

LICENSING COMMITTEE22 April 2004
(2.00pm – 5.00pm)

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

FOR THE INFORMATION OF THE COUNCIL04/m/36 **MINUTES**

The minutes of the meeting held on 11 March were confirmed as a correct record and signed by the Chair.

04/m/37 **APOLOGIES**

There were no apologies.

04/m/38 **DECLARATIONS OF INTEREST**

Councillor J Rosenstiel declared prejudicial interests in items 04/m/44 as a Governor of Brunswick Nursery School which had objected and 04/m/49 as the Executive Councillor responsible for the Folk Festival. She took no part in the discussion or decision of both. She declared a personal interest in 04/m/41 because of being lobbied by two constituents and spoke in objection to the application on behalf of the constituents. She did not take part in the decision.

04/m/39 **PUBLIC ENTERTAINMENT LICENCE - FIVE BELLS, 143 HIGH STREET, CHERRY HINTON**

The Committee agreed with the HEHWS proposal in para 4.1 of the report that the licence if approved be reviewed at 5 August meeting.

Resolved

Approved subject to the following conditions:

1. No more than one event to be held per week until 5 August 2004, on a night to be notified by the applicant to HEHWS.
2. Events may be held between 7.30pm and 11.00pm Monday – Saturday (or 7.30pm and 10.30pm on Sundays if the applicant opts for Sundays under 1. above)
3. Doors and windows must remain shut during entertainment events.
4. A scheme of sound insulation of the building must be submitted to HEHWS within one month (ie by 31st May 2004) for agreement. The agreed scheme must be implemented, in full, within a further two months (ie by 31st July 2004)
5. Until the scheme of insulation required under 4. above has been completed, no amplified bands shall be permitted.

6. Numbers admitted: 75
7. No of exits: 3
8. Fire fighting equipment: 1 x 9 litre water extinguisher, behind the bar; 1 x 2kg CO2 extinguisher, adjacent to disco / band
9. Maintained illuminated fire exit notices above each exit
10. One steward to be present

04/m/40 **PUBLIC ENTERTAINMENT LICENCE (RENEWAL): FLEUR DE LYS,
HUMBERSTONE ROAD**

In introducing the report, the HEHWS referred the Committee to the police concern that the applicant was not in charge of the premises. The applicant was represented by Mr Hammond who was encouraged to add his name to the licence if he was taking over the management along with the applicant listed in the application papers.

Resolved:

To approve subject to the existing conditions, with the following amended and additional special conditions:

1. Events to be held in the left lounge area only (as viewed from the Humberstone Road frontage)
2. Only one event to be held per week. A log book shall be kept by the licence holder, to record the nights when events have been held
3. No bands to perform in the premises
4. All external doors and external windows to be kept shut at all times during performances, apart from the main entrance / exit doors that allows general ingress and egress which shall be stewarded and kept closed so far as reasonably practicable during events
5. The external beer garden with seating and tables shall not to be used during events
6. An acoustic attenuator (baffle) shall be fitted (reinstated) to the wall vent opening facing Humberstone Road by the 31st May 2004, to the satisfaction of the Head of Environmental Health & Waste Strategy (EHWS).

04/m/41 **PUBLIC ENTERTAINMENT LICENCE (RENEWAL): BJ'S CELLAR
BAR, TREGOLD LANE**

The Committee noted that no events had been held since the last meeting and therefore no monitoring had been undertaken. The Committee was frustrated that as the police were not represented, no oral update could be given nor that the police could be asked

questions by those present. The Committee agreed that the HEHWS write to the police to request written reports for future meetings.

Councillor J Rosentiel spoke in objection as a ward councilor and reminded the Committee of the way the applicant had dealt with some objectors to the application. The HEHWS advised the Committee that the harassment was being dealt with by the police.

The applicant stated to the Committee that the police had not received any complaints since the last meeting nor recommended that the licence should be revoked so there was no reason why the Committee could not approve the application.

