

LICENSING COMMITTEE

11 December 2003
(2.00pm – 3.00pm)

PRESENT: Councillors Liddle (Chair), Benstead, Pinnington and J Smith.

FOR THE INFORMATION OF THE COUNCIL

03/m/74 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor R Smith, the Police and Fire services.

03/m/75 **DECLARATIONS OF INTEREST**

None.

03/m/76 **PUBLIC ENTERTAINMENT LICENCE APPLICATION (PEL):
NEXT GENERATION CLUB, CAMBRIDGE LAKES,
COLDHAMS LANE**

This application was deferred by the committee pending submission to the officers of full details of the proposed layout of the premises by the applicant. These had been requested following receipt of the application but had not been received in time for the meeting. The request made was for a provisional entertainment licence to permit events Monday to Thursday 10am until Midnight, Friday to Saturday 10am until 1am (following day) and on Sunday Noon until 12.30 (following day).

Decision

To defer the application pending submission of the details requested above.

03/m/77 **PEL APPLICATION – HOGSHEAD, 69/76 REGENT STREET**

The committee considered the Head of Environmental Health and Waste Strategy's (HEHWS) report setting out details of this application for a new public entertainment licence to permit two to three events per week, Monday to Thursday 11am until 11pm, Friday to Saturday 1am until Midnight and Sunday 12 Noon until 10.30pm.

Recent comments concerning incidents of disorder had been sent by the Police in writing to officers and were circulated at the meeting. The officers in the report had recommended that the application be deferred because of a number of unresolved issues concerning the proposed operation of the premises, including control over noise, safe access and means of escape and restrictions imposed by planning regulations.

Decision

The Committee decided to defer its decision whether or not to approve a new licence until the meeting on 29th January, because of the unresolved issues outlined above and allowing time for Members and officers to consider police comments.

03/m/78 PUBLIC ENTERTAINMENT LICENCE VARIATION: LIGHT, 66 REGENT STREET

The committee considered the HEHWS' report and an application from the licensee to vary the conditions of the existing PEL by amending the closing hour from 1am to 2am. While one complaint in July this year had been dealt with satisfactorily, two letters of objection had been received alleging unreasonable noise and disturbance on a regular basis, the problem sometimes occurring beyond the agreed licence hours. Before making a recommendation regarding the request for a variation, the officers wished to carry out monitoring to determine the extent of 'sound breakout'. Councillor Pinnington highlighted the fact that the problems were special by virtue of the location of the restaurant being in close proximity to Downing College and residential premises at the rear of the College and Regent Street. One confidential letter had been received from the College objecting to the licence variation on a number of grounds, including music and noise disturbance from customers leaving the premises and operation of the venue beyond the agreed opening hours.

Decision

That determination of the requested variation to the licence for the above premises be deferred until the Committee meeting on 29th January to permit officers to carry out monitoring in line with paragraph 4.1 of the report.

03/m/79 PUBLIC ENTERTAINMENT LICENCE: NEW APPLICATION - SIR ISAAC NEWTON, 84 CASTLE STREET

The HEH&WS' report set out details of this application together with officers' comments and responses to the advertisement and consultation exercise. The application was for a new PEL which would permit events Monday to Saturday 11am until 11pm and Sunday 12 Noon until 10.30pm, the events to be public music, dancing, disco, karaoke, live band types.

No adverse comments had been received from either the police or fire services. The premises had not been licensed previously for public entertainment and officers were concerned about the proposed siting of entertainments within the venue itself and the possible number of events. The HEHWS in his report recommended approval of the licence subject to conditions which would allow one 'representative' event to take place that would be subject to an acoustic/noise assessment, the required scheme to be

installed, followed by a second event to assess the effectiveness of the scheme.

Comments conveyed by residents to Councillor Howarth concerned about the proposed length of the PEL hours, the proximity of the venue to residential and commercial premises and possible noise nuisance, and, that permission was being sought for all day events, were circulated at the meeting.

The applicant was invited to speak and confirmed that she was not seeking permission for all day events, unless for a special occasion or for charity. Permission was being sought for a weekly event, maybe on a Sunday evening and a fortnightly karaoke event midweek. The PEL application was to help the applicant in the course of building up business for the Public House. In response to a question from the HEHWS about operating hours, she indicated that she would be in agreement to a licence to allow two to three events per week, 7pm to 11pm. Officers were concerned that noise insulation on the premises was minimal and wished to test this out and hold further discussions about licence conditions with the applicant. The HEHWS explained that the recommendations allowed for two events to be held, subject to checking and monitoring. The officers would then be able to bring back a further set of recommendations to the Committee.

