

**LICENSING SUBCOMMITTEE
(2003 ACT)**

6 October 2008
10am – 11.45am

Present: Councillors Blencowe, Boyce (Chair), and McGovern

08/lic/45 Declarations of Interest

Members declared the following personal interests:

Councillor McGovern - in minute numbers 08/lic/47 and 08/lic/49 as a member of the Campaign for Real Ale.

Councillor Boyce – in minute number 08/lic/49 as a Life Member of the Society although he had had no occasion to use the facilities for many years.

08/lic/46 Procedure to be Followed

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

**08/lic/47 Application to vary a Premises Licence: Quick Stop Newsagents, 149
Newmarket Road, Cambridge**

Present for this application:

For the Applicant: Joanna Valentine

Interested Parties: P.C Sinclair for Cambridgeshire Constabulary.

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

With the agreement of all parties, she tabled a letter received from Mr Patel and Mrs Patel, the applicants. The letter said:

“I am writing to you in regards to the above licensing variation. Following Pc Sinclair’s letter date 09/09 and a detailed conversation with him we would be grateful if we could come to a reasonable arrangement which would suit everyone.

Due to my work commitments I am unable to attend the hearing however my employee, Joanna Valentine will be attending on my behalf.

During the hearing I would appreciate it if you would consider granting licensing hours from either 6 or 7 o’clock in the morning rather than 5 o’clock. If you were to consider granting either of the above then we are willing to store high volume alcohol like special brew and strong ciders behind the counter. This would mean that as business owners we would be in control of who we sell alcohol to. In certain situations where the individual seems to be drunk or causing an issue we can refuse to sell alcohol to them.

We do understand the concerns raised that is why we are willing to negotiate and we would fully support you in revoking our new licensing hours if more concerns and issues arise within the area.”

At several points during the hearing, the Sub-Committee checked that Ms Valentine was happy to continue representing the applicant, asked her to say if she wished to consult the

applicant by mobile phone on any particular issues raised and asked at one point whether she would prefer that the hearing be deferred so that Mr Patel could attend in person. Ms Valentine assured the committee on each occasion they asked that she was happy to represent the applicant.

The Members of the Sub-Committee asked questions of clarification of the applicant concerning:

- that the application was for off licence and not on licence sales
- whether they traded currently on Christmas Day and Good Friday
- what the current closing hours were
- what was the reasoning behind the application for a 5am opening time
- would the opening hours be 5am-8pm as applied for

PC Sinclair presented the case on behalf of the Police. In addition to their submission reproduced in the agenda papers and with the agreement of all parties, he tabled copies of representations from the police Street Life Officer, PC Marc Thomas and from the City Council's Single Homeless and Rough Sleepers Co-ordinator, David Greening.

PC Thomas wrote:

"The location is within the Section 30 Dispersal area. The idea of the Section 30 area is to reduce the amount of alcohol related incidents in what are 'Hotspot' areas.

Alcohol consumption in this area has historically led to incidents of Aggressive Begging, Robbery and Assault in the nearby underpass.

It is in close proximity to the Access Surgery which has a significant number of Alcohol dependent clients who congregate there from early in the morning.. The extended licensing would be counterproductive to their treatment and contribute to further incidents of disorder at the Surgery.

There are various rough sleeping hotspots within 500 metres of the licensed premises, the early availability of Alcohol is likely to increase this problem."

David Greening wrote:

"Yes, PC Dicks brought this to my attention. Here are my objections:

- 1. There are a number of homeless projects in the vicinity of this off licence that provide a service to a number of vulnerable adults who are alcohol dependent - the Cambridge Access Surgery at 125 Newmarket Road and a drinkers project at 451 as two examples. The surgery has recently changed its drop in hours to the mornings in an attempt to see patients when they are in a more sober state, thus giving them a better chance of making effective health interventions to tackle their alcohol addictions. Early hours of opening for this off licence would certainly undermine the work of projects such as these.*
- 2. The Council, the Police and other partners working with homeless people in the city are working hard to try to reduce street drinking levels and its community impact in the city. However, the availability of alcohol at all hours does undermine our attempts to tackle this problem and find sustainable solutions for people.*
- 3. Street drinking can quickly turn into a very entrenched pattern of behaviour. Cambridge suffers from high levels of inward migration from rough sleepers and street drinkers who are highly transient in their nature. Increased availability of alcohol is a well known 'pull' factor for this group.*

Hope that is useful."