Resolved

To approve subject to the following conditions:

1. This is a licence until the Licensing Committee on 3rd June 2004, when it will be reviewed.
2. Events to be held on 2 nights of the week only. The applicants shall specify the nights they wish to hold events. A logbook shall be kept by the licence holder, to record the nights when events have been held.
3. 7 days notice of events shall be given in writing to the HEHWS.
4. Events shall only be held in the main basement area.
5. Events must finish by 11.00 p.m.
6. All external doors and windows shall be kept shut at all times during performances, apart from the main entrance / exit door, that allows general ingress and egress, which shall be kept closed so far as reasonably practicable during events.
7. Two stewards to be present.
8. Numbers admitted - 150
9. No events shall be held until satisfactory certificates of electrical safety have been submitted for approval by the HEHWS.

04/m/42 **PUBLIC ENTERTAINMENT LICENCE (RENEWAL): PURE, REGENT STREET**

The Chair stated that it was unfortunate that the police had expressed reservations about the applicant yet were not present to articulate them.

The applicant was present and addressed the Committee.

Resolved:

To approve subject to the existing conditions, until 5th August 2004, with the following additional conditions:

1. An acoustic assessment / survey of a representative event, shall be carried out by a suitable acoustic consultant engaged by the applicant and an acoustic report and scheme of noise insulation shall be submitted for approval by HEHWS, by the 31st May 2004.
2. The agreed scheme of noise insulation shall be installed and tested by the 31st July 2004. A noise insulation scheme installation completion report shall be submitted for approval by the HEHWS.
3. All external doors and external windows to be kept shut at all times during performances, apart from the main entrance / exit door that allows general ingress and egress which shall be kept closed so far as reasonably practicable during events.
4. The external seating / tables that are outside the premises on Regent Street shall not to be used during performances and shall be removed from the street.

04/m/43 **PUBLIC ENTERTAINMENT LICENCE (RENEWAL): HAYMAKERS,
HIGH STREET, CHESTERTON**

The applicant was present.

Resolved

To approve as per existing conditions.

04/m/44 **PUBLIC ENTERTAINMENT LICENCE (RENEWAL AND VARIATION):
CAFÉ AFRIKA, STURTON STREET**

The applicant Mr Sene, an objector and Councillor Wright were present and addressed the Committee.

The HEHWS introduced the report and expressed concern over the breach of conditions and that the police (who were not represented at the hearing) had also expressed concerns over the suitability of the licence holder. The officers had on balance recommended approval but based on additional conditions restricting events to Thursday-Saturday and on stewarding. The officers did not recommend a variation for more nights. The Committee was also advised that the licence should run to 1 July only.

Mr Sene stated that there had been problems for the neighbours for which he apologized. The venue was having difficulty in raising enough income but if it were

granted a licence for 6 days it could be better tested for commercial viability, offer a full and diverse programme as originally planned for (ie. cultural events at a low price) and be monitored by officers during the trading period. He stated that he sometimes went to the 'edge' of the licence but that was to survive commercially. He employed a bouncer, but some young people proved challenging. There had been one evening when approximately 100 young people congregated in the park adjacent to the venue. He denied operating until 1.10am (para 6.3) but stated that the promoters sometimes took time to pack away kit after which the staff had a drink.

Councillor Wright (local ward councilor) read out a letter of objection from Councillor Bradnack (also a local ward councilor). Councillor Wright stated that if approved, the licence must have more stringent conditions applied to it with more effective monitoring. The fact was that the current conditions had not been adhered to. The residential amenity of the local area had been affected by the way the premises had been run.

An objector from Young Street stated that every night there was a noise problem and this had been the case for 6 to 7 months. The doors at the venue were not managed and often were left locked open, people were allowed to hang out outside. She had made complaints to the manager but to no effect, the apology at the Committee was welcome but it had been the first one. She maintained that because of the venue, there was associated petty vandalism and graffiti in nearby streets. There was too much street noise generally (exacerbated by the terraced housing) and too many young people drinking outside the venue/immediate area.

Councillor R Smith stated that the applicant had been to committee recently and similar issues had been raised then, therefore he could not support the renewal of the licence. He was disappointed that the police were not present to be questioned further on the representations made in the report. Councillor J Smith also stated that she could not support the renewal based on the representations which had been made.

The Committee withdrew to consider the application.

