

**LICENSING SUBCOMMITTEE
(2003 ACT)**

22 September 2008
10am – 10.20am

Present: Councillors Benstead, Smith and Stuart (Chair)

08/lic/38 Minutes

The minutes of the meeting on 18 August were confirmed as a correct record and signed by the Chair.

08/lic/39 Declarations of Interest

None.

08/lic/40 Procedure to be Followed

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

08/lic/41 Application to vary a Premises Licence: The Tram Depot, Dover Street, Cambridge

Present for this application:

For the Applicant: Martin Bailey, Everards Brewery Ltd. (for the applicant)

Interested Parties: None

The hearing: The Licensing Officer presented her report and outlined the application being made.

She explained that negotiations had taken place between the applicant and the Police and the Environmental Protection Manager and, as a consequence, the Responsible Authorities had withdrawn their objections. The applicant had withdrawn the application for additional hours which led the Police to withdraw their objections.

Martin Bailey said they had been surprised by the representations but that he personally had met with all parties and had agreed the conditions. Children would only be allowed to eat up to 1900 hours and there was no external area for them to sit in and no play area.

Members of the Sub-Committee asked questions of clarification about the definition of a child, about where the licensing objectives in relation to the safety of children were in the conditions and about where children were allowed to be in the premises.

Members of the Sub-Committee retired at 10.15am to consider the application and returned at 10.20am with a verdict.

The Decision: In reaching the decision on the application, the Sub-Committee considered the material presented at the hearing, in writing from the Police, the Environmental Protection Manager and the interested party, in writing and orally from 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, bearing in mind that these premises are in a residential area and cumulative impact zone.

The Sub-Committee noted that:

- the applicant had agreed to withdraw the request for additional hours on Thursday, Friday and Saturday and on this basis the police were prepared to withdraw their representation.
- the applicant had agreed a number of conditions, proposed by the Environmental Protection Manager, which could be attached to the licence in support of the licensing objectives. On this basis, the Environmental Protection Manager was prepared to withdraw his representation.
- On the basis that the Environmental Protection Manager had agreed amended conditions to provide adequate protection for local residents, then the interested party also wished her representation to be withdrawn.

It was decided:

To grant to the applicant variations to the premises licence as applied for, subject to retaining the existing hours as agreed by the police and amended conditions relating to the Prevention of Public Nuisance objective as recommended by the Environmental Protection Manager and the Protection of Children from Harm objective as requested by the applicant:

Details of Variation:

The hours for the sale of alcohol on Friday, Saturday and Sunday are to be as for the existing licence (i.e. 10:00 to 01:00, excluding seasonal variations)

The opening hours on Friday, Saturday and Sunday are to be as for the existing licence (i.e. 10:00 to 01:30, excluding seasonal variations)

The hours for Live music, recorded music & provision of facilities for making music (indoors) to be as for the existing licence i.e. Thur 10:00 to 23:00, Fri & Sat 10:00 to 00.00

Removal of conditions:

Removal of the following conditions:

5. Regulated entertainment in the form of live music shall be only comprised of a maximum of 2 live performers.

12. Children limited to external areas.

Condition to be attached to the licence in replacement of the existing conditions under the Protection of Children from Harm objective:

Children under 16 must vacate the premises by 19.00 hours.

Conditions to be attached to the licence in replacement of the existing conditions under the Prevention of Public Nuisance objective:

1. Regulated Entertainment shall only be provided using the 'House' speakers and amplifier system.

2. Within one month of the licence being granted the applicant and EPM shall undertake a level setting exercise and set noise levels to be agreed with EPM. The agreed levels shall not be altered without the prior agreement of the EPM.
3. Regulated entertainment shall only take place between 12.00 and 23.00 Sunday to Thursday and 12.00 to 24.00 Friday & Saturday
4. Regulated entertainment shall not be permitted in the external courtyard / beer garden without the written permission of EPM.
5. After 23:00 staff shall monitor customers in the courtyard / beer garden and shall remind any noisy customers to respect the needs of local residents and to be quiet.
6. When regulated entertainment is held, all external doors and external windows including those marked A on attached plan reference WK200807738-1 shall be kept shut at all times, apart from the main entrance lobbied door/s from Dover Street and at the East Road façade (that allows general ingress and egress) and marked B on attached plan reference WK200807738-1 which shall be kept closed so far as reasonably practicable.
7. After 22:30 all external doors and external windows, including those marked A on attached plan reference WK200807738-1 shall be kept shut at all times, apart from the main entrance lobbied doors from Dover Street and at the East Road façade (that allows general ingress and egress) and marked B on attached plan reference WK200807738-1, which shall be kept, closed so far as reasonably practicable.
8. 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. Staff will monitor exits from the premises at closing times to remind departing patrons.
9. The placing of waste including bottles into receptacles outside the premises and collections from and or deliveries to the premises, including the emptying of premises waste receptacles by waste contractors shall only be permitted to take place between the hours of 0700 hrs and 2300 hrs to minimise disturbance to nearby properties.
10. All litter must be regularly cleared from the immediate vicinity of the premises as indicated in red on the attached plan reference WK/200807738-2. All glasses and bottles must be regularly cleared from the immediate vicinity of the premises as indicated in yellow on the attached plan reference WK/200807738-2.

The variations of the licence to have effect from the 22nd September 2008.

The Meeting concluded at 10.20am

Chair