

**LICENSING SUBCOMMITTEE
(2003 ACT)**28 September 2005
10.00am – 1.45pm**Present:** Councillors Hymans (Chair), Bailey and Benstead.**FOR THE INFORMATION OF THE COUNCIL****05/licA/64 APOLOGIES**

All members were present.

05/licA/65 DECLARATIONS OF INTEREST

Councillor Bailey declared a personal interest in item 05/licA/62, as she lived within a ½ mile of the premises.

05/licA/66 PROCEDURE TO BE FOLLOWED

The Chair referred all parties to the procedure for the hearing.

05/licA/67 LIGHT, REGENT STREET

The co-licensee (Mr Philip Day); the applicants' legal representative (Mrs Teresa Brown); and Mr Richard Taplin (interested party) attended the meeting.

The hearing

The Licensing Officer presented the report and distributed a copy of the public entertainment licence, which had been omitted from the report.

The applicants' solicitor said that it was evident from the representation received that the principle concern was noise. She referred to the PEL for the premises and confirmed that the premises had undergone significant soundproofing work before the grant of the PEL. She also referred to the condition requiring all external doors and windows to be kept shut during events and confirmed that all windows were double-glazed and could not be opened. She said that all access and egress was through the front of the premises so that the movement of customers was away from the college.

She said that the premises did not have a history of complaints or disturbances and pointed out that no objection to the application had been lodged by the Police or any other responsible authority. The solicitor said that whilst her clients were seeking an extension of hours, they were not obliged to trade for those hours. She said that it was unlikely that her clients would stay open beyond 2.00 am unless there was a significant demand and that it was the applicants' case that the conditions put forward were very comprehensive and sufficient to meet the licensing objectives.

Mr Day answered members' questions. He explained that the building had been professionally surveyed and that the Council had monitored the premises during a trial period for the PEL. He said that some of the noise came from other premises down the road and from people playing music in their cars.

The applicant confirmed the capacity for the building was that shown on the PEL. He also confirmed that the premises were air-conditioned. He expressed his willingness for a noise limiting device to be installed at the premises.

Mr. Taplin did not have any concerns apart from noise. He referred to a new master with a young family recently taking up residence. He said that work carried out at the premises had had some attenuating effects but at 2.00 a.m. the bass beat was audible. He said that the noise affected students and fellows, especially in the summer and at examination time. He pointed out that the fire exit led directly into the college grounds.

The Sub-Committee retired to consider its decision.

The Decision

In reaching the decision on the application, the Sub-Committee considered the material presented to the Sub-Committee, the written and oral representations made, the Council's Statement of Licensing Policy and the statutory guidance under the Licensing Act 2003.

In this case, the Sub-Committee had to balance the interests of the applicants with those of the wider community. The decision was reached on its individual merits.

It was decided:

To grant the variation application, as detailed below, subject to conditions translated from the applicant's Operating Schedule as detailed in paragraph 3.1 of the report, as modified. Under the prevention of public nuisance objective to add a condition: "A noise limiter is to be installed to the requirements of the Environmental Protection Manager". Also, under the prevention of crime and disorder objective, the condition referring to capacity to be removed as it is no longer necessary since the restriction on numbers imposed by the current PEL, which will be carried over, have not been varied.

The conditions imposed are considered to be necessary for the promotion of the four licensing objectives.

The sale/supply of alcohol (on and off premises):

Mon - Sun: 11.00 to 03.30 hrs

The provision of regulated entertainment by way of live music (indoors):

Mon – Sun: 19.00 to 02.00 hrs
(No more than 6 live events per year)

The provision of regulated entertainment by way of recorded music (indoors):

Mon – Sun: 19.00 to 03.30 hrs

Hours premises open to the public:

Mon – Sun: 11.00 to 04.00 hrs

Removal of terms, conditions or restrictions:

Removal of all embedded restrictions imposed by the Licensing Act 1964.
Removal of restaurant conditions on current Justices' Licence.

The Chair informed the meeting of the decision reached by the Sub-Committee and that all parties would receive written notification of the decision, which would include details of the right of appeal against the decision.

05/licA/68 Pure/Niche, Regent Street

The current licensee (Mr Marcus Deaves-Small); and the Planning Enforcement Officer & Planning Investigation Officer (interested party) attended the meeting.

The hearing

The Licensing Officer presented the report.

The Planning Enforcement Officer informed the meeting that an application to vary the planning condition restricting opening hours had been made but that it had not yet been granted so the objection to the application remained.

The applicant answered members' questions. He said that the premises had closed for a time and that he had re-opened them. He said that the premises had previously operated successfully until 1.00 a.m.

The solicitor to the Sub-Committee referred to paragraph 3.51 of the statutory guidance. She advised that the application should be considered on its licensing merits in furtherance of the statutory licensing objectives. If members granted the application being sought then it did not override the existing planning condition on hours and it would be a matter for the licence holder to seek the removal or variation of the planning condition.

The Sub-Committee retired to consider its decision.

The Decision

In reaching the decision on the application, the Sub-Committee considered the material presented to the Sub-Committee, the written and oral representations made, the Council's Statement of Licensing Policy and the statutory guidance under the Licensing Act 2003.

In this case, the Sub-Committee had to balance the interests of the applicant with those of the wider community. The decision was reached on its individual merits.

It was decided:

To grant the variation application, as detailed below, subject to conditions translated from the applicant's Operating Schedule as detailed in paragraph 3.1 of the report. The conditions are considered to be necessary for the promotion of the four licensing objectives.

The sale or supply of alcohol (on and off premises):

Mon - Sun: 10.00 to 03.30 hrs

The provision of regulated entertainment by way of live (acoustic/unamplified) music (indoors)/recorded music (indoors)/performances of dance (indoors)/ anything of a similar description to the foregoing (indoors):

Mon – Sun: 19.00 to 03.00 hrs

The provision of facilities for dancing (indoors)/the provision of facilities for entertainment of a similar description to dancing (indoors):

Mon – Sun: 19.00 to 03.00 hrs

The provision of late night refreshment

Mon – Sun: 23.00 to 03.30 hrs

Hours premises open to the public:

Mon – Sun: 08.00 to 04.00 hrs

The Chair informed the meeting of the decision reached by the Sub-Committee and that all parties would receive written notification of the decision, which would include details of the right of appeal against the decision.

05/licA/69 General Stores, 150B Scotland Road.

The applicant (Mr Victor Ramsey); P.C. Peter Sinclair of the Cambridgeshire Constabulary and the Police legal representative (Ms. Hannah Pooley) attended the meeting.

Mr. Ramsey attended the meeting unrepresented. He became distressed and informed the meeting that he had been advised by his solicitor to ask for an adjournment as he was due to appear before the Licensing Justices in respect of his justices' on-licence on a date after the Sub-Committee meeting.

The Sub-Committee retired to consider its decision.

RESOLVED:

To adjourn the applications to convert a premises licence and for a personal licence to the 3rd October 2005 as Mr Ramsey was in a distressed state and had come to the meeting unrepresented. The adjournment was to enable Mr Ramsey to arrange legal representation.

The Chair informed the meeting of the decision reached by the Sub-Committee.

CHAIR