering any representations or notice made by a party, the Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.

23. In reaching its decision, the Sub-Committee will disregard any information given by a party, or any person who has been permitted to appear at the hearing, which is not relevant to –

(a) the application, representations or notice (as applicable) or in the case of another person, the application, representations or notice of the party

requesting their appearance, and

(b) the promotion of the licensing objectives or, in relation to a hearing to consider a notice given by the Police, the crime prevention objective.

24. The Sub-Committee may consider its decision in private and may move into private session where it considers that the public interest in so doing outweighs the public interest in that part of the hearing taking place in public. If the Sub-Committee do move into private session then all the parties and their representatives, any other person permitted to appear at the hearing, officers, the public and the press will be asked to leave the room whilst the decision is made.

The Chair will tell those present at the meeting the decision taken by the Sub-Committee and the reasons for the decision.

CAMBRIDGE CITY COUNCIL

REPORT OF: Yvonne O'Donnell
Environmental Health Manager

TO: Licensing Sub-Committee 10/10/2016

WARDS: Kings Hedges

CONSIDERATION OF AN APPLICATION FOR A PREMISES LICENCE TO BE GRANTED: DIAMOND GRILL, NICHOLSON WAY, CAMBRIDGE

1 INTRODUCTION

1.1 An application under section 17 of the Licensing Act 2003 for a Premises Licence to be granted in respect of Diamond Grill, Nicholson Way, Cambridge has been received from Haydar Ince. The application is attached to the report as Appendix A. The application was served on Cambridge City Council (the Licensing Authority) on 19th August 2016. A copy of the application was also served on each responsible authority. The application has detailed the address as Nicholson Way and this is how the application has been logged on the M3 computer system. The trailer is actually located on the corner of Nicholson Way and Walker Court. If a Premises Licence was granted, the licence would specify this. The plans, attached to the report of Appendix B, show exactly where the trailer would be situated. If a Premises Licence was granted and the trailer moved from this position, the Premises Licence would not be able to be used at the new location.

1.2 The applicant is seeking a new premises licence for the following:

Late Night Refreshment

Mon – Sun (inclusive)

23:00 to 00:00

- 1.3 A list of conditions that will be added to the Premises Licence, should it be granted have been attached to the report as Appendix C. Members can add further conditions to this list if so minded.
- 1.4 In accordance with the regulations of the Act, the application was advertised on the premises and in the Cambridge News to invite representations from responsible authorities and other persons. The last date for submitting representations was the 16 September 2016.
- 1.5 Representations have been received from 8 Other Person's. The representations are attached to the report as Appendix C. No representations were received from any of the Responsible Authorities but Environmental Health and Cambridge Constabulary have agreed conditions, which are included in Appendix B.
- 1.6 The application needs to be determined.

2. RECOMMENDATIONS

- 2.1 That Members' determine the application on its individual merits having reference to the statutory licensing objectives and Cambridge City Council's Statement of Licensing Policy.

3. BACKGROUND

- 3.1 The premises are not located within a cumulative impact area.
- 3.2 The application is for a new premises licence. Diamond Grill and Mr Ince currently have a premises licence for a Late Night Refreshment Trailer on Arbury Road. It is my understanding that due to the road refurbishments on Arbury Road, the space for the trailer is no longer available and will not be available once the work has been completed. This is the reason why the trailer has moved to its current location and an application for a Premises Licence has been made.
- 3.3 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy and additionally the statutory guidance issued under Section 182 of the Licensing Act 2003. The relevant sections from the Council's Statement of Licensing Policy are:
 - Objectives, section 2
 - Fundamental principles, section 4
 - Cumulative impact, section 5
 - Licensing Hours, section 6
 - Licence Conditions, section 8

4. CONSULTATIONS

- 4.1 The Licensing Act 2003 requires applications made under section 17 of the Act to be served on the Responsible Authorities and also advertised on the premises and in a local newspaper circulating within the vicinity of the premises. During the consultation period, Responsible Authorities and Other Persons (any individual, body or business entitled to make representations to licensing authorities) may make a representation in respect of the application.
- 4.2 Statutory consultation has therefore taken place with Responsible Authorities and interested parties in accordance with the procedures set out in the Licensing Act 2003 and associated regulations made under the Act.

