

**LICENSING SUBCOMMITTEE
(2003 ACT)**14 September 2005
10.00am – 12.34pm**Present:** Councillors Blencowe, Liddle, C Rosenstiel.**FOR THE INFORMATION OF THE COUNCIL****05/licA/41 APOLOGIES**

Councillor Blencowe was in place of Councillor R Smith. Councillor C Rosenstiel for Councillor Phillips. Councillor Liddle was appointed chair.

05/licA/42 DECLARATIONS OF INTEREST

There were no declarations of interest.

05/licA/43 PROCEDURE TO BE FOLLOWED

The procedure for hearings of the subcommittee was noted.

05/licA/44 MAGDALENE COLLEGE – CRIPPS COURT, 1/3 CHESTERTON ROAD AND EAST & WEST SITES

Present: Mr Daybell (applicant); Ms Edwards-McKie and Mr Montgomery (interested parties).

Preliminaries

It was noted that Mr Montgomery was representing Mr Gadney who had submitted representations. It was noted that Mr Edwards-McKie had written to the Licensing Officer re-iterating his objections.

Noting that the Licensing Officer had been unable to determine whether one representation was made on all of the College applications, it was for the Sub-Committee to determine whether it should consider all three sites or just Cripps Court. The Sub-Committee carefully read the representation whose target had been uncertain and resolved that it clearly referred to Cripps Court. Therefore all the representations referred to the application for Cripps Court only. *Therefore the applications for the East and West sites were deemed approved as there were no representations.*

Licensing Officer

The Licensing Officer presented the report on the Cripps Court site only to the Sub-Committee.

Members were advised that the planning permission restricted use of the auditorium to 23.30 on weekdays and 23.00 on weekends.

The Sub-Committee had sight of two site plans and during the hearing noted comments from both the applicant and interested parties on the location and setting of the premises and neighbouring properties.

Applicant

The Sub-Committee noted the following points:

- The application had been amended to midnight (from 01.00) in response to local concern.
- That one of the people making representations had been re-assured by the applicant.
- The small bar facility would not be used daily.
- There would be no regular dining on site.
- The site was not for use by the general public.
- The College has CCTV, porters and established policies in place to deal with noise and disorder.
- Silent hours were from midnight to 7am.
- Fellows of the College live in adjoining properties and would not expect to be disturbed.
- The College was a place of learning and students lived on site.

In answer to a question from the Sub-Committee, the applicant said that there may be the possibility for unamplified music until midnight. He gave the example of a string quartet or a performance of A Midsummer Nights Dream with incidental harp accompaniment.

Interested Parties

Mr Montgomery made the following points:

- Noise would be transmitted within a quiet residential area.
- Concerts would have a detrimental effect on an area which is quiet by 10pm.
- Concern from the noise of people leaving, getting in cars, drinking.
- The ground does fall down to Chesterton Road, the houses are above the courtyard and sound would rise up.
- Concern that event goes might linger in external courtyard and transmit noise

Ms Edwards-McKie made the following points:

- Previous experience of noise nuisance when the site was used for language students. Nothing would suggest this proposal would be any different. Larger numbers of people likely.
- The site is not enclosed – crowd swirl noise would be encountered. Any noise would travel.
- Recorded music should not be permitted. Doors and windows would be open.
- It is a change in use of the site.
- Previously the hours of use were to 11.30pm weekdays and 11.00pm weekends. So it is an increase.
- 11pm and no recorded music would be acceptable.
- If the College rules stipulate midnight for the commencement for silent hours, how would that work with a licence that permits trade until midnight?

The Sub-Committee sought clarification of how many events of non-amplified music would take place at Cripps Court. This is because the Licensing Officer's report listed a Condition 'Non-amplified music may be played outdoors on not more than 12 occasions

in any year and shall finish at midnight.’ The Environmental Protection Manager advised the Sub-Committee that it was his understanding that the 12 occasions applied to East, West and Cripps Court Sites. The applicant believed it to apply to just the East and West sites as Cripps Court was still being completed and he had no sense yet of how often it may be used. He understood if the Sub-Committee may wish to put restrictions on its use. Ms Edwards-McKie suggested one or two a term, but the finishing hour was the issue for her.

The Sub-Committee noted that there would be access to the Courtyard from the theatre and bar area. In response to a question from the Chair, the applicant would accept that doors and windows should be kept closed.

The Sub-Committee adjourned to consider its decision. The Legal Advisor to the Sub-Committee was asked to advise members during deliberations.

