

**LICENSING SUB COMMITTEE**

24 April 2017  
10.00 am - 12.05 pm

**Present:** Councillors Adey, Bird and Ratcliffe

**Officers**

Licensing Officer: Luke Catchpole

Legal Advisor: Carol Patton

Democratic Services Officer: Dawn Cave

**Present for the Applicant**

Applicant: Carmel Williams

Applicant's Representative: Winston Brown

**Other Persons**

John Adams, Acting River Manager of Conservators of the River Cam

**FOR THE INFORMATION OF THE COUNCIL**

**17/1/Lic Appointment of a Chair**

Councillor Bird was elected as Chair for the meeting.

**17/2/Lic Declarations of Interest**

Councillor Ratcliffe advised that he been nominated to become a City Council representative on the Conservators of the River Cam, and would be attending his first meeting on Thursday 27<sup>th</sup> April, but had no prior involvement with that organisation.

**17/3/Lic Meeting Procedure**

All parties noted the hearing procedure.

**17/4/Lic Floating Cambar Hearing report**

The Licensing Officer presented the report and outlined an application for a Premises Licence under section 17 of the Licensing Act 2003 in respect of the Floating Cambar, Quayside, Bridge Street, Cambridge. The details of the

application were set out in the report. He advised that some late information had been received from the applicant, which he tabled. John Adams, representing Conservators of the River Cam, confirmed that he was happy with this late addition, and the Sub-Committee Members took several minutes to read this information.

Attention was drawn to the proposed Conditions: Conditions 1-6 had been agreed between the Applicant and Cambridgeshire Constabulary; Conditions 13-18 had been agreed between the Applicant and Environmental Health Officers, and the other had been offered by the Applicant. It was confirmed that the proposed mooring site, at Quayside, Bridge Street, was not in a Cumulative Impact Zone.

Mr Brown, on behalf of Ms Williams, made the following points as Applicant's Representative:

- i. Highlighted that this was a mobile business operating from a punt, that would be selling alcoholic beverages to other punts as they travel down the river;
- ii. With regard to the objection from Conservators of the River Cam, that the application does not identify an operating base for the business in contravention of Conservancy condition of registration, requiring all commercial punts to operate from one of six recognised punt stations, it was suggested that the operating base and related issues were not within the remit of the Licensing Committee. Conditions had been agreed with the responsible authorities covering Health and Safety issues;
- iii. With regard to the Conservators' other concern regarding operation of sales in practice, and the potential for congestion, observed that there was precedent, namely the Floating Wine Company, whose licence had been granted in 2011. There was no evidence that the operation of that business had led to safety issues on the river;
- iv. With regard to the objection from King's College, that the business would cause disruption on the river by encouraging drinking, it was again stressed that appropriate Conditions had been agreed with Cambridgeshire Constabulary and Environmental Health;

- v. Speculation as to whether the business would have a positive or negative impact on punting in Cambridge were outside the remit of the Licensing Sub-Committee;
- vi. Suggested that registration with the Conservators should not be a Condition as the exact legal requirements were uncertain, and it would be unwise to make any application conditional on such grounds.

The Sub-Committee received a presentation from John Adams, Acting River Manager, representing Conservators of the River Cam, who were objecting to the application. Issues raised in his presentation included:

- vii. The requirement to register with the Conservators was not a grey area legally, as all crafts on the Cam had to be registered with the Conservancy, and the Conservancy conditions were absolutely clear;
- viii. The concern was not about congestion on the river, but potential obstruction, breaching Conservancy By-law 12.1, which prohibits crafts from stopping in a manner that may obstruct navigation. This had been the issue with the operation of a similar business, as it would be private hire punts with less experienced pushers trying to navigate across the river which caused problems;
- ix. The Conservancy was not concerned with maintaining the status quo, but about public order on the river.

In response to the points made by the objector and Members of the panel, the Applicant and the Applicant's representative:

- x. advised that the plan was for the experienced pusher to travel alongside and keep pace with punts, and not stop, i.e. not cause obstruction or congestion;
- xi. confirmed that drinks would be sold in plastic cups, and there would be waste and recycling bins on the punt;
- xii. there would only be two individuals on the punt – the pusher and the person serving drinks.

Summing up, the Applicant's Representative stressed the importance of staying within the remit of Committee. Only public safety concerns relevant,

and he and the Applicant had satisfactorily explained how these would be dealt with in the way the business operates.

The objector commented that the Conservators' key concern was that it would not be possible to sell drinks without drawing to a standstill, and the operation of the business would lead to general disorder.

Members withdrew at 10:40am and returned at 12.00 noon.

Whilst retired and having made their decision, the Legal Advisor assisted the Sub-Committee with the drafting of the decision.

**Decision:**

The Sub-Committee decided to grant the licence as applied for by the Applicant.

The Sub Committee provided the following reasons for their decision:

1. The Committee was satisfied that the conditions agreed by the Applicant with the Police and Environmental Health will control the operation of this licence and not undermine the licence and not undermine the licensing objectives;
2. The Cam Conservators are concerned that the business will cause congestion and obstruction on the river and may lead to public nuisance. However, we were not satisfied that there was any substantive evidence such as reports or concerns relating to this particular applicant were presented to the Sub-Committee to support that objection;
3. The applicant had stated that her punt will punt alongside potential customers, not stopping, and not require them to cross the river in order to purchase items from her business and cause obstruction.

The meeting ended at 12.05 pm

**CHAIR**