PC Sinclair also asked for a number of conditions to be added to the licence should the Sub-Committee be minded to agree the hours applied for.

With the agreement of all parties, he tabled these conditions which were based on a licence granted to a similar premises in another part of the city:

1. *No sherry to be sold;*
2. *Beer, lager or cider more than 5.5% alcohol shall be kept out of view;*
3. *No discounts for multiple purchases of alcohol;*
4. *No sale of alcohol on credit;*
5. *All alcohol shall be located behind the counter;*
6. *No self service of alcohol;*
7. *CCTV equipment with recording facilities shall be installed at the premises and maintained in working order. Images shall be retained for 31 days and made available to the police upon reasonable request.*
8. *A refusal to serve book shall be kept and information recorded as appropriate.*

Members of the Sub-Committee asked questions of clarification of PC Sinclair:

- If the hours were agreed as 6am or 7am would that enable him to withdraw his objection;
- In particular, if these conditions could not be applied to the whole licence but only to the variation, would he accept that.

Members then referred to the letter from the applicant and asked some questions of clarification of Ms Valentine. She confirmed that the premises did not sell sherry currently, that conditions 3, 4, 5 and 6 were acceptable, that they currently ask for proof of age (challenge 21) and that CCTV was already in place as was a refusal book. She also confirmed that the current opening hour was 6am and that the applicant was present from 5am sorting out the newspapers for delivery which started at 6am.

Members of the Sub-Committee retired at 10.35am to consider the application and returned at 10.56am with a verdict.

The Decision: In reaching the decision on the application, the Sub-Committee considered material presented orally and in writing, the representations made by the Applicant's representative and the Responsible Authority, 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 mixed commercial and residential area.

It was decided:

To grant to the applicant the variation of the premises licence together with the following conditions as suggested by the police and amended by the Sub Committee:

Sale/supply of alcohol (off the premises)

Mon-Sun 07.00 to 20.00

Seasonal variations and non-standard timings

None

Hours premises are open

Mon- Sat 05.00 to 20.00

Sun 06.00 to 20.00

1. No sherry to be sold;
2. Beer, lager or cider more than 5.5% alcohol shall be kept out of view;
3. No discount for multiple purchases of alcohol;
4. No sale of alcohol on credit;
5. All alcohol shall be located behind the counter and covered when it is not available for sale;
6. No self service of alcohol;
7. CCTV equipment with recording facilities shall be installed at the premises and maintained in working order. Images shall be retained for 31 days and made available to the police upon reasonable request;
8. On occasions when the premises is open for the sale of alcohol the DPS or relevant person will actively operate a 'Challenge 21 Policy'. This will include a voluntary agreement to only accept identity cards with a 'Pass' accreditation, passports or photo ID driving licences, or any future identification card as approved by central government, as bona-fide recognised forms of identification;
9. A refusal to serve book shall be kept and information recorded as appropriate.

With effect from: 6th October 2008.

08/lic/48 Application for a new Premises Licence: The Flying Pizza, Unit 5, Barnwell Road, Cambridge

Present for this application:

For the Applicant: No one

Interested Parties: No one

The Licensing Officer checked by mobile phone that no representatives from the solicitors for the applicant were expected.

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

The Council's Solicitor pointed out that the hours applied for in the form submitted by the applicant were different to those printed at paragraph 1.2 of the Licensing Officer's report. The hours applied for Mon-Thur and Sun were confirmed as 23:00 -0100.

The Decision: In reaching the decision on the application, the Sub-Committee considered material presented in writing, the representation made by the Responsible Authority, 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 mixed commercial and residential area.