5. OPTIONS

- 5.1 Whilst having reference to the information provided by the applicant and the interested party and also Cambridge City Council's Statement of Licensing Policy, the Sub-Committee's decision must be made with a view to promoting one or more of the four licensing objectives, namely:
- (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm.
- 5.2 Members should take such steps that they consider are necessary for the promotion of the licensing objectives. The Sub-Committee may resolve:
- (a) to grant the licence subject to the mandatory conditions and those conditions offered by the applicant which may be modified to such extent as the authority considers necessary for the promotion of the licensing objectives,
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - (c) to refuse to specify a person in the licence as the premises supervisor;
 - (d) to reject the application.
- 5.3 Members must give reasons for their decision.

6. CONCLUSIONS

- 6.1 The Licensing Authority has a duty under the Licensing Act 2003 to promote the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, and the Statutory Guidance under the Licensing Act 2003 and it is bound by the Human Rights Act 1998. The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Cambridge.

7. IMPLICATIONS

a) **Financial Implications**

Cambridge City Council (the Licensing Authority) has a statutory duty to determine applications made under the Licensing Act 2003. The application fees associated with such applications are set by Central Government and are intended to cover the cost of administering the licensing regime.

There are no specific financial implications associated with this report.

(b) **Staffing Implications**

There are no staffing implications associated with this report.

(c) **Equal Opportunities Implications**

No Equality Impact Assessment has been conducted as the only consideration in reaching a decision is whether the granting of the application will undermine the statutory licensing objectives.

(d) **Environmental Implications**

Any environmental implications that need to be considered must specifically relate to the promotion of the statutory licensing objectives and will be contained in the representations made by the responsible authorities or interested parties.

(e) **Community Safety**

Cambridge Constabulary, Cambridgeshire Fire & Rescue Service, Cambridge City Council's Environmental Health Team, Cambridge City Council's Planning Service, Cambridgeshire County Council's Child Protection & Review Unit, Cambridgeshire County Council's

Trading Standards Department and the Public Health Director were consulted as part of the application process and could have made representation if it was considered that the granting of the application would undermine one or more of the statutory licensing objectives.

Those making representations would have raised any relevant community safety implications.

- 8. BACKGROUND PAPERS:** The following are the background papers that were used in the preparation of this report:

[Licensing Act 2003](#)

[The Licensing Act 2003 \(Premises licences and club premises certificates\) Regulations 2005](#)

[Guidance issued under section 182 of the Licensing Act 2003](#)

[The Council's Statement of Licensing Policy](#)

To inspect these documents either view the above hyperlinks or contact Luke Catchpole on extension 7818

The author and contact officer for queries on the report is Luke Catchpole on extension 7818.

Report file:

Date originated: 21 September 2016

Date of last revision: 21 September 2016

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* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* Business name If your business is registered, use its registered name.

* VAT number Put "none" if you are not registered for VAT.

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Section 4 of 19

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

First name

HAYDAR INCE

Family name

INCE

Is the applicant 18 years of age or older?

Yes No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name: 16
Street: PEVEREL ROAD
District:
City or town: CAMBRIDGE
County or administrative area: CAMBRIDGE CITY COUNCIL
Postcode: CB5 2RH
Country: United Kingdom

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail: [REDACTED]
Telephone number: [REDACTED]
Other telephone number:
Add another applicant

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OPERATING SCHEDULE

When do you want the premises licence to start? 03 / 08 / 2016
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

TAKEAWAY KEBAB / BURGER VAN

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

Will you be providing plays?

Yes

No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

Yes

No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes

No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes

No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes

No

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes

No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes

No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes

No

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon	23:00	00:00	<u>Please give further details here</u> (please read guidance note 3) BECAUSE IT IS A KEBAB VAN ALL TRADING OF FOODS ARE MADE OUTSIDE .	Both	<input type="checkbox"/>
Tue	23:00	00:00			
Wed	23:00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) NO SEASONAL VARIATIONS .		
Thur	23:00	00:00			
Fri	23:00	00:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) NO INTEND TO CHANGE THE STANDARD TIMINGS .		
Sat	23:00	00:00			
Sun	23:00	00:00			

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Start End
 Start End

THURSDAY

Start End
 Start End

FRIDAY

Start End
 Start End

SATURDAY

Start End
 Start End

SUNDAY

Start End
 Start End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

public health and safety standards.

b) The prevention of crime and disorder

We have CCTV in operation to help with any crime.

c) Public safety

Keep the surrounding area free of clutter to prevent any trip hazards to the public.

d) The prevention of public nuisance

Keep any noise pollution to the minimum.

e) The protection of children from harm

Keep all the sharp utensils safe, locked away.