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, bearing in mind that these premises are in a residential area with residential bedrooms near to the premises and within approximately 60 metres of Cripps Court.

Accordingly, it was decided:

To grant the new application as applied for, subject to conditions translated from the applicant’s Operating Schedule, and the conditions recommended by the Environmental Protection Manager save for the following condition agreed by the applicant before the committee :

“That any reference to the holding of a May Ball shall not apply to this application”

and the amendments to the other conditions are as follows:

The sale or supply of alcohol (on and off the premises for Cripps Court site):

Mon – Sun : 09.00 to 00.00hrs

Plays (indoors and outdoors)

Occasional – hours as for alcohol above

Amplified music out doors not allowed

Films (indoors)

Occasional – hours as for alcohol above

Indoors sporting events

Hours as for alcohol above

Live music (indoors and outdoors)

Occasional – hours as for alcohol above

Amplified music outdoors not allowed

Non amplified music may be played out doors on not more than 12 occasions in any year and shall finish by 23.30

Recorded music (indoors and outdoors)

Occasional – hours as for alcohol above

Amplified music out doors not allowed

Performance of dance (indoors and outdoors)

Occasional – hours as for alcohol above

Amplified music out doors not allowed

Anything of a similar description (indoors and outdoors)

Hours as for alcohol above

Amplified music out doors not allowed

Provision of facilities for making music (indoors and outdoors)

Hours as for alcohol above

Amplified music out doors not allowed

Provision of facilities for dancing (indoors and outdoors)

Occasional – hours as for alcohol above

Amplified music out doors not allowed

Provision of facilities for entertainment of similar description (indoors and out doors)

Occasional – hours as for alcohol above

Amplified music out doors not allowed

Late night refreshment (indoors and outdoors)

Mon – Sun 23.00 to 00.00

Hours premises are open to the public

Mon – Sun 09.00 to 18.00

Although licensable activities will continue beyond these times for members of the college and guests or conference attendees. A thirty minutes drinking up period will be applied.

Subject to the conditions agreed with Environmental Protection (Para 3.1 report) and as amended by the Sub Committee, that :

Public Safety

An adequate number of trained first aiders will be on duty when the public are present.

Fire fighting equipment shall be installed throughout the premises and staff trained in the use of this equipment.

Escape routes and exits must be properly maintained to ensure that they are safe and unobstructed.

The prevention of public nuisance

There shall be no amplified music played outdoors.

Non-amplified music may be played outdoors on not more than 12 occasions in any year, and shall finish by 23.30.

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

05/licA/45 TALLY HO, HIGH STREET, TRUMPINGTON

Present: Mr Veitch (applicant) Mr Tinkler (licensee); Ms White (interested party).

Licensing Officer

The Licensing Officer presented the report .

She stated that the Environmental Protection Manager had assumed that entertainment would be provided indoors only. The Licensing Officer also wished to clarify with the applicant which conditions of its existing Public Entertainment Licence it wished to be removed.

Applicant

The Sub-Committee noted the following points:

- The Conditions it wished to remove were those under the 1964 Licensing Act and Children & Young People Act.
- Music would only be provided internally
- The majority of trade at the pub was local and on foot.
- Set in a largely residential area yet only one objection.
- Content with all conditions suggested.
- Boules matches had taken place in the summer months for more than 12 years, the year when the current licensee began his tenure.

In answer to a question from the Sub-Committee, the applicant said that the rear door was kept closed apart from access/egress and during performances it was locked.

Interested Parties

Ms White made the following points:

- Residing 150m from the rear of the pub, the people in the back bedrooms were sometimes disturbed. This had happened on karaoke nights and when patrons leave the car park. She was concerned that this would get worse. The use of the car park can vary.

The Sub-Committee adjourned to consider its decision. The Legal Advisor to the Sub-Committee was asked to advise members during deliberations.

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, bearing in mind that these premises are in a mixed residential / commercial area.

Accordingly, it was decided to:

Note that the Applicant was withdrawing the application for regulated entertainment outdoors; and

To grant the variation application otherwise as applied for, subject to conditions translated from the applicant's Operating Schedule, and the conditions recommended by the Environmental Protection Manager and incorporating the amended wording as given below. The conditions are considered to be necessary for the promotion of the four licensing objectives.