Resolved:

To refuse the request for variation and to refuse the renewal of the licence. The reasons for refusal were based on the consistent failure of the applicant to comply with the conditions of the licence and the representations made by local residents and ward councilors.

The applicant was advised of his right of appeal to the Magistrates Court.

04/m/45 **PUBLIC ENTERTAINMENT LICENCE (RENEWAL AND VARIATION):
CB2, NORFOLK STREET**

In introducing the report, the HEHWS requested an additional condition that the licence be reviewed on 2 September.

Resolved:

To approve, subject to the following conditions:

1. A maximum of five events may be held in each week.
2. Hours of operation to be 7.00 p.m. until Midnight, Monday to Saturday, and 7 p.m. until 10.30 p.m. on Sunday
3. Events may be held in either the basement or in the first floor room, but not in both simultaneously. The first floor performance area shall be at the rear of the building, facing Caroline Place.
4. Amplified music shall be played in the basement only.
5. Numbers admitted: Basement: 40; First floor: 75
6. Number of exits: 4
7. Fire fighting equipment: 1 x 9 litre water, extinguisher, sited behind the Bar; 1 x 2kg CO2 type extinguisher, sited adjacent to the disco / band.
8. One steward to be present.
9. To review on 2 September 2004.

04/m/46 **PUBLIC ENTERTAINMENT LICENCE (VARIATION): LIGHT BAR, REGENT STREET**

Resolved

To defer until 3rd June 2004 committee.

04/m/47 **PUBLIC ENTERTAINMENT LICENCE (VARIATION): RED LION, MILL END ROAD, CHERRY HINTON**

Resolved:

To refuse for the following reasons-

The Red Lion Public House is situated in close proximity to the many surrounding residential properties. There is a history of complaints relating to noise from events held at the premises, although none have been received since the current landlord took over in January this year. Given this, it is the officers' opinion that an extension to the hours until midnight is likely to result in unreasonable disturbance to local residents. This could be both as a result of noise from the events themselves and from customers leaving the premises at this later time. It is therefore recommended that the variation be refused and the licence should remain in its current form.

04/m/48 **PUBLIC ENTERTAINMENT LICENCE (VARIATION): THE ROCK, CHERRY HINTON ROAD**

The applicant was present and addressed the Committee. The Chair believed

that the recommendation should be agreed, but having heard from the applicant suggested that the officers discussed options with the applicant for future consideration. The Committee noted that the police had objected to the variation.

Resolved:

To refuse for the following reasons -

The Rock Public House is situated in close proximity to many residential premises, both in Blinco Grove and Cherry Hinton Road. Although following the recent variation in the Licence to allow more events per week has not resulted in complaints, it is the officers' opinion that an extension to the hours up until midnight throughout the week is likely to result in unreasonable disturbance to local residents. This could be both noise from the events themselves and from customers leaving the premises at this later time. It is therefore recommended that the variation be refused and the licence should remain in its current form.

04/m/49 **PUBLIC ENTERTAINMENT LICENCE (OCCASIONAL): CAMBRIDGE FOLK FESTIVAL, CHERRY HINTON HALL GROUNDS**

The applicant was present and addressed the Committee. The HEHWS suggested that the hours requested could be reduced as follows: Thursday 10.30pm finish, Friday and Saturday 11.30pm finish and Sunday 11.00pm finish. The applicant stated that it was intended to end each night 30 minutes before the end of the licence as applied for, but because of the nature of the event an extra 30 minutes each night contingency was preferred particularly on the Friday and Saturday, the two main days of the Festival.

Resolved: Approve subject to the following conditions:

1. Hours to be 29 July 4.00pm-10.30pm, 30 July 2.00pm-midnight, 31 July 10.00am-midnight and 1 August 11.00am-11.30pm.
2. Sound levels at the boundaries of the site shall not exceed:
55dB_{LAeq} (5 minutes), 60dB_{LAMax} during performances,
measured at the following locations:
 - a. The corner of the site with St Bede's Gardens,
 - b. The boundary of the site with 22 Walpole Road
 - c. The boundary of the site with 43 Forest Road
3. Amplification of music played on Main Stage One and the Radio Two Stage shall be in accordance with the Method Statement prepared by Canegreen and submitted by the applicant.
4. The licence holder or a responsible person, designated by him, shall be present at and available throughout the Festival for preventing noise disturbance and, in particular, for ensuring that limits on sound levels, imposed by this licence, are adhered to. The identity of the person(s), and details of the method by which compliance will be monitored and