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

The national scale of fees is set out below and also available on our website:

<http://www.cambridge.gov.uk/ccm/content/ehws/licensing/fees.en>

Please enter and pay the appropriate fee. If you are uncertain of the fee enter 0 in the amount field and the City Council will contact you to advise you of the fee. Please note the application will not be processed until the correct fee has been paid.

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

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There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

* Fee amount (£)

0,00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

NAWDELA HOUSE

Street

41 REGENT STREET

District

City or town

CAMBRIDGE

County or administrative area

CAMBRIDGE CITY COUNCIL

Postcode

CB2 1BJ

Country

United Kingdom

DECLARATION

I/we hereby declare that I/we have not made an application to drink up to levels on the standard scale, and in violation 100 of the licensing act 2003, to make a false statement in or in connection with this application

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you are authorised to do so on behalf of the applicant?

* Full name

HAYDAR INCE

* Capacity

HAYDAR INCE, Manager

Continued from previous page...

Date (dd/mm/yyyy)

11.
23/08/2016

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/cambridge/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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ARBURY ROAD.

VAN

NICHOLSON WAY

FLATS.

FLATS.

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THE LICENSING ACT 2003
REPRESENTATION FORM FOR "INTERESTED PERSON" / "BODY"
 (living in the 'vicinity' of the premises detailed below)

Your name / Company name	[REDACTED]
(Name of Body you represent) Please tick one: <input checked="" type="checkbox"/> i) a person living in the vicinity of the premises <input checked="" type="checkbox"/> ii) a body representing persons who live in that vicinity <input type="checkbox"/> iii) a person involved in a business in the vicinity of the premises <input type="checkbox"/> iv) a body representing persons involved in these businesses <input type="checkbox"/>	
Postal Address (inc post code)	[REDACTED]
Contact telephone number:	
Mobile Number:	[REDACTED]
Email address:	[REDACTED]

Name of Premises you are making a representation about:	Diamond Grill
Address of the premises you are making a representation about:	Nicholson Way Cambridge

This section is about your representation/s. They must relate to one or more of the Licensing Objectives. Please detail the evidence supporting your representation, (under the relevant headings) and the reason for your representation/s. *It is important that you detail all matters that you wish to be considered. (Use additional sheets if necessary. Regulations provide that in considering representations the authority may take into account documentary or other information produced by the party either before the hearing or, with the consent of all parties, at the hearing.*

The prevention of crime and disorder A later opening hour allowance will attract late night revellers increasing the chances of drunk and antisocial behaviour to Arbury Road.	Public safety More drunken people in the area late at night. More chance of unsavoury incidents.
The prevention of public nuisance The area will become littered with food wrappings and containers, more noise late at night and the smell of food until late at night.	The protection of children from harm

Suggested conditions that could assist the licensing authority in determining this application, or other suggestions you would like the licensing authority to take into account

I would like to see the van trading in an area away from houses in a similar spot to that which it occupied on Arbury Road where it's impact to residents was minimal.

The term 'vicinity' is used in the Licensing Act 2003, in particular with reference to those 'interested parties' (see definition in guidance attached) who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. The Act does not define the term 'vicinity' but its ordinary meaning is 'near to'.

If the licensing authority considers that relevant representations are made the licensing section may consider arranging a mediation meeting between the relevant parties (if all agree) to try and

reach a settlement. If this informal process is unsuccessful a hearing before the Licensing [Sub-] Committee will follow, unless the interested parties withdraw their representations.

All representations in their entirety, including your name and address will be disclosed to the applicant for the premises licence and the members of the [Sub-] Committee, so that they can make an informed decision on the application.

I do/ ~~not~~ object to my name and address being made public in the report to the [Sub-] Committee.

