

LICENSING SUBCOMMITTEE20 July 2009
10:00am – 11.32am**Present:** Councillors Dixon (Chair), Blencowe and Rosenstiel**FOR THE INFORMATION OF THE COUNCIL****09/Licsub/27 Declarations of Interest**

None declared.

09/Licsub/30 Procedure to be Followed

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

Present for this application:**For the Applicant:** Stephen Foster, John Dyer and Tom Ranin**Interested Parties:** Mohammed Alabi, Ali Sabir, Dorothy Walker and Aishath Bodunrin**Environmental Protection:** Daniel Bayles (Environmental Health Officer)**09/Licsub/31 Application to Vary Premises Licence: Sauce, 1-3
Station Road, Cambridge****The hearing:**

The Interested Parties first and foremost requested that the current proceedings between themselves and the Applicant would not be referred to during the hearing as it was irrelevant to which the Solicitor agreed.

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 Sauce Bar, 1-3 Station Road, Cambridge on 21st May 2009.

The original variation applied for was amended before the meeting from that shown in the officer's report to the provision of dance and the replacement of the condition regarding the non admission of children.

A representation was received from one Responsible Authority, the Environmental Protection Manager. Fourteen representations were received from interested parties.

The amended application was to vary the premises licence as follows :

Performance of Dance, Provision of Facilities for Dancing (indoors)

Mon – Thur	11.00 to 00.00
Fri & Sat	11.00 to 01.00
Sun	12.00 to 23.00

Non-standard timings and seasonal variations

A further hour on Christmas Eve and Boxing Day. From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.

Replace the condition “Children are not permitted” with “Children will be permitted when accompanied by an adult”.

The Licensing Manager stated that representations which had been received would not be as relevant as most of them related to conditions that had since been amended or removed by the applicants for example relating to hours.

Stephen Foster stated that the revised condition relating to children would allow them to access the premises when accompanied by an adult until 10pm. Mr Foster stated that they did not see this as having an impact on the licensing objectives. He stated that they had not received any objections from the police and that Environmental Protection had informed them that that they did not see dancing as having an impact on the area.

Members Questions

- What is a child?

Persons who are under 16 years of age.

- Will the re-phrasing of the condition of having a child accompanied with an adult provide adequate protection?

The bar staff have been trained appropriately and that allowing this condition will enable families to come and enjoy themselves.

- Can the ‘Challenge 21’ be added as a condition to the application?

We are happy to add this condition to the licence.

- Is the condition referring to children a general condition?

It applies any time the premise is in operation.

- Can the food sales be tailored to fit around the 10pm non-entry to children?

The kitchen stops serving at 10pm but we are happy to agree that food sales close at 10.30pm in order to cater for late orders.

- Does the existing licence for music go in line with the hours applied for the dance facilities?

It corresponds to the licensing activities and will stop 30 minutes prior to closing time.

- Should there be a rule that no child be admitted after 10pm?

We will have children off the premises by 10.30pm.

- Is there a fee to get into the building?

This is operated at certain times in connection to the salsa dancing but not in relation to people going for a meal.

The Environmental Health Officer stated that they had initially put forward their representation because the applicants did not withdraw the proposed hours until after the deadline had passed, hence the reason why their representation still stood. As a result, they did not have any objections to the new application put before the committee.

In response to a question regarding whether the addition of dancing would make any difference to the noise, the Environmental Health Officer stated that he did not consider the noise from the dance floor to be any more significant than the existing noise, as a noise limiter was already installed and set at 83 decibels on the ground floor.

The Committee invited the Interested Parties to speak. They expressed their concerns regarding noise which affected nearby residents. Members of the committee stated that such complaints should be directed to the Environmental Health Officer as a separate matter as the dance itself was not found to be significant to the noise.

The Interested Parties stated that granting the application would lead to alcohol fuelled anti-social behaviour becoming a serious problem as well as loitering and increases in litter.

Members of the Sub-Committee retired at 11.15am to consider the application and returned at 11.30am with a verdict.

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. The list of the interested parties who spoke at the meeting appears in the minutes of the meeting.

The Sub-Committee found the following facts :

1. The application was for dancing.
2. The premises already has a licence for music and entertainment of a similar description, and performance by a DJ.
3. The Environmental Protection Officer informed the Sub-Committee that the addition of dancing would not affect noise output.
4. The Applicant agreed to add a "Challenge 21" condition.
5. The Applicant agreed the change the agreed condition to add "until 22.30".
6. The premises are not in a Cumulative Impact area.

The Sub-Committee considered that the following matters were not relevant to their decision :

1. The existing complaints about noise and disturbance.
2. Whether or not dancing is currently taking place.
3. Any private prosecution or court proceedings.
4. Any reference to any enforcement action, or potential review of, the existing licence.

In this case, the Sub-Committee had to balance the interests of the applicant with those of the wider community.

It was decided:

To grant the application as amended, and varied as follows:

Performance of Dance, Provision of Facilities for Dancing (indoors)

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Removal of terms, conditions or restrictions

Remove the existing condition 13 and replace with the following conditions:-

The Protection of Children from Harm

(13) The DPS or relevant person will actively operate "Challenge 21 Policy" This will include a voluntary agreement to only accept identity cards with the "Pass" accreditation; passports; photo ID driving licences; any National identity card as ruled by any British Court as a bona-fide recognised form of identification; or any future identification card as approved by central government; as bona-fide recognised forms of identification.

(14) Children will be permitted when accompanied by an adult until 22.30 hours.

With effect from: 20th July 2009

Meeting ended at 11.32am

Chair