

**LICENSING SUBCOMMITTEE  
(2003 ACT)**7 December 2005  
10.00am – 11.05am**Present:** Councillors Benstead, Boyce (Chair), Liddle.**FOR THE INFORMATION OF THE COUNCIL****05/licA/ APOLOGIES**

Councillor Liddle was in place of Councillor Bailey.

**05/licA/ DECLARATIONS OF INTEREST**

There were no declarations of interest.

**05/licA/ PROCEDURE TO BE FOLLOWED**

The procedure for hearings of the subcommittee was noted.

**05/licA/ MINUTES**

The minutes of the meetings held on 20 July, 22 August and 12 September were confirmed and signed as a correct record.

**05/licA/ MEGAMEALS, BURLEIGH STREET****Present:** Mr Karausta (applicant), Ms Twyford (Planning Enforcement Officer – Responsible Authority).*Preliminaries*

There were no additional items to circulate. Those persons listed above spoke during the proceedings.

*Licensing Officer*

The Licensing Officer introduced the report.

*Applicant*

The Sub-Committee noted the following points during the applicant's presentation and answering questions:

- Very few residents lived nearby and no complaints had been received in the last 6 months
- An application to vary the planning conditions relating to trading hours had been submitted

.Ms Twyford for the Planning Department (responsible authority) made the following points:

- An eight month trial period of opening later was agreed by planning officers in 1999. They were not aware of any complaints.

- Informal advice from the planning department was that no objection would be made to an extension of hours although formal consideration of the application to vary planning conditions was still in progress.

### *Decision*

In reaching the decision on the application, the Sub-Committee considered the material presented to the Sub-Committee orally and in writing, 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 Sub-Committee reached the decision on the individual merits of the application, bearing in mind that these premises are in a mixed commercial and residential area. The Sub-Committee noted that the applicant has applied to the Planning and Development Control section of Cambridge City Council for the planning restrictions on opening hours of the premises to be varied. A decision has yet to be made on that application.

It was decided :

To grant the application, subject to conditions translated from the applicant's Operating Schedule, which are considered to be necessary for the promotion of the licensing objectives.

Details of the application:

#### Provision of Late Night Refreshment

Mon – Sun                      23.00 to 03.00

#### Hours premises are open

Mon – Sun                      12.00 to 03.00

### **05/licA/        RICE BOAT, NEWNHAM ROAD**

**Present: Mr Abraham (applicant), Mr Viles (Planning Enforcement Officer – Responsible Authority).**

### *Preliminaries*

The applicant provided a letter from the Magistrates Court indicating that the premises had been licensed pre 24 November. A copy was provided to the Sub-Committee and Licensing Officer.

### *Licensing Officer*

The Licensing Officer introduced the report.

### *Applicant*

The Sub-Committee noted the following points during the applicant's presentation and answering questions:

- The premises was due to open and trade from 7 December. CCTV had been installed and was operational. Fire Officer had inspected for all alterations.
- An application to vary the current planning condition on trading hours had been submitted
- Late night refreshment had not been included on the licensing application, however it was implicit by the Public Notice in the press and as displayed on the premises (*the Sub Committee, having discussed the matter and seeking legal advice, agreed that the Public Notice was clear enough to consider that the application covered late night refreshment*)
- The suggestion that the applicant voluntarily advise the police of any public event (e.g the Football World Cup) was accepted
- The Sub-Committee would be minded to reduce the times applied for to take into account drinking up time.

.Mr Viles for the Planning Department (responsible authority) made the following points:

- A condition restricting trading hours 9am-10pm was made in 2004.

Informal advice from the planning department was that no objection would be made to an extension of hours although formal consideration of the application to vary planning conditions was still in progress.

#### *Decision*

In reaching the decision on the application, the Sub-Committee considered the material presented orally and in writing, the representations made by the applicant, 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 noting that the premises is in a mixed commercial and residential area.

It was decided:

To grant the application, subject to the conditions agreed with the Environmental Protection Manager and those conditions translated from the applicant's Operating Schedule which seek to promote the prevention of crime and disorder and to promote the prevention of public nuisance and taking into account the following provisions :

1. That the application before the Sub-Committee had intended to be an application for Late Night Refreshment. It was accepted that the Applicant had overlooked the need to apply for a licence for Late Night Refreshment, and that the advertisement placed in the Cambridge Evening News on 28<sup>th</sup> October 2005 and displayed to the public on the premises in accordance with The Licensing Act 2003 (Premises License & Club Premises Certificate) Regulations 2005, impliedly contained an application for Late Night Refreshment and the Sub-Committee therefore accepted an oral application from the Applicant at the hearing for Late Night Refreshment to be included in the body of the application;
2. That the applicant has applied to the Planning and Development Control section of Cambridge City Council for the planning restrictions on opening hours of the premises to be varied. A decision has yet to be made on that application;
3. The application for Recorded Music indoors as made by the Applicant was to include a seasonal variation allowing for the playing of recorded music on those occasions "in respect of any major sporting event of national interest" had not been properly applied

for and advertised in accordance with The Licensing Act 2003 (Premises Licence & Club Premises Certificate) Regulations 2005, and had therefore not been properly made and was not considered by the Sub-Committee. Furthermore, the Sub-Committee considered that there was no reason given by the applicant why customers would want to listen to recorded music for extended hours on those occasions.

4. That any reference in the application to Valentine's Day be excluded as it is not a public holiday.

Details of application: -

Sale/supply of alcohol (on the premises)

Mon – Sun 09.00 to 23.30

Seasonal Variations

On Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day 09.00 to 02.30

Hours the premises are open to the public

Mon – Sun 09.00 to 24.00

Seasonal Variations

On Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day 09.00 to 03.00

Recorded Music (indoors)

Mon – Sun 09.00 to 23.30

Seasonal Variations and non-standard timings

On Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, and the occasion of any major sporting event of national interest. 09.00 to 03.00

Provision of facilities for dance (indoors- small dining room)

On Christmas Eve, Christmas Day, Boxing Day, New Year's Eve, 19.00 to 02.30

Provision of Late Night Refreshment

23.00-23.30

23.00-02.30 on seasonal and non-standard timings as above.

The meeting ended at 11.05am

**CHAIR**