* Please delete as appropriate

Signed



Date

14/09/16

.....
Please print name

Please return this form along with any additional sheets to:

Licensing
Environmental Services
Cambridge City Council
PO Box 700
Cambridge
CB1 0JH

Telephone: 01223 457899/457879

Email: alcent.licensing@cambridge.gov.uk

This form must be returned within the Statutory Period, which is 28 days from the day after the day on which the application was given to the licensing authority by the Applicant.

However, because of the tight timescales involved, and to assist in the determination of the application process, any representations should be forwarded to the licensing authority AS SOON AS POSSIBLE and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing Team on the above telephone number.

Paul Ryder

From: [REDACTED]
Sent: 15 September 2016 13:00
To: licensing
Cc: alcent.licensing@cambridge.gov.uk
Subject: Objection to premises licence for Diamond Grill of Nicholson Way, Arbury.

I wish to object to the above licence on the following grounds:

1. This is a residential area and the noise generated by the generator and people coming and going is excessive and disturbs our sleep. I understand this licence extends trading times to 1 AM which is 2 hours longer than present and should not be considered.
2. No provision of rubbish bins in the vicinity has created an increase in discarded rubbish outside our property.
3. The late trading times will attract more people creating more noise and disturbance which could lead to increased crime and vandalism.
4. The current siting of the premises is on the road close to a junction which is unsafe for vehicles, cycles and pedestrians and forms a partial obstruction on the road.
5. There is no need for yet another Kebab van in the area as we are already well served by 2 vans, one at the Kingsway Flats Mere Way and one at the Ship Pub car park Northfields Avenue.
6. I note that this Diamond Grill van is operating from Walker Court not Nicholson Way therefore this application is for an incorrect address .

Please take my objection into account when you consider the application for a licence.

[REDACTED]

[REDACTED]

When publishing my representation please ensure that all of my personal data is removed prior to publication as I wish to maintain my security and privacy.

Paul Ryder

From: [REDACTED]
Sent: 16 September 2016 13:27
To: licensing
Subject: Objection to New Premising Licence: Diamond Grill, Nicholson Way, Arbury, Cambridge, Cambs, CB4 2RR

Follow Up Flag: Follow up
Flag Status: Completed

[REDACTED]

Dear all,

I am writing to ask you not to give a licence for Diamond Grill to operate a kebab van [REDACTED].

Diamond Grill have been trading food on a temporary basis from the road next to Walker Court during the summer, whilst roadworks were carried out in their previous location further along Arbury Road.

Unlike some other kebab vans located in the area - for example next to The Ship pub, and their own previous location outside St Laurence School (which I understand may no longer be available) - they are in a residential area, right next to blocks of maisonettes.

We did not complain when we understood the arrangement to be temporary. However, the area has changed from a quiet residential area, where I have lived peacefully with my children for over ten years, into a noisy and unpleasant site.

Whilst I have no complaints about the staff of the van, who seem polite and friendly; we now have shouts and loud swearing coming through our windows some evenings; and noise and fumes from the generator and extra traffic every evening. Cars frequently stop in what seems a dangerous manner at the junction or blocking Nicholson Way, sometimes leaving their engines running. The junction was already risky at times, with a bike lane running out just before a complex junction, so often cyclists are confused and cycling into the oncoming path of cars turning the corner. (I know this is being considered as part of the City Deal, but meantime it just makes a tricky junction more dangerous). Since the van started trading there have been motorbikes 'playing' around the junction and the courtyard on occasion.

I have been informed that drug dealing is now taking place next to their van, although I do not claim to be an expert in identifying this. There is no suggestion that the Diamond Grill staff are involved in this, merely that it has created a convenient cover as there are many people and vehicles coming and going within an otherwise quiet area.

The staff seem to make a good effort to make sure litter is cleared up; but there still seems more left in surrounding courts than before.

The grass verge seems to be becoming worn down and tree roots exposed.

I don't know if others have written in, as many of my neighbours are unfamiliar with the planning/consultation proceses, but other neighbours have raised concerns about some of the factors mentioned.

My main concerns are about noise, abusive language and sudden change from a quiet area where my son's asthma was manageable to a busy hub where my children are often unable to get to sleep till very late at night when the van leaves, and his breathing difficulties seem to have worsened.

The way the maisonettes are built, several [REDACTED] only have windows which open in the direction of the van. [REDACTED] had to keep these shut to avoid the fumes/swearing, which has not been pleasant.

