

**LICENSING SUB COMMITTEE**

28 November 2016  
10.00 am - 1.35 pm

**Present:** Councillors Bird, McPherson and Smart

**Officers**

Licensing Officer: Alex Beebe  
Legal Advisor: Carol Patton  
Democratic Services Officer: Dawn Cave

**Present for the Applicant**

Applicant: Rupert Lindsay Clark  
Applicant's Agent: Niall McCann

**Other Persons**

Lisa Halpern  
Professor James Moore  
Ward Councillor Richard Robertson  
Ward Councillor Ann Sinnott

<b>FOR THE INFORMATION OF THE COUNCIL</b>
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**16/29/Lic Appointment of a Chair**

Councillor Bird was elected as Chair for the meeting.

**16/30/Lic Declarations of Interest**

No interests were declared.

**16/31/Lic Meeting Procedure**

All parties noted the hearing procedure.

**16/32/Lic Backstreet Bistro Hearing Report**

The Licensing Officer presented the report and outlined the application for a variation of a Premises Licence under section 34 of the Licensing Act 2003 in respect of the Backstreet Bistro, 2 Sturton Street, Cambridge. The details of

the variation were set out in the report. It was clarified that the variation did not relate to any of the licensable activities and timings already set out in the Premises Licence.

Mr McCann, on behalf of Mr Clark, made the following points as Applicant's Representative:

- i. The applicant had taken the view that the change of layout was too significant to be dealt with as a minor variation. In addition, the applicant had agreed to twelve new conditions which were actually more restrictive e.g. earlier closing times and restrictions on delivery times, which were legally binding;
- ii. This was the fifth site the applicant owned in Cambridge, the other four being pub/restaurants in the city. It was not intended that the Backstreet Bistro would be a destination venue, and the focus would be on food;
- iii. The applicant had had pre-application consultations with local residents, and had attempted to address concerns raised;
- iv. the applicant would not be increasing the number of covers provided by the previous owner.

In response to Member questions, the Applicant's Representative and the Applicant:

- v. Advised that the application did not include variations to opening hours or activities, and the number of covers indoors was the same (70). Because of the style of operation, it was anticipated that there would actually be less throughput of diners;
- vi. Whilst the applicant's other Cambridge sites were in the city, one did have an appreciable number of residential neighbours, and likewise some of the applicant's sites in London were in residential areas. At all sites, dialogue between management and residents was encouraged to address any concerns residents may have. The applicant was happy to provide a mobile telephone number for the manager which residents could use if they had concerns;
- vii. Confirmed there would not be an external staircase;

- viii. Confirmed that rather than moving the outside tables and chairs, these could instead be rendered unusable;
- ix. Confirmed that the new mechanical ventilation system featured air purification and silencers, and was being housed into the attic;
- x. Confirmed that the windows that potentially overlooked neighbouring properties and gardens, including the ones in the toilets and kitchen, would be blacked and with acoustic quilting used between the board and window;
- xi. Confirmed that around 20 local residents attended the consultation evening.

The applicant did not object to the late submission by one of the Other Persons, and the Sub-Committee had agreed to consider copies when they made their deliberations.

The Sub-Committee received a presentations from two local residents, Professor James Moore and Lisa Halpern, who were objecting to the variation. Concerns raised in their presentations included:

- xii. The scale of the proposed pub restaurant, which would be larger than the previous owner's business, and would be the largest business of its kind in Petersfield Ward;
- xiii. Health and safety and fire risk concerns, given the number of individuals who could be in the premises, and the location of doors, facilities and fire exits;
- xiv. Odours and noise from the business, including patrons using the outside area;
- xv. concerns around parking and the wellbeing and safety of children in the area;
- xvi. lack of consultation with the wider community, especially given the nature and demographics of that community;

- xvii. the use of the roof terrace and other planning issues;
- xviii. how customers would travel to the premises – some customers would drive or cycle, and there was no provision for either cars or bikes.

In response, the Applicant's Agent advised:

- xix. There would be no increase in capacity, and this site had been used as a pub/restaurant business for many years;
- xx. fire risk assessments, health and safety issues, etc, would be addressed under different processes;
- xxi. there was no intention for this to be a destination venue, it was anticipated that the majority of customers would be local people;
- xxii. the roof terrace would be used for bike racks for staff only;
- xxiii. the outside area would be closed at 22.30 at the latest, with customers encouraged to vacate that area before that time;
- xxiv. The lobby will be new;
- xxv. Modern efficient extractors, including quieter ventilation and acoustic measures, means that those noises will not disturb residents
- xxvi. The Applicant offered a new condition to turn everything off by 23.00 hours.

Ward Councillors Robertson and Sinnott expressed their concerns to the Committee, which included:

- xxvii. Scale of the proposed development;
- xxviii. Potential nuisance issues for local residents, many of whom were families with young children;
- xxix. Suggested limiting outdoor licensable activities to 21:00 on weekdays.

In response to questions from Ward Councillors:

- xxx. It was noted that it was no longer necessary for a license to be granted for live or recorded music to be played in licensed premises, unless specifically restricted. Following a suggestion by one of the Ward Councillors, the applicant agreed to adding a Condition not to put speakers in the outside area;

- xxxi. The Applicant commented that closing the outside area to diners after 21:00 would make it very difficult to have more than one dinner sitting outside;
- xxxii. The applicant stressed that they did not expect customers to drive, the expectation was that patrons would come from the local area. A Member observed that the site was adjacent to the Chisolm Trail and could become a favoured site for cyclists to stop off.

Summing up, the Applicant's Agent advised that the Applicant had proactively sought to work with residents, and had proffered an additional twelve conditions, with a further four offered at the meeting. He added that there was a review mechanism, and if public nuisance was found once the business commenced operation under the new management, it could be reviewed and have hours reduced or other Conditions applied.

Members withdrew at 11:25am and returned at 13:30pm. The Committee reconvened twice during this period, to clarify with the Applicant the rationale behind the removal of Conditions 1, 12 and 13. It was confirmed that the licensing hours would remain the same as on the Premises Licence.

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

Decision:

The Sub-Committee decided to grant the variation of licence as applied for, including the twelve conditions which had been proposed by the Police and Environmental Services, and to include a modified version of condition 5 and four three extra conditions offered by the Applicant at the meeting:

1. That there will be no speakers in the outside area;
2. That no music will be played in the outside area;
3. That condition 5 of the conditions agreed with Environmental Health be modified to read " External tables and chairs at the premises shall be brought inside or otherwise *rendered unusable* and taken out of use after 22.30 on Sunday- Thursday and after 23.00 on Friday and Saturday."
4. That the Manager's mobile phone number should be made available for residents at all times.

The Sub Committee provided the following reasons for their decision:

1. The application is for a variation of the existing licence;
2. The applicant is only asking for a variation of the plan and the removal of part or whole of three conditions;
3. This hearing is not a review of the operation of the existing licence;
4. The variation of the plans do not appear to increase the number of covers substantially.
5. The removal of the whole or part of the three existing conditions requested will not affect licensing objectives.

The meeting ended at 1.35 pm

**CHAIR**