

LICENSING SUB COMMITTEE

11 May 2015
10.00 am - 1.00 pm

Present: Councillors Austin, Gawthrop and Meftah

Officers

Assistant Licensing Officer Luke Catchpole
Licensing & Enforcement Manager Robert Osbourn
Legal Advisor Carol Patton
Committee Manager Sarah Steed
Committee Manager Claire Tunncliffe

Present for the Applicant

Philip Arnold Green King Operations Manager
Wayne Perry Castle Bar Manager
Omar Holmes Castle Bar Manager
Matthew Butt Legal Representative

Responsible Authorities

Sgt Nigel Leadbeater Business Lead for licensing for Cambridge City
Sgt Paul Atkinson Safer Neighbourhood Policing Sergeant
PC Clare Metcalfe Licensing Officer

FOR THE INFORMATION OF THE COUNCIL

1 Appointment of a Chair

Councillor Gawthrop was elected as Chair for the meeting.

2 Declarations of Interest

No interests were declared.

3 Meeting Procedure

All parties noted the hearing procedure.

4 Hearing Report for The Castle, 37 St Andrews Street, Cambridge, CB2 3AR

The Assistant Licensing Officer presented the report and outlined the application for a variation of the Premises Licence under section 34 of the Licensing Act 2003 in respect of The Castle, 37 St Andrews Street, Cambridge, CB2 3AR.

The Assistant Licensing Officer highlighted to Members that the extended recorded music licensed hours Monday to Sunday included earlier times from 12:00 to 20:00 hours.

In response to Members' questions the Assistant Licensing Officer stated:

- i. The Applicant was not looking to change the licensed hours on Fridays or Saturdays.
- ii. To add in the extended recorded music hours being 12:00 – 20:00.

Applicant's Representative

Mr Butt made the following points on behalf of the Applicant:

- i. The application sought not only to extend the licensed hours for recorded music but also for the licensed hours to start earlier.
- ii. The representation considered the type of premises, the typical clientele and the reasons for the application.
- iii. The Castle was a small pub with capacity for approximately 150 people; it was therefore a drop in the ocean compared to the Regal which had a capacity of 1600 people and opening hours until 4am or Vodka Revolution which had a capacity of over 1000 people.
- iv. The clientele, pricing structure and business model of the Castle was not at the discount end of the market as alcohol is bought direct from Greene King, the cheapest pint costs £3.95 and spirits at £3.50. No promotions or discounts were offered at the Castle, the clientele were young professionals, with a small number of students.
- v. The pub had a bed and breakfast with 6 bedrooms which they hoped would be busy all the time. Since the premises opened in February there was a growing emphasis on food. Last food orders were usually 21:30 however customers would eat their food until 22:30, it was hoped that customers who were already in the premises would be able to stay and watch for example stand-up comedy.
- vi. Throughout February there had been temporary event notices (TENs) and the Castle had traded during the hours that were applied for as part of the variation application. There were no problems throughout February, the statistics put in by the Police did not relate to the Castle.

- vii. The applicant was asked what was the earliest terminal hour they could trade to and still do something a bit different. They were not trying to draw new people in they were trying to do something a bit different for the existing clientele. The extension was sought until 02:00 Sunday, Monday, Tuesday and Wednesday and the application in relation to Thursday was abandoned.
- viii. A further condition was proposed that no new entry be permitted after 01:00 Sunday, Monday, Tuesday and Wednesday so modifying 02:30 to 01:00, so simply an extra hour of alcohol sales was being sought for those days.
- ix. No representations were received from Environmental Health, residents or interested parties.
- x. There was an error on page 7 of the report; recorded music had been applied to start earlier at 12:00 rather than 20:00.
- xi. To respond to the comments made by the Police, the application related only to Sunday, Monday, Tuesday and Wednesday, the Police have focussed on the weekend days. In the 2 years' worth of crime statistics only 6 related to crimes of violence and this evidence did not support a contention that the Castle had problems with crime and disorder. It was accepted that there had been complaints of theft in the past and to combat this, a cloakroom condition had been proposed.
- xii. To summarise, the last entry was sought for 01:00; the Castle were not competing with discount pubs and had already been trading to a 02:00 cut off on a Thursday and had not encountered any problems. The application should be granted because the days of the week the variation application related to would not add to the incidences of crime and disorder in the area.

Member Questions

In response to Members' questions, Mr Butt and Omar Holmes made the following statements:

- i. Clarified that the change in hours requested were to the supply of alcohol Sunday - Wednesday 00.00 – 02:00 and no change to Thursdays. Recorded music (indoors) Sunday - Wednesday 12:00 – 02:00 and Thursday 12:00 – 02:00.
- ii. No change had been applied for Saturday night going into Sunday.
- iii. TENs were used during the month of February for the extended hours.
- iv. Door Managers resolved any incidents outside, if the matter was a complaint then the Pub Manager would resolve. Some complaints were

- made directly to the Police in which case the Castle's Managers would not always know about these.
- v. The Castle does not operate a happy hour as this is not its business model.
 - vi. The premises were refurbished in February and the Castle does not seek to attract the discount market.
 - vii. The premises had a 50% capacity during the week and evenings.
 - viii. Door supervisors were in place as a matter of course on Fridays and Saturdays.
 - ix. A new condition was proposed that at least one door supervisor would be on duty when regulated entertainment took place after midnight on a Sunday, Monday, Tuesday or Wednesday.