I will be very grateful if you can consider another location for the van, which is not so close to people's homes.

It is also worth noting that there are already kebab vans near The Ship pub, and near Kingsway flats, as well as other fast food shops at Arbury Court.

Many thanks for your consideration,

[REDACTED]

Luke Catchpole

From: [REDACTED]
Sent: 13 September 2016 23:59
To: licensing
Subject: Objection -Licence application -Diamond Grill, Nicholson Way, Arbury, Cambridge, Cambs, CB4 2RR



To whom it may concern,

I am writing as a local resident [REDACTED] to object to the above application. I am greatly concerned that the licence, if it goes ahead, will have significant detrimental effects on my family life and local community.

The van [REDACTED] because of the strong smell we have been unable to open windows in both our living room and [REDACTED]. The light and noise coming from the van is very disruptive and there have been occasions when I struggled to put my daughters to sleep. I am really concerned at the noise level and the fact that late trading times (until 00.00) will attract people coming out of the local pubs and clubs to the street.

Environment - There have been several occasions when rubbish has been thrown at the front of our house.

Please remove my personal data when publishing my representation.

I trust my objection will be taken in consideration,
Please let me know if you need any further information,

Kind Regards,



Paul Ryder

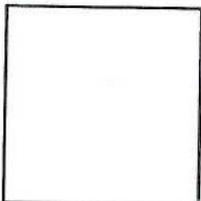
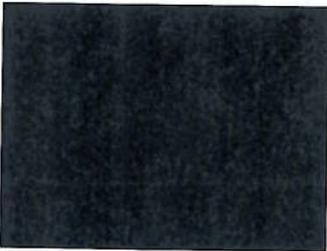
From: licensing
Sent: 25 August 2016 09:29
To: Paul Ryder
Subject: FW: Application for a premises license for the Diamond Grill Nicholson Way Arbury CB4 2RR

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 24 August 2016 21:21
To: licensing
Subject: Application for a premises license for the Diamond Grill Nicholson Way Arbury CB4 2RR

Dear Sir/Madam

We would like to strongly object to the premises licence for Diamond Grill to trade on Nicholson Way Cambridge. We [REDACTED] trading van and we assumed due to the work at the end of Arbury Road near St Albans Road that the siting of the van on Nicholson way was just a temporary position. Trading until 1am also is not acceptable due to the smell of the food and the noise from the generator therefore we are unable to keep our bedroom window open due to the noise. We have on a few occasions had to clear chip paper [REDACTED] and later trading would cause more due to the people leaving the pub late and also attracting more of the intoxicated type. I have also noticed that some people sit and eat food on the grass mound. This could seriously have an effect on the value of our house. ■



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Paul Ryder

From: licensing
Sent: 24 August 2016 17:32
To: Paul Ryder
Subject: FW: Diamond Kebab, Nicholson Way

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Paul,

Please see below for a rep against the Diamond Kebab licence application.

Kind regards,

Alex

From: [REDACTED]
Sent: 24 August 2016 17:02
To: licensing
Subject: FW: Diamond Kebab, Nicholson Way

The original message to 'alcent' bounced.

Have I made a mistake?

From: [REDACTED]
Sent: 24 August 2016 15:25
To: 'alcent.licensing@cambridge.gov.uk'
Subject: Diamond Kebab, Nicholson Way

24/08/2016

Cambridge City Council

Premises Licence
Diamond Grill kebab van

Dear Sirs,

Diamond Grill, which has a licence to trade in Arbury Road at the layby outside St. Laurence's School, has had to move because of the current road works. I understand that no future layby will be provided because the school have objected.

It appears that the van has moved to Nicholson Way without seeking prior approval, and is now applying for a licence to locate the van there permanently. I wish to object to the granting of a licence.

1. The van has bright lights facing my house which are a nuisance in the evenings, and this nuisance will increase in the winter.
2. I object to the smell of cooking fat which can be quite noticeable. The open side of the van faces my house.
3. There has been an increase in litter since the van moved, and this includes part eaten packets of food.
4. There are already 2 kebab vans providing an identical service within 400 yards of here. One is by The Ship pub and the other is beside Kingsway Flats. There are also fast food places in Arbury Court. This move has brought Diamond Grill too close to long established traders.
5. The van's original licence from 2005 was surely given to cater for the growing market in Orchard Park. A better location, once Arbury Road is open again, would be closer to Orchard Park which has fewer fast food outlets.
6. Whilst the school's objection to the van has seemingly been upheld, the school was not inconvenienced so much as are the residents of this part of Arbury Road. The school is closed by 4 pm, the time at which the van arrives, whilst the residents around here in Arbury Road are at home in the evenings.
7. When Arbury Road has a cycle way on both sides, we residents will have an increased need for our visitors to park in Nicholson Way, as on street parking outside our homes will not be allowed.

