

LICENSING SUB COMMITTEE12 November 2012
10.00 am - 12.00 pm**Present:** Councillors Hart, Meftah and Rosenstiel**Officers**

Licensing & Enforcement Manager: Robert Osbourn

Assistant Licensing Officer: Luke Catchpole

Legal Advisor: Carol Patton

Committee Manager: Glenn Burgess

Present for the Applicant

Mr Turpin (Applicant)

Mr Hodge (on behalf of the Applicant)

Other Persons

Councillor Owers (Ward Councillor for Coleridge)

FOR THE INFORMATION OF THE COUNCIL**1 Appointment of a Chair**

Councillor Rosenstiel was appointed as Chair for the meeting.

2 Declarations of Interest

Councillor	Item	Interest
Councillor Rosenstiel	12/13/licsub	Personal: Member of Campaign for Real Ale (CAMRA)

3 Meeting Procedure

All parties noted the procedure.

4 Application for a Variation to a Premises Licence for The Med, Perne Road, Cambridge, CB1 3RX

The Assistant Licensing Officer presented the report and outlined the application.

Member's Questions

In response to Members' questions, the Licensing and Enforcement Manager confirmed the following:

- i. Additional conditions had been agreed with the applicant. Should this variation be approved, these would replace conditions on the existing licence.
- ii. The new Live Music Act makes available additional conditions that can be enforced after 11pm. It would be up to the Sub-Committee to consider if these would be appropriate for this application.

Applicant

Mr Hodge made the following points:

- i. As a result of the Noise Abatement Notice in 2011 discussions took place with officers on how to address the noise issue. It was agreed that acoustic sound curtains would be installed, door staff would be employed and the music levels would be monitored every hour.
- ii. The Med is keen not to alienate the local community.
- iii. The average age group of those using the premises is 35-65.
- iv. The venue provides local people with somewhere to have a sociable drink and to enjoy music, without having to travel into the City Centre.
- v. The Med is the only independent pub left in the area.
- vi. Many of the national chain pubs in the area have similar Licences and a variation is needed in order for The Med to compete with other premises.
- vii. By keeping a sensible pricing structure the premises does not promote reckless drinking. The variation is therefore needed in order to compete.
- viii. The variation to the licence was vital for the survival of The Med.
- ix. The premises would not be using the variation every weekend.
- x. The licence variation would allow the premises to host more budget weddings and associated functions.

Member's Questions

Q) Councillor Rosenstiel asked for clarification on the hours of the requested variation.

A) Mr Hodge confirmed that a mistake had been made on the application form.

The variation requested was as follows:

Live Music and Recorded Music (Indoors)

Thurs-Fri 18:00 to 00:30
Sat 12:00 to 00:30
Sun 12:00 to 23:00

Provision of Late Night Refreshment

Thurs-Sat 23:00 to 00:30
Sun 23:00 to 00:00

Supply of Alcohol

Thurs-Sat 11:00 to 12:30

Opening Hours

Mon-Wed 08:00 to 23:00
Thurs-Sat 08:00 to 01:00
Sun 10:00 to 00:30

Q) Councillor Meftah asked what type of additional functions the premises would be looking hold.

A) Mr Hodge confirmed that they hoped to cater for more budget weddings and christenings. It was noted that the premises currently held a Motown and Soul night, which catered for an older age group and was run by a well-respected local DJ.

Q) Councillor Meftah asked for the capacity of the function room.

A) Mr Hodge confirmed that the capacity of the function room was 100.

Q) Councillor Hart raised concern that the later opening hours, and the associated staff clean up time, would cause more disturbance to local residents. It was asked how the premises would manage this.

A) Mr Hodge confirmed that any complaints regarding noise had been related to music and not staff clean up activities. It was noted that conditions already in place restricted the emptying of bottle bins to certain times, and that any external cleaning activities were undertaken the following morning. By 1am

staff levels were at a minimum, with only people employees exiting the premises by car.

Other Persons – Councillor Owers

Councillor Owers made the following comments:

- i. The proposed variation would be a considerable extension to the current licence.
- ii. The area housed many elderly residents and young families, and was not suitable for such a late licence.
- iii. Many of the national chain pubs in the area with similar late licences had experienced problems.
- iv. Whilst it is a difficult time for pubs, the solution was not to open later in order to compete with other establishments.
- v. Elderly residents living next door to the pub are unable to sleep on Friday and Saturdays evenings due to the noise. They have also been issued with a letter from their GP stating that it is affecting their health.
- vi. Residents are reluctant to continually report the incidents as this simply disturbs their sleep further.
- vii. A petition has been signed by between 20 and 30 residents opposing the variation to the licence.

Due to an objection by the applicant, the full detail of the petition was not circulated to all parties. This decision was based on the fact that the petition was not formally submitted within the consultation period.