Police Representatives

Sergeant Nigel Leadbeater made the following additional points after reading from the prepared witness statement which had been submitted as part of the police's representation:

- i. The Applicant's amended conditions went some way to address the concerns raised.
- ii. Attracting professionals was well intentioned but it was unlikely that they would stay in the premises until 02:00 in the morning because they had work to go to the following day. Well known that students pre-load on alcohol before they go to a pub, usually after midnight and then stay at the venue.
- iii. The Temporary Events held under the TENs mechanism were held in February, the footfall was less than it would be in the summer.
- iv. The pub needed door staff to manage the proposed condition not to permit entry after 01:00.

The Applicant's Representative responded to the point raised by the police concerning door supervision and proposed an amendment that when there is regulated entertainment there would be no new entry after 01:00 Sunday, Monday, Tuesday and Wednesday and there must be 1 door supervisor who is accredited by the SIA.

Sergeant Paul Atkinson, Safer Neighbourhood Policing Sergeant for Cambridgeshire Police read a prepared statement entitled "The Castle" Proposed Extension and made the following points:

- i. Contrary to national statistics, in Cambridge there had been an increase in violent crime over the last year and to combat this, the Police had dedicated patrols in the city centre over the weekend.
- ii. The Castle had suffered from alcohol and violent crime.
- iii. The Government Strategy set out that people needed to live safe and feel safe, Cambridge city centre suffered disproportionately from crime levels and were the application granted this would go against the Strategy.

Member Questions

In response to Members' questions, the Police Representatives made the following statements:

- i. Just because someone was a professional did not prevent them from getting drunk or causing trouble.
- ii. Incidents were not always logged through CAMBAC radio as Officers may have been busy going from job to job.
- iii. In the summer on a hot evening the Police could be resourcing officers until 06:00 to 07:00 in the morning.
- iv. The application added to the cumulative impact because it was a further 75 people to manage in one of the hotspot areas. Downing Street and St Andrews Street were within a red spot area. A further 75 people was a significant number of people for the police to manage.
- v. The applicant had been responsible and attended the Committee meeting and had made amendments to its application, but the Police objection remained if the premises' stayed open till 02:00. If the applicant stopped selling alcohol at midnight it would negate the problem.
- vi. When issues were discussed which related to a Sunday this meant Saturday night going into Sunday morning.

Summing up

Applicant's Representative

- i. The Police had been fair in how they had expressed their reservations, what Mr Holmes was doing was responsible when you heard what people had said.
- ii. Although the Police had stated that the figures from the TENs in February were not representative, in the summer months there would not be a student population. A better guide was age. For a 100 people

under 21 years of age and 100 people under 25 years of age, the second group was going to behave better. The demographic of the clientele was over 25 years of age; the Castle could not compete with those who wanted to drink and drink.

- iii. Normally the Council's policy would be applied and the application rejected however an exception could be made in this instance as the Police had not demonstrated the effect of the cumulative impact.

Police Representative

- i. There was a huge influx of international students through the summer.
- ii. Police resources were different during the week to the weekend.
- iii. In terms of demographic, the Police had all sorts of people through the custody block who may have indulged in things that they shouldn't.

Members withdrew at 11:10am and returned at 12:35pm. Whilst retired and having made their decision, Members received legal advice on the wording of the decision.

The Licensing Manager clarified that on the application for supply of alcohol the applicant had selected "off the premises"; the paperwork had clearly been marked incorrectly and should have had in relation to the supply of alcohol section of the application form "both" on and off the premises selected.

Decision

The Sub-Committee unanimously decided to refuse the application to vary the premises licence for The Castle, 37 St Andrews Street, CB2 3AR.

The Sub Committee provided the following reasons for their decision:

- i. The premises are within a cumulative impact area and therefore subject to the Council's special policy. The special policy creates a rebuttable presumption that applications will normally be refused if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can show why the operation of the premises involved will not add to the impact already being experienced. In this application, the Sub Committee decided that the Applicant had not rebutted the presumption against granting the Application.
- ii. The Sub Committee noted section 13.36 of the Guidance, and that a special policy should never be absolute. In this case, all the

circumstances have been given careful consideration, and it was decided that there was no justification for departing from the special policy. If this application were granted, the Sub Committee were firmly of the view that it would undermine the promotion of the prevention of crime and disorder objective. The Sub Committee were not satisfied that the altered application and additional conditions presented at the hearing would prevent further problems arising in the area.

- iii. The application applied to increase the number of hours that the premises would be selling alcohol, and be open for customers. During the hearing the applicant modified the lateness of the closing hours for Sunday, Monday, Tuesday and Wednesday. However, the Sub Committee decided that the increased hours and number of customers present in the premises would increase the footfall in the area and therefore increase the impact to a recognised hotspot.
- iv. The Sub Committee noted that there was evidence of incidents occurring throughout the week, and that police resources during the week are lower than at the weekends and therefore any problem arising at the premises will increase the strain on those resources and be more likely to add to the cumulative impact.

The Applicant's Representative queried whether the Licensing Sub Committee had considered granting the recorded music element of the application as no reference had been made to public nuisance in the Members' reasons.

Members withdrew at 12:40pm and returned at 12:56pm. Whilst retired and having made their decision, Members received legal advice on the wording of the decision.

In response to Members' questions, the Applicant's Representative confirmed the revised licensed hours matched the current licensed hours for the supply of alcohol, these being:

Sunday – Wednesday 12:00 – 00:00

Thursday 12:00 – 02:00

Friday, Saturday 12:00 – 03:00

The Police Representative confirmed that if the licensed hours for recorded music matched the licensed hours for the supply of alcohol then there would be no objections.

The applicant's request to consider the recorded music extension only was carried nem con.

The meeting ended at 1.00 pm

CHAIR