

**LICENSING SUB-COMMITTEE**30 November 2009  
(10.05am – 11.31am)**PRESENT:** Councillors Dixon, Upstone and Benstead**09/Licsub/86 Appointment of Chair**

Cllr Dixon was appointed Chair.

**09/Licsub/87 Police Objection to Four Temporary Event Notices :  
Cellar Bar 8, 14 Tredgold Lane, Cambridge****Present for this application:**

<b>For the Applicant</b>	<b>Responsible Authority</b>
Stewart Summerlee - Designated Premises Supervisor	PC Pete Sinclair
Kevin Barrett - Licensee	

**The Hearing:** The Licensing Manager presented her report and outlined the application being made. She stated that the Council, as the licensing authority, had received an objection to four Temporary Event Notices issued by Cellar Bar 8 from Cambridgeshire Police.

The Hearing was to consider the objection raised by the Police and the Licensing Manager advised the Panel of the decision-making options available to them.

Cllr Dixon sought clarification and requested guidance on the legal basis of the decision. The Legal Advisor circulated a copy of statutory guidance to the members of the panel, applicant and responsible authorities and referred specifically to sections 7.22 and sections 7.25 to 7.29.

Cllr Dixon questioned whether the application was in a Cumulative Impact Zone (CIZ), whether the designation had any implication on the decision. The Licensing Manager confirmed that the application was in a

CIZ, but a CIZ was not applicable to the application. She advised the panel that only the police could object to the applications, on the grounds of the prevention of crime.

The applicant addressed the committee and explained that the application was an extension of hours for a gentleman's club over the Christmas period. In response to a question from the sub-committee the applicant confirmed that the application was to open from 5pm to 3am on each day stated on the application.

PC Sinclair addressed the committee on behalf of a Police Chief Officer, requested clarification on the legitimacy of the application. Following discussion it was agreed that because the Licensing Authority had not returned the application as not properly made, it had therefore accepted the application, and it needed to be considered by the Sub-Committee.

The Police explained the seriousness of the objection. The Sub-Committee were advised that a review request had been submitted in June 2008, due to regular and persistent problems with anti social behaviour in the vicinity of the premises, which had resulted in the restriction of permitted hours. Following the applicant's 11 convictions for breaches of the Licensing conditions, when an earlier Licensing Sub Committee reviewed the licence, they had removed the existing licensee as DPS. The representative of the Police said that the applicant had been unable to control the premises when the closing hour had been 2am, he was now applying for 3am and the hours should remain the same. He also highlighted a recent problem in August 2009 with an incident involving shouting and screaming in the street. The Police had concerns about the application because the applicant had shown that he was not able to manage premises effectively and had been removed as a DPS.

The Police concluded the initial submission by expressing concerns about issues potential arising from 2-3 hours of additional drinking and the previous problems with the premises.

In response the applicant outlined a number of changes to the management of the premises, which included the reduction in the number of clients (80-100 down to 40-45); reduced numbers of complaints and removal of the very large live music events.

The Sub-Committee sought clarification on the capacity number on the application. The applicant explained the rationale for asking for a limit of 85 people during the Temporary Event Notice period. It was explained that the premises were currently licensed for 180.

PC Sinclair expressed concerns about the assertion that the reduced level of customers was an indicator of good behaviour moving forward, due to the current restricted hours. The DPS explained the processes in place to proactively manage the issues raised by the Police, specifically around the management of the door.

The Sub-Committee sought legal advice on which licence took precedence. The Licensing Manager explained that the notices would take precedence if allowed, and that the law did not allow conditions to be attached to these types of notices.

The Sub-Committee asked further questions on the following subjects;

1. How are large groups managed? *The DPS advised that the club operated a strict pre-booking policy and proactively used CCTV to manage situations off-site.*
2. How are customers managed on Tuesday evening/Wednesday morning due to the “gap” in the licences? *The licensee explained that the customers would be asked to wait outside for 30 minutes. PC Sinclair expressed concern about the community safety and smoking implications of customers waiting outside the premises.*
3. What is the door entry policy specifically the door closure time? *The Designated Premises Supervisor advised that the door routinely closes at 12-12:30 and earlier in the week. It was confirmed that the club had 3 external door staff.*
4. What are the expected customer numbers? *The DPS and Licensee explained that the changes in hours would not be publicised and no increase in trade was expected over the period of the temporary notice period.*
5. What is the nature of the Club? *The licensee explained that the club operated as a gentleman’s club and was not a members only or nightclub.*

The Sub-Committee were advised that their options were limited by the legislation and were advised that for each “event” a decision whether to allow or not allow was required, and that there was no

discretion to allow parts or vary the application.

The Police declined to agree to a proposal to reduce the hours to 1am (from 3am) for the period of the Temporary Events Notices, due to concerns about the prevention of crime, and that even at 1am customers of the club were disturbing residents in a residential area.

In summary the applicant emphasised the improvements in the management of the club and that they were open to compromise on the hours.

The Police agreed that the management of the club had improved but expressed serious concerns about the implications of the proposed extended hours.

**Resolved** : To instruct officers to issue a Counter-Notice to the four applications on the grounds that the extension would undermine the crime prevention objective.

**CHAIR**