

Present: Councillors Rosenstiel (Chair), Dixon and Wright

09/lic/15 Declarations of Interest

Members declared the following personal interests:

Councillor	Interest
Rosenstiel	<ul style="list-style-type: none">- Member of CAMRA- Ward Councillor for the area of the premises- Attended a private party at the premises
Dixon	<ul style="list-style-type: none">- Ward Councillor for the area of the premises

09/lic/16 Procedure to be Followed

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

**09/lic/17 Application to Vary Premises licence: Revolution, 3-7
Downing Street, Cambridge**

Present for this application:

For the Applicant: John McDonald (Director)

Interested Parties: None

Team Leader, Environmental Protection (TLEP): Robert Osbourn

The hearing: The Licensing Manager presented her report and outlined the application being made. She stated that Cambridge City Council, being the licensing authority, received an application to vary the Premises Licence of Revolution, 3-7 Downing Street, Cambridge on 26th January 2009. The variation requested by the applicant detailed in the committee report was for the removal of the existing condition 14 of Annex 2, to be replaced with an amended version, and the amendment of condition 13 in so far as it relates to the second floor of the premises.

A representation had been received from the TLEP. He reported that he had subsequently held a site meeting with the applicant and proposed three new conditions at the hearing as an alternative to those stated in paragraph 4.1 of the report. The applicant, John McDonald, stated that he was the Director of Leisure Services Ltd, and that he was happy to fully accept the three

conditions. Representation was also received from Planning. They were not present at the meeting.

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

- Cllr Rosenstiel stated that he was not clear what the boundary level for noise was?

A: The TLEP stated that the acoustic specialist had looked into the matter and was satisfied that the listed work would address these issues.

- Cllr Wright asked if they could be assured whether complaints would be investigated and what review and inspections would be carried out?

A: The TLEP stated that they could carry out acoustic specialist tests and the new conditions would address these points.

The applicant stated that the premises was very popular and that there was often queuing and smoking outside the premises. Extending the hours of the external rooftop area would eradicate the congregation of smokers at the front of the premises and confine them to the roof terrace. This in turn would alleviate people off the street. He stated that the noise report team and head of acoustics had been considering reducing the noise level. The installation of the acoustic panelling would reduce the noise and they predicted that the people on the roof terrace would only increase the noise levels by 1 decibel.

The TLEP stated that it was likely to have a beneficial effect for Emmanuel College to have the congregation of people on the roof terrace rather than at ground level as the noise would be reduced.

Cllr Wright stated that she had gone to the back of the premises and wished to know to what extent the outdoor patio was seasonal? The applicant stated that it would be all year round in order to accommodate smokers at all times of the year.

The Solicitor wished to clarify the conditions. There was agreement that condition 14 would be replaced by the new conditions 1, 2 and 3 as agreed between the applicant and the TLEP. Also that condition 13 ‘...including the doors to the second floor roof garden...’ would be amended to ‘...excluding the doors to the second floor roof garden’.

The Licensing Manager stated that this would result in giving the premises an extra half hour. A statement could be attached to the end of Annex 3. There was agreement that conditions 13 and 14 would remain unchanged until the agreed works had been completed to the satisfaction of the Environmental Health Manager. Once the works had taken place conditions 13 and 14 would be amended to read as follows:

Condition 13

'On all days when the premises are open after 2330hrs for any licensable activity all external doors and windows excluding the doors to the second floor roof garden shall be kept shut at all times, apart from the main entrance door/s (that allow general ingress and egress) which shall be kept closed so far as reasonably practicable.'

Condition 14

- 14.1 The second floor external roof terrace shall not be used after 23.30 on any day until the following works have been carried out to the satisfaction of the Environmental Protection service, in writing:
- a. The construction of an internal lobby to the doorways leading from the third floor bar into the roof terrace
 - b. The construction of an acoustic screen to the boundary of the roof terrace with Downing Place
- 14.2 The works of insulation identified in 1. above, shall be maintained in place and in good condition.
- 14.3 No regulated entertainment shall be provided on the roof terrace.

Members of the Sub-Committee retired at 11.05am to consider the application and returned at 11.10am with their decision.

The Decision: In reaching the decision on the application, the Sub-Committee considered the material presented in writing, the representations made at the hearing, the Council's Statement of Licensing Policy and the legislation and statutory guidance under the Licensing Act 2003 and the legal advice received during the hearing.

In this case, the Sub-Committee had to balance the interests of the applicant with those of the wider community, and in particular the potential for issues of public nuisance affecting the residents close to the premises.

It was decided:

To grant the application as amended so that the changes to conditions 13 and 14 only take effect once the works required by the new condition have been carried out satisfactorily.

The licence has been varied as follows :

"Annex 3 – Conditions attached after a hearing by the licensing authority

Date of hearing: 16th March 2009

Conditions 13 and 14 will remain unchanged until the agreed works have been completed to the satisfaction of the Environmental Health Manager, after which conditions 13 and 14 will apply as follows:

13. On all days when the premises are open after 2330hrs for any licensable activity all external doors and windows excluding the doors to the second floor roof terrace shall be kept shut at all times, apart from the main entrance door/s (that allow general ingress and egress) which shall be kept closed so far as reasonably practicable.

14.1 The second floor external roof terrace shall not be used after 23.30 on any day until the following works have been carried out to the satisfaction of the Environmental Protection service, in writing:

- a. The construction of an internal lobby to the doorways leading from the third floor bar into the roof terrace
- b. The construction of an acoustic screen to the boundary of the roof terrace with Downing Place

14.2 The works of insulation identified in 1. above, shall be maintained in place and in good condition.

14.3 No regulated entertainment shall be provided on the roof terrace.”

With effect from: 16 March 2009

The Meeting concluded at 11.15am

Chair