

**LICENSING SUBCOMMITTEE
(2003 ACT)**30 July 2007
10.30am to 11.45am**Present:** Councillors Bailey, Smith and Stuart**Also Present:** Cllr Smart (Ward Cllr representing residents)**07/lic/01 Apologies**

All members were present.

07/lic/02 Procedure to be Followed

The procedure for hearings of the subcommittee set out on the agenda was noted.

07/lic/03 Application to vary Premises licence: The Empress, Thoday Street**Declarations of Interest by Subcommittee**

No declarations of interest were made.

Present for this application:**For the Applicant:** Julia Wilburd (Solicitor), David Utting and Lisa Cresswell (Licensees)**Interested Parties:** Ramona Loveridge, Andrew Bainbridge, Khadijah Fancy, Veronica Henderson, C C Milligan (Residents)**The hearing:** The Licensing Officer presented her report and outlined the application being made. The Environmental Protection Officer had made a representation relating to the public nuisance objective, on the basis that the property is in the middle of Victorian residential area with terraced housing and intense development. The Environmental Protection Officer had suggested three additional conditions which had been subsequently accepted by the applicant. As a consequence the Environmental Protection Officer had withdrawn the representation.

No representations had been made by the other Responsible Authorities.

Forty representations and one petition attached at Appendix D, had been received from interested parties living in the area. The representations referred to all four licensing objectives and cover a wide range of issues. Concerns were expressed about additional nuisance and noise disturbance, especially as patrons departed, quality of life, the residential nature of the area, family and vulnerable residents nearby, the type of the properties in the street acting as a noise funnel, unacceptable sleep disturbance and vandalism. Windows and doors were left open in summer months, partition walls were thin and windows were single glazed. The premises was not a city centre location and it was inappropriate to extend hours.

The Licensing Officer said that the additional protections offered by the conditions suggested by the Environmental Protection Officer might alleviate residents' concerns.

The applicant's representative put the applicants case and responded to questions from members of the subcommittee. She explained that there were no other licensable activities within the premises other than the sale of alcohol, and the application was only for the extension of hours as set out in the application and as subsequently agreed with the Environmental Protection Officer. The applicant said that the application had been

made as a result of requests from customers to facilitate later drinking. He accepted the need for consideration for neighbouring residents. He pointed out that many residents used the pub and he would be concerned at deterring them from using the pub by inconsiderate management practice. He was willing to take the recommended action to reduce nuisance including the closing of doors and windows.

The Interested Parties present made submissions to the Subcommittee in relation to their representations. These included the effect of late drinking on a densely packed residential area. While they were happy to support the pub they were concerned at the extension of hours proposed. The pub garden was noisy and the amount of disturbance being experienced in view of the recent smoking legislation; customers also tended to smoke outside in the street adding to the disturbance. The noise from the pub tended to have more impact in the later hours as the background noise died down, children had difficulty in sleeping because of the disturbance. Extended hours for this local pub would not be in keeping with the residential nature of the area.

Cllr Smart, as Ward Councillor, spoke on behalf of residents. She said that the pub was well managed and the facility was enjoyed by residents, their concern arose from the request for extended hours. She pointed out that the level of disturbance was increased because of the construction and layout of the streets in this area. In her view the extension of the hours would exacerbate the problems already being experienced.

Members put a number of question to the applicant and the residents, these included:

- whether the weekend provided more of a problem, residents agreed that there was a difference at weekends of increased noise at a later time.
- Whether new customers were admitted after current licensing hours, the applicants said it was difficult to manage in view of the smoking issue.

Councillors adjourned to discuss the application in the light of the concerns raised by interested parties and the submission by the applicants.

The Decision: In reaching the decision on the application the Subcommittee considered the material presented, the written representations made, the Council's Statement of Licensing Policy and the Statutory Guidance under the Licensing Act 2003.

It was decided to grant the application, in part as detailed below, subject to conditions translated from the Applicant's Operating Schedule, and the conditions recommended by the Environmental Protection Manager as agreed by the Applicant.

REASONS for granting the application in part only: The prevention of public nuisance

Details of variation:

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

Fridays & Saturdays other than Christmas Day, Good Friday or New Years Eve
11.00 to 01.00 hrs

The Sunday before a Monday Bank Holiday:
11:00 to 00:00

Hours premises open to the public

Fridays & Saturday other than Christmas Day, Good Friday or New Years Eve:
11.00 to 01.30

The Sunday before a Monday Bank Holiday:
11:00 to 00:30

The variation is granted subject to the following conditions, which were requested by Cambridge City Council Environmental Manager as agreed by the Applicant:

1. The outside seating are not to be used after 23:30 Sunday to Thursday and 00:50 Friday and Saturday
2. The placing of waste including bottles into receptacles outside the premises and the emptying of premises waste by waste contractors shall only be permitted to take place between the hours of 07:00 hours and 23:00 hours to minimise disturbance to nearby properties
3. Prominent, clear and legible notices shall be displayed at the exit, requesting patrons departing to respect the needs of local residents and to leave the premises and the area quietly.

The additional conditions are considered to be necessary for the prevention of public nuisance

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