- demonstrated, shall be supplied to HEHWS not later than one week before the first day of the Festival.
5. The programme of entertainments and any variations to it, shall be agreed with the HEHWS
 6. Toilets and washing facilities shall be provided in accordance with the guidance of the HEHWS and shall be maintained in an appropriately clean condition at all times.
 7. Arrangements shall be made, to the satisfaction of HEHWS, for the reception, and recording of complaints and for responses made to them.
 8. Tents shall be erected in organised lines within the camping area.
 9. No open fires or fireworks shall be permitted.
 10. Barbecues shall be permitted only in designated areas.
 11. Clear access routes shall be provided throughout the site so that no unit is more than 45 metres from an access route.
 12. The main camping area (Cherry Hinton Road) shall be split into two camp areas with a 6 metre break.
 13. Control and layout of the site relative to fire safety matters is necessary. Formal documented procedures of training, policing, command and control for emergency action should be developed and implemented. Records of action, tests and inspections should be instituted and maintained for inspection. These shall be submitted to the Fire Authority for approval at least 7 days prior to the event.
 14. Fire points shall be provided within 30 metres of any unit; each fire point to be clearly signposted as such and provided with:-
 - a) a notice stating what to do in case of fire;
 - b) a means of raising the alarm;
 - c) 2 x 9 litre water type extinguishers 2 x 5kg dry powder extinguishers, 2 x buckets of sand, 1 x fire blanket in each camping zone
 15. Certification shall be provided that all marquees have been flame-proofed.
 16. Cooking shall only be permitted on rigid fixed surfaces.
 17. Fire fighting equipment shall be provided in all marquees, stalls and concession holders.
 18. Rubbish containers shall be emptied regularly so they are not overflowing.
 19. Notices indicating fire points, fire exits etc must be displayed throughout the whole of the site and within the large marquees.
 20. Fire access routes shall marked out across the site, to the satisfaction of the Fire Officer, and shall be kept clear at all times.
 21. A site plan shall be available at the site headquarters.
 22. All stewards etc shall be made aware of a bomb threat by means of a code word, which shall be used at all times.
 23. An emergency telephone shall be available at all times throughout the event.
 24. The spacing between hot food vehicles shall be at least 6 metres apart.
 25. The following minimum distances between tents shall be:-
 - a) 5 metres space between tents and caravans
 - b) 2 metres space between small ridge tents
 26. All tents shall be set out in a configuration which provides access and

- rudimentary fire breaks.
27. All waste skips shall be emptied regularly and shall not be allowed to overflow
 28. The Fire and Rescue Service has a statutory duty to deal with fires and must be notified of any incidence of fire, as part of the fire routine.
 29. Minimum number of stewards: 60

04/m/50 **LATE NIGHT REFRESHMENT HOUSE LICENCE (RENEWAL):
KENTUCKY FRIED CHICKEN, 174 EAST ROAD**

The Committee noted that because an objection had been received the application had to be determined by members.

Resolved:

To approve, as per existing conditions.

04/m/51 **DELEGATION OF AUTHORITY**

Resolved:

To amend the delegations as below -

Part 3

Para 9.9.2. Delegations to Director of Environment and Planning.
Powers delegated by the Licensing Committee.

Delete item related to Hackney Carriages, Private Hire Vehicles and Trishaws.

Para 9.9.3. Delegations to Head of Environmental Health and Waste Strategy.
Powers delegated by the Licensing Committee.

Add

Hackney carriages, private hire vehicles and trishaws except:

the suspension of a driver's or a vehicle licence, unless the driver or proprietor of the vehicle, as appropriate, is informed of the right to appeal to the Taxi Regulation Sub-Committee within 14 days. *(In the event of such an appeal, it shall be heard within 7 days of receipt of the appeal.)*

The meeting ended at 5.00pm

CHAIR