It was decided:

To grant to the applicant the new premises licence as follows:

Late Night Refreshment (indoors)

Sun – Thurs	23.00 to 01.00
Fri and Sat	23.00 to 03.00

Hours premises are open

Sun – Thurs	17.00 to 01.00
Fri and Sat	23.00 to 03.00

With effect from: 6th October 2008.

08/lic/48 Application to vary Club Premises Certificate: Cambridge Union Society, Bridge Street, Cambridge

Present for this application:

For the Applicant: No one.

Interested Parties: No one.

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

She referred to paragraph 1.2 of her report and said that the section detailing performance of play etc were not being applied for. The conditions to be attached to the licence were the two detailed in paragraph 3.1 of her report along with additional new conditions agreed between the Bursar of the Cambridge Union Society and the Environmental Protection Manager. She tabled a document from the Environmental Protection Manager reproduced below:

“Further to my representation of

Following negotiation with Colonel Bailey MBE (Retd), Bursar Cambridge Union Society, Trade, the Environmental Protection representation raised on the 11 September 2008 is hereby **withdrawn**, on the basis of the following conditions which have been **agreed (see attached email)** with the applicant and which should be translated into conditions in the Operating Schedule under the prevention of public nuisance objective:

I also add that the noise limiters stated in conditions 1 and 2 have been installed and a date and time to do a sound level setting has been agreed.”

The detail of the conditions agreed is included in the decision notice below:

The Decision: In reaching the decision on the application, the Sub-Committee considered the material presented 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 decision was reached on its individual merits, bearing in mind that these premises are in a mixed commercial and residential area.

It was decided:

To grant the applicant the variation of the premises licence together with the conditions referred to in the applicant's Operating Schedule and the following conditions which are agreed between the applicant and the Environmental Protection Manager :

Hours premises are open

Mon- Wed	09.00 to 23.30
Thurs & Fri	09.00 to 01.00
Sat	18.00 to 23.00

Performance of plays, exhibit film, indoor sports events, boxing/wrestling, live music, recorded music, performance of dance, entertainment of similar description(indoors), supply of alcohol (on the premises)

Mon-Sun	11.00 to 01.00
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Removal of terms, conditions or restrictions :

Special condition 1 is removed.

Condition 6 is removed

Conditions agreed between the applicant and the Environmental Protection Manager

1.

- a) Before regulated entertainment involving any amplified music or amplified vocals is held in the Blue Room before 09:00 or after 23.00, measures to limit the level of noise at source (noise limiter) designed by a suitably qualified person / member of a recognised professional body such as the Institute Of Acoustics (IOA) or similar competent person shall be submitted in writing for approval by the Environmental Protection Manager (EPM). When regulated entertainment is held thereafter a suitable and appropriate microphone controlled volume / noise regulatory device (noise limiter or similar which monitors noise levels using a microphone) shall be installed and maintained to cut / disconnect the electrical power to amplification / sound equipment, at a volume of amplified music and or speech (Music Noise Level-MNL) set to the satisfaction of the Environmental Protection Manager (EPM).
- b) The noise limiter shall be positioned to the satisfaction of the Environmental Protection Manager (EPM) and shall be connected to all permanent music equipment (in house sound system) and to all available mains power sockets within the Blue Room that will be used to power amplification equipment.
- c) The noise limiter as per condition 2a shall not be altered without prior approval of the Environmental Protection Manager (EPM)