Please take my objections into consideration when deciding on whether to grant a licence.

Yours faithfully

██████████

Paul Ryder

From: licensing
Subject: FW: Objection to application by Haydar Ince for the premise licence for Diamond Grill, Nicholson Way, Arbury, CB4 2RR.

From: [REDACTED]
Sent: 09 September 2016 14:34
To: 'licensing@cambridge.gov.uk' <licensing@cambridge.gov.uk>

Subject: Objection to application by Haydar Ince for the premise licence for Diamond Grill, Nicholson Way, Arbury, CB4 2RR.

I would like to make a representation and/or objection to the application by Haydar Ince for the premise licence for Diamond Grill, Nicholson Way, Arbury, Cambridge, Cambs, CB4 2RR.

I have attached supporting photos to some of the objections raised.

I was disappointed to see the notice of application for a premises licence as advertised in the Cambridge Evening news and cannot understand how or why the Cambridge City Council can support such an application which impacts considerably on residents.

There are a number of objections I have to this application. In summary:

- The van invites inebriated clientele from surrounding pubs and clubs to our street. We have experienced an increase in the noise levels. We have been woken by inebriated people walking past to and from the van. Abusive language and drunken arguments that have woken us and my year-old son. This has caused enormous stress and anxiety for us.

- How many fast food vans does Arbury need? There is already one at Kingsway Flats (less than 600 metres away) and another at The Ship (again less than 600 metres away).
- Increase in rubbish and discarded food stuff in the area and in our yard. The kebab van staff dismissed my concerns over their rubbish littering my yard.
- Increase in noise and nuisance behaviour. My partner and I and my [REDACTED]-year-old have been woken by shouting and noise originating from the fast food van and from people walking past having purchased food.
- The noise of the generator (which operates 8-9 hours per day and evening, 7 days a week) can also be clearly heard from our home and has forced us to keep windows closed to try and filter out the noise. Even in our back yard the sound of the generator powering the Diamond Grill van can be heard and is constant, often from 3pm in the afternoon and into the evening to 23.00.
- Security issues, with an increase in people loitering near our home and across the road and on our drive.
- The smell of chip fat and grilled meat is becoming nauseating. The smell is sometimes so strong that we cannot leave our windows open. My [REDACTED]-year-old son's room is facing Arbury Rd and is often engulfed with the smell. We have not been able to leave his windows open some days due to the smell.

To provide additional detail on my objections...

The application notice stipulates:

1. Keep the surrounding area clean Providing high standard of hygiene to comply with public health and safety standards.

- Since the Diamond Grill has been located on Nicolson Way / Walker Crt we have seen a visible increase in rubbish and littering.
- I have a [REDACTED]-year-old son and a pet and I am concerned that pests will be attracted to the discarded food and rubbish that is being dumped on our and near our premises.
- The smell of chip fat and grilled meat is becoming nauseating. The smell is sometimes so strong that we cannot leave our windows open. My [REDACTED]-year-old son's room is facing Arbury Rd and is often engulfed with the smell. Effectively we have a BBQ outside out house 7 days a week 8 hours a day!
- I have been forced to pick up polystyrene burger boxes and discarded chip wrappers from the front of my house almost every day.
- When I approached the employees in the van they dismissed my concerns and simply replied that they "clean up around the van before they leave". The issue is of course this is a takeaway facility and that generally means people walk away with their chips and kebabs and are dumping their rubbish on the street and in my yard. Please find examples of the constant barrage of discarded rubbish.
- Does the council intent to provide more rubbish bins - at tax payers expense - to accommodate the increase of rubbish brought by this fast food supplier? The food supplier has a bin the size of my kitchen bin. What about nearby houses where rubbish is discarded

as their clients walk off eating and throwing rubbish into the hedges and yards?