Decision

That a the PEL be approved subject to the following conditions:

1. One representative event shall be permitted to allow an acoustic/noise assessment report to be carried out by a suitable acoustic consultant engaged by the applicant; the report shall determine the impact of sound breakout and, if unreasonable noise disturbance is likely to be caused to neighbouring premises, an acceptable scheme of noise insulation shall be designed by a suitable acoustic specialist. This report shall be submitted in writing for approval by the Head of Environmental Health and Waste Strategy (EHWS). 7 days notice of this event shall be given in writing to the EHWS;
2. Any noise insulation scheme that is required and which is approved by the EHWS, shall then be installed in full before further events are held. Thereafter, one further representative event may be held, to enable assessment of the effectiveness of the agreed scheme in controlling sound breakout from the premises and a noise insulation scheme installation completion report shall be submitted for approval by the EHWS. 7 days notice of this event shall be given in writing to EHWS;
3. No events shall be permitted until a satisfactory certificate of electrical safety for the premises has been supplied to EHWS;

4. All external fire exit doors and external windows to be kept shut at all times during performances. The main entrance / exit door that allows general ingress and egress shall be kept closed so far as reasonably practicable during events;
5. The external seating/tables that are sometimes outside the premises shall not be used during performances. Fire fighting equipment - 1 x 9L water extinguisher behind bar, 1 x 2kg CO2 adjacent to performers (disco/band);
6. Emergency Lighting - Maintained illuminated fire exit notices over door at each exit;
7. Events shall finish by 11.00 p.m., Monday to Saturday; 10.30 p.m. Sunday;
8. Number of events permitted – 150;
9. Number of exits – 3;
10. One steward to be present;

And that a report setting out recommendations to be drawn up after discussions with the applicant, be brought back to the Committee meeting for consideration.

03/m/80 **PEL VARIATION: THE LOCOMOTIVE PUBLIC HOUSE, 44
MILL ROAD**

Members considered the officers' report and an application to vary the conditions of the PEL for the above premises to increase the number of events from two to four per week. A decision to do so had been deferred in March pending completion of insulation works. These had been completed to the officers' satisfaction.

More than twenty objections had been received on the grounds of noise disturbance from the premises and customers attending and leaving the venue.

The applicant and Landlord, Mr Foster, was invited to speak in response to the objections and queried where the objections had come from. He commented that some objections had been sent in as a result of a letter from the Glisson Road/Tenison Road Resident's Association. He explained that, following noise problems last year, acoustic engineers had attended the premises and a noise limiter had been fitted. He understood that there was no longer a noise problem associated with the premises. However, some noise disturbance was caused by customers returning from other nearby premises and night clubs. He had, on one occasion, reported a disturbance to the Police.

Councillor Benstead explained that, currently, the Council consulted within fifty square metres of the premises for which the application had been made and placed an advertisement in the local press, before hearing the application and any representations and deciding what weight to give to comments received. Councillor J Smith requested, for future applications, a map indicating where consultations had taken place.

Mr Crossley, for the objectors, expressed concern that there were already problems of noise and disturbances in the area relating to these and other similar premises. Many residents had lived in the area for a considerable time and endured these problems. Parking was a problem, given the narrowness of the adjacent streets and the limited space provided at the venue itself, and the premises were located in a designated Conservation Area (Covent Garden). Residents feared that an extension to allow more events would exacerbate the problems and were therefore asking that the Committee not grant the change to the licence.

In response to a question from Councillor Pinnington, Mr Foster answered that not all customers were local and that some arrived by taxi or by car. The HEHWS advised that parking was not an issue to be considered at present in relation to this application.

The Committee adjourned for ten minutes to take advice and consider the application in closed session.

On re-covering the meeting, the Chair indicated that the Committee was minded to accept the officers' recommendations and requested the Landlord report any future incidents of noise disturbance to the Council's officers.

Decision

That the application be approved subject to the following conditions:

1. Existing conditions;
2. 4 events per week; 2 events to be held in the front bar and 2 events in the rear bar;
3. Only one event per night to be permitted, either in the front or in the rear bar;
4. A noise limiter shall be set and operated at a sound level of 85 (decibels) DB(A) in the front bar;
5. A noise limiter shall be set and operated at a sound level of 87 DB(A) in the rear bar;
6. No events to be held in the back bar until written proof of calibration has been submitted.

03/m/80 **APPLICATIONS FOR PUBLIC ENTERTAINMENT LICENCES
APPROVED UNDER DELEGATED POWERS**

The Committee **noted** that licences approved in October for the Man on the Moon Public House and café Afrika, with a delegation to the officers to give further approval if no problems had been received or complaints made, had been extended until 31st March 2004. Officers had been monitoring Café Africa.

03/m/81 **PRIVATE HIRE VEHICLES/MULTI-SEATED VEHICLE
CONDITIONS**

The Committee considered a report by the Head of Street and Transport Services presenting a request from Panther Taxis and United Taxis for a review and change in conditions appertaining to the licensing of multi seated private hire vehicles. The companies had asked for a relaxation of the licensing requirement relating to the provision of wheelchair accessible vehicles.

The request was considered by Members in the light of a number of factors, one being that South Cambridgeshire District Council did not currently make it a requirement of issuing licences that such vehicles be suitable for wheelchair access. The City Council was meeting the target set by the Department of Transport that a minimum of thirty percent of multi seater vehicles licensed by the authority be suitable for wheelchair users. A change in the conditions would enable the taxi trade to provide vehicles for mixed use. It was indicated that only one multi seated private hire vehicle was licensed with the City Council at this time. Officers advised that there was a demand from the public and the trade for multi seated private hire vehicles which were not wheelchair accessible and, at present, the City's hackney fleet comprised fifty percent wheelchair accessible hackney carriages.

Decision

The Committee agreed to a change of the licensing conditions requiring Panther Taxis and United Taxis to make all of its multi seater vehicles suitable for wheelchair users.