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

Mon – Sun: 11.00 to 00.00 hrs
(ie extra hour Mon – Sat, extra hour and half Sun)

Seasonal variations:-

Christmas Eve, Christmas Day, Boxing Day, New Year's Day, Spring, May and August Bank Holidays, Good Friday, Easter Saturday, Sunday & Monday and any other Bank Holidays :
a further half hour (11.00 to 00.30)

Non Standard timings

Sporting and non-sporting events of national, international and local importance shown live : times are to be as required.

21 days notice of non-standard timings will be given to the police. The police will have the power of veto upon 7 days notice.

Special occasions: eg weddings 11.00 to 00.30

Subject to the conditions agreed with Environmental Protection (Para 3.1 report)

Hours premises open to the public

As above, plus 30 minutes after the last permitted sale of alcohol.

Mon - Sun	11.00 to 00.30
Seasonal variations	11.00 to 01.00
Special occasions	11.00 to 01.00
Non standard timings, plus 30 minutes	

Regulated entertainment by way of live music and recorded music (indoors)

Fri & Sat	20.30 to 00.00
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Removal of terms, conditions or restrictions

Removal of current restrictions under the Licensing Act 1964 and the Children and Young Persons Act 1933.

Public Entertainment Licence conditions to carry forward with the exception of hours and number of events.

The conditions as agreed with the Environmental Protection Manager have been amended to read as follows:

“Doors and windows shall be kept shut during regulated entertainment, with the exception of the front door which may be used for access and egress, and which should be kept shut at all other times.”

05/licA/46 THE PICKEREL INN, MAGDALENE STREET

Present: Mr Osbourn (for Environmental Protection Manager).

Preliminaries

The Sub-Committee agreed, as under its Procedure, to determine the application in the absence of the applicant.

Licensing Officer

The Licensing Officer presented the report.

Responsible authority

Mr Osbourn set out the Environmental Protection Manager's representations as set out in the report.

The Sub-Committee noted that the nearby resident student population would not have been able to comment on the application as it was advertised in the summer holiday.

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, bearing in mind that these premises are in a mixed residential / commercial area.

Accordingly, it was decided:

To grant the variation application as applied for, subject to conditions translated from the applicant's Operating Schedule, the conditions recommended by the Environmental Protection Manager and the further conditions as stated below. The conditions are considered to be necessary for the promotion of the four licensing objectives.

Details of application: -

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

Mon – Wed :	10.00 to 00.30
Thursday :	10.00 to 01.00
Fri+Sat :	10.00 to 01.30
Sun :	10.00 to 00.00

Seasonal variations and non standard timings:-

St David's day, St Patrick's Day, St Georges Day, St Andrews Day, statutory Bank Holiday weekends (Fri,Sat,Sun,Mon) and the Thursday before Good Friday and Christmas Eve :

An extra hour to above timings.

Occasions of local, national or international significance, charitable events, limited to 12 per year, with 14 days notice and agreement with the police:

An extra hour to above timings.

Live music (indoors – limited to max 2 entertainers)

As for supply of alcohol above.

Recorded music (indoors)

As for supply of alcohol above.

Anything of a similar description (indoors)

As for supply of alcohol above.

Provision of facilities for dancing (indoors)

As for supply of alcohol above.

Provision of Late Night Refreshment

Mon – Wed 23.00 to 01.30
Thur 23.00 to 02.00
Fri & Sat 23.00 to 02.30
Sun 23.00 to 01.00

Seasonal variations and non standard timings as above (one extra hour)

Hours premises open to the public

Mon – Wed, Sun 09.00 to 01.30
Thur 09.00 to 02.00
Fri & Sat 09.00 to 02.30
Sun 09.00 to 01.00

Seasonal variations and non standard timings as above (one extra hour)

Removal of terms, conditions or restrictions

Removal of current restrictions regarding children permitted in bars(Sections 168 and 171 Licensing Act 1964)

Removal of the restriction on consumption of alcohol (drinking up) (s63 Licensing Act 1964)

Removal of restriction on credit sales (s166 Licensing Act 1964)

The five further conditions required by the Environmental Protection Manager are as follows :

- 1. Regulated entertainment of all types shall finish by 23.00**
- 2. Doors and windows shall be kept shut during regulated entertainment, with the exception of the front door which may be used for access and egress, and which should be kept shut at all other times.**
- 3. Prominent, clear and legible notices shall be displayed at all exits, requesting customers to respect the needs of local residents and to leave the premises and the area quietly.**
- 4. Bottles and refuse shall not be disposed of outside the premises between 23.00 and 07.00.**
- 5. The beer garden shall not be used after 23.30.**

4.1.1
(so no 4.1.2)

The meeting ended at 12.34pm

CHAIR