- viii. Many of the complaints regarding noise related to weddings at the premises. Concern was therefore raised that a later licence may result in more weddings being held on site.
- ix. Allowing music on a Thursday evening would effectively extend the weekend and cause more problems.
- x. Residents have reported that, whilst under the current licence music should cease at 11pm, it frequently continues until closing time.
- xi. Residents do not feel that the additional conditions will solve the problem of excess noise.
- xii. Extending the hours would go against the following licensing objectives:
 - the prevention of public nuisance
 - public safety

Members' Questions

Q) Councillor Rosenstiel asked which neighbours were most affected.

A) Councillor Owers confirmed that it was the neighbours on the south side, nearest to the pubs conservatory.

Q) Councillor Rosenstiel questioned whether the additional conditions would mitigate the concerns of local residents.

A) Councillor Owers responded that local residents were sceptical about the effect that these additional conditions would have. They have questioned whether the noise limiter could be bypassed and are still concerned about the noise created by people outside of the pub.

Q) Councillor Rosenstiel confirmed that the licence could be reviewed if the conditions were not being met.

Noted

Q) Councillor Rosenstiel asked for some further information on the Noise Abatement Notice.

A) The Licensing and Enforcement Manager confirmed that, as result of complaints, a Noise Abatement Notice was served in December 2011. After discussions with the premises it was agreed that acoustic sound curtains and a noise limiter would be installed. Officers monitored a number of events during January and February 2012 and found that noise was barely detectable at the boundary of the site. Tests were also conducted from the objector's property and no noise could be detected, when music was played at the agreed volume.

It was confirmed that since this time no further complaints had been received from residents.

Q) Councillor Rosenstiel noted that, as it was not a quiet street, some ambient noise was to be expected.

Noted

Q) Councillor Rosenstiel asked what outside area was allocated fo smoking.

A) Mr Hodge confirmed that an area to the front of the building was allocated for smoking. This area was as far away from neighbouring houses as possible and door staff actively managed the area to limit any noise and disturbance.

Q) Councillor Rosenstiel asked for some further clarity regarding conditions.

A) The Licensing and Enforcement Manager confirmed condition 14 stated that no waste with the exception of ash trays would be moved, removed or placed in areas between 11pm and 7am, and condition 7 limited live music to no more than once per week. It was noted that the Sub-Committee could consider restricting use of the rear garden during certain hours.

In response Mr Hodge confirmed that use of the garden was already restricted.

Q) Councillor Rosenstiel asked for confirmation that condition 10 related to extractor fans.

A) The Licensing and Enforcement Manager confirmed that this was correct.

Summing Up – Councillor Owers

Councillor Owers made the following points:

- i. Extending the hours for live music was not appropriate in a quiet residential area.
- ii. Many of the pubs in the area with similar late licences had experienced problems.
- iii. As the pub was set back from the road many local residents had not seen the notice displayed in window and were therefore unaware of the application.
- iv. Many residents had signed a petition opposing the variation to the licence.
- v. The reason that there had been no further complaints since January 2012 was that residents had simply given up reporting the problems.
- vi. The impact of the noise was affecting people's health.

Summing up – Mr Hodge

- i. Whilst other pubs had experienced problems with their later licences, The Med is managed very differently.
- ii. The premises served a large part of the community.

- iii. In the current financial climate many pubs were closing. This licence variation was very important to the survival of The Med.

Members withdrew at 10:58am and returned at 11:58am.

Decision

The Sub Committee resolved (unanimously) to grant the variation of the licence as follows:

Supply of alcohol

Thursday to Saturday 11.00 to 00.30

Live and recorded music (indoors)

Thursday and Friday 18.00 to 00.00

Saturday 12.00 to 00.00

Sunday 12.00 to 23.00

Provision of late night refreshment

Thursday to Saturday 23.00 to 00.30

Sunday 23.00 to 00.00

Opening hours

Monday to Wednesday 08.00 to 23.30

Thursday to Saturday 08.00 to 01.00

Sunday 10.00 to 00.30

With the following changes to conditions:

Existing conditions 6 and 11 for the prevention of public nuisance will be replaced by those recommended by the Environmental Health Manager in Appendix 1.

Condition 10 will be amended to read "All extractor fans to be sound insulated to the satisfaction of the Head of Refuse and Environment" (new condition 15)

Additional steps 1-7 and 9 found in the report at paragraph 1.3 proposed to be taken by the applicant to promote the licensing objectives are accepted as conditions.

The Sub-Committee made the following additional condition, with the agreement of the applicant:

The garden area to the south and west of the premises shall not be used by persons after 23.00.

The Sub Committee's reasons for reaching their decision are as follows:

We have received representations on behalf of nearby residents that music in the premises disturbs their sleep. We believe that the prevention of public nuisance licensing objective indicates that it is appropriate that music should not be permitted after midnight. Otherwise we accept the variations applied for will be acceptable with the agreed conditions.

The meeting ended at 12.00 pm

CHAIR