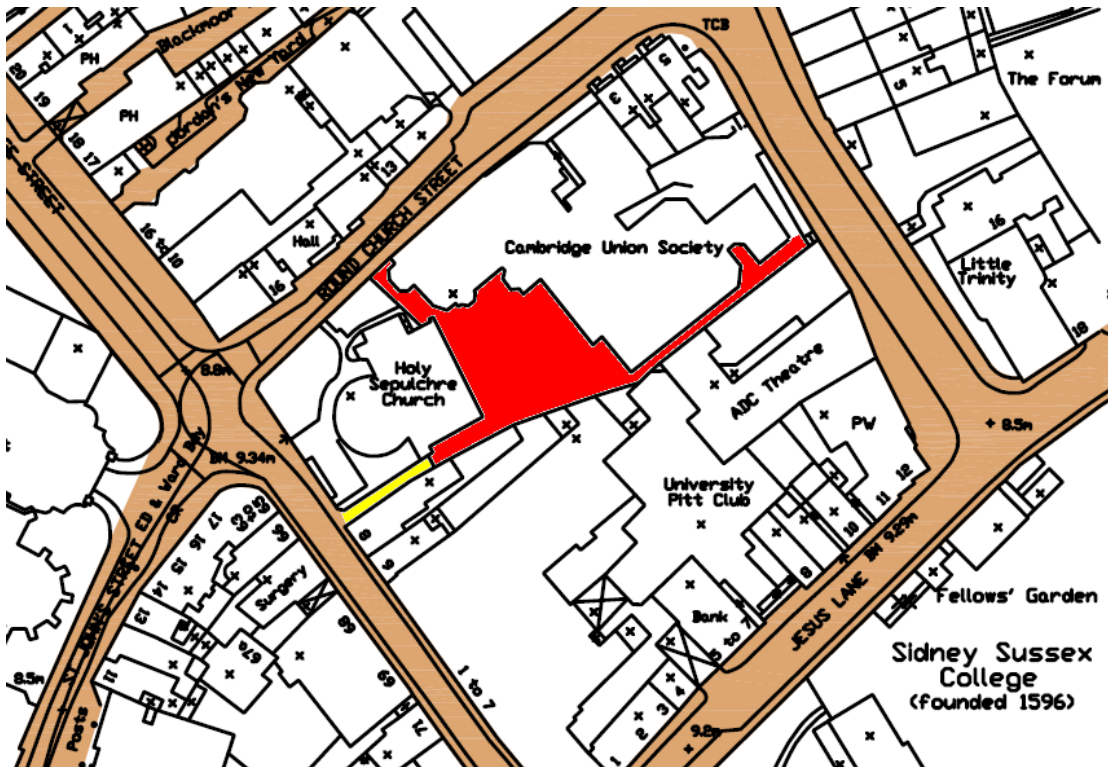
2.

- a. Before regulated entertainment involving any amplified music or amplified vocals is held in the Bar Extension before 09:00 or after 23.00, measures to limit the level of noise at source (noise limiter) designed by a suitably qualified person / member of a recognised professional body such as the Institute Of Acoustics (IOA) or similar competent person shall be submitted in writing for approval by the Environmental Protection Manager (EPM). When regulated entertainment is held thereafter a suitable and appropriate microphone controlled volume / noise regulatory device (noise limiter or

similar which monitors noise levels using a microphone) shall be installed and maintained to cut / disconnect the electrical power to amplification / sound equipment, at a volume of amplified music and or speech (Music Noise Level-MNL) set to the satisfaction of the Environmental Protection Manager (EPM).

- b. The noise limiter shall be positioned to the satisfaction of the Environmental Protection Manager (EPM) and shall be connected to all permanent music equipment (in house sound system) and to all available mains power sockets within the Bar Extension that will be used to power amplification equipment.
 - c. The noise limiter as per condition 3a shall not be altered without prior approval of the Environmental Protection Manager (EPM)
3. After 22:00 the external doors and windows shall be kept closed during regulated entertainment.
4. 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 shall monitor exits from the premises at closing times and shall remind any noisy customers to respect the needs of local residents and to be quiet.
5. 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 07:00 hrs and 23:00 hrs to minimise disturbance to nearby properties.
6. All litter must be regularly cleared from the immediate vicinity of the premises as indicated in red on the attached plan reference WK/200808335-1. 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/200808335-1.

WK/200808335-1



With effect from: 6th October 2008.

The Meeting concluded at 11.45am

Chair