2. The prevention of crime and disorder CCTV in operation to help with the prevention of crime

- I have real safety concerns with this application that allow this van to operate until 1am in the morning and thus attracting clientele coming out of pubs and clubs and likely to be inebriated. Already we are experiencing frequent nuisance and drunken behaviour outside our front door.
- I have a [REDACTED]-year-old son who sleeps in the front room of our house and I have serious concerns about attracting inebriated people to the van and our street in the early hours. He has already been woken up by drunken arguments and swearing from people who are clearly inebriated.
- In fact, we have already experienced increased noise and disturbances from people walking past to the van in a drunken state.
- There has been increased pedestrian traffic visiting the van as well as taxis and other vehicles parking in the street and speeding past our house as they exit Nicholson Way.
- The van invites inebriated clientele from surrounding pubs and clubs to our street. How many fast food vans does Arbury need. There is already one at Kingsway Flats (less than 600 metres away) and another at The Ship.

3. The prevention of public nuisance - keep the noise pollution to the minimum

- There has been an increase in the number of nuisance parking and public nuisance with people yelling and drunken arguments. I have started recording them.
- The generator on the van runs between 8-9 hours a day – everyday. We can hear it from our back garden and constantly from my son's room. We have been forced to keep his windows closed – even in the height of summer.
- The number of people stopping on the corner outside our house has dramatically increased – as they cross the road. As such we are having to there is more noise from voices in the evening as we go to bed. It is causing difficulty in sleeping and stress for our household.

4. Environmental issues

- The generator runs 8-9 hours every day. That is increased pollution in our street! I suffer from asthma and I walk past this van every day to my home and then I am forced to close the windows to block out smells and noise. How is that fair on my health or rights? And what about the potential risk to my son <https://www.asthma.org.uk/advice/triggers/pollution/>.

Asthma UK | Pollution

www.asthma.org.uk

Two thirds of people with asthma tell us poor air quality makes their asthma worse, which puts them at higher risk of an asthma attack. Pollution is an asthma trigger ...

- The sound of the generator can be clearly heard from our home – let alone homes closer.
- And the lights – it is like Blackpool illumination outside our home. My son can see the lights and the van from his room which is unacceptable.

5. The protection of children from harm

- To add to the above objections, here is a study published by Cambridge University...

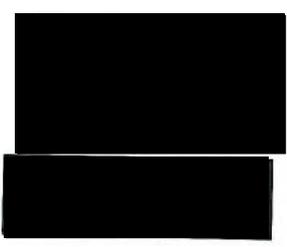
<http://www.bmj.com/content/348/bmj.g1464>

- The Council surely has an obligation to public health and surely must have consideration for residents who in good faith did not purchase their homes next to a takeaway fast food shop.

Associations between takeaway food outlet exposure and obesity

Table 2 shows results using multinomial logistic regression to model odds of overweight and obesity in relation to levels of takeaway food outlet exposure. Associations were more evident between environmental exposures and being obese than between exposures and being overweight. The group of people most exposed to takeaway food outlets (quarter 4) at home were more than twice as likely to be obese than be of normal weight (odds ratio 2.15, 95% confidence interval 1.50 to 3.10), relative to those least exposed (quarter 1; $P < 0.001$). A dose-response association between odds of obesity and takeaway food outlet exposure along commuting routes was not apparent, but those most exposed showed 38% greater odds of being obese than those least exposed (1.38, 1.01 to 1.88). We observed a positive dose-response association in odds of obesity with respect to exposures at work; those most exposed showed a 47% greater odds of being obese compared to those least exposed (1.47, 1.03 to 2.10). Similarly, there was a dose-response association between the odds of obesity and exposure to takeaway food outlets in all domains combined; the group most exposed was more likely to be obese than those least exposed (1.80, 1.28 to 2.53).

Extract from <http://www.bmj.com/content/348/bmj.g1464>



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**THE LICENSING ACT 2003
REPRESENTATION FORM FOR "INTERESTED PERSON" / "BODY"
(living in the 'vicinity' of the premises detailed below)**

Your name / Company name	[REDACTED]
(Name of Body you represent) Please tick one: i) a person living in the vicinity of the premises <input checked="" type="checkbox"/> ii) a body representing persons who live in that vicinity <input type="checkbox"/> iii) a person involved in a business in the vicinity of the premises <input type="checkbox"/> iv) a body representing persons involved in these businesses <input type="checkbox"/>	
Postal Address (inc post code)	[REDACTED]
Contact telephone number:	[REDACTED]
Mobile Number:	
Email address:	[REDACTED]

Name of Premises you are making a representation about:	DIAMOND GRILL
Address of the premises you are making a representation about:	NICHOLSON WAY ARBURY CAMBRIDGE CB4 2RR.

This section is about your representation/s. They must relate to one or more of the Licensing Objectives. Please detail the evidence supporting your representation, (under the relevant headings) and the reason for your representation/s. *It is important that you detail all matters that you wish to be considered. (Use additional sheets if necessary. Regulations provide that in considering representations the authority may take into account documentary or other information produced by the party either before the hearing or, with the consent of all parties, at the hearing.*

The prevention of crime and disorder YES SEE NOTES ATTACHED	Public safety YES SEE NOTES ATTACHED
The prevention of public nuisance YES DITTO	The protection of children from harm YES. DITTO.
Suggested conditions that could assist the licensing authority in determining this application, or other suggestions you would like the licensing authority to take into account SEE COMMENTS OVER.	

The term 'vicinity' is used in the Licensing Act 2003, in particular with reference to those 'interested parties' (see definition in guidance attached) who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. The Act does not define the term 'vicinity' but its ordinary meaning is 'near to'.

If the licensing authority considers that relevant representations are made the licensing section may consider arranging a mediation meeting between the relevant parties (if all agree) to try and

reach a settlement. If this informal process is unsuccessful a hearing before the Licensing [Sub-] Committee will follow, unless the interested parties withdraw their representations.

All representations in their entirety, including your name and address will be disclosed to the applicant for the premises licence and the members of the [Sub-] Committee, so that they can make an informed decision on the application.

I do/ ~~do not~~ object to my name and address being made public in the report to the [Sub-] Committee.

* Please delete as appropriate

Signed  Date 10.9.16

.....
Please print name

Please return this form along with any additional sheets to:

Licensing
Environmental Services
Cambridge City Council
PO Box 700
Cambridge
CB1 0JH

Telephone: 01223 457899/457879

Email: alcent.licensing@cambridge.gov.uk

This form must be returned within the Statutory Period, which is 28 days from the day after the day on which the application was given to the licensing authority by the Applicant.

However, because of the tight timescales involved, and to assist in the determination of the application process, any representations should be forwarded to the licensing authority AS SOON AS POSSIBLE and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing Team on the above telephone number.

Dear Sirs,

Until the van arrived on site one evening to begin trading we were unaware what was happening and were surprised that there had been no prior contact by the Council with nearby residents.

Comments

1. It is likely that undesirable football will increase after dark and this can be noisy and disruptive. Food remnants are pushed into and under front garden hedges at present.
2. When cycle lanes have been installed there will be no stopping allowed in Arbury Road and could result in visitors to Arbury Road residents blocking Nicholson Way.



3. When brightly lit up the van is an attraction for children who will be at risk from traffic and also passing drivers at night will be distracted.
4. There is no need for another van, as vans are located at the Ship pub and Kingsway Flors plus a bar food shop in Arkbury Court just over the road.
5. In summer residents are unable to open windows due to unpleasant cooking smells.
6. House values could well be affected.
7. I hope that my remarks above will be of assistance in helping the Committee to refuse this application.

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Appendix D

Annex 2 – Conditions consistent with the operating schedule

General

The prevention of crime and disorder

1. A CCTV system will be installed and maintained in working order. The system will incorporate a camera covering the area where customers will be served. It will be capable of providing an image which is regarded as identification standard. The system will incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days and shall be made available to the police or an authorised officer from the local authority for inspection on request. The system will display on any recording the correct time and date in line with GMT.

Public Safety

2. The surrounding area shall be kept clear of any trip hazards.

The prevention of public nuisance

3. A litter bin shall be provided for customer use.
4. Litter picks will be undertaken by staff in the immediate vicinity of the premises at regular intervals.
5. A prominent notice shall be displayed at the premises requesting customers to keep the noise to a minimum and respect the needs of local residents.

The protection of children from harm

6. All sharp utensils shall be safely locked away at all times they are not in use.

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