

LICENSING SUB COMMITTEE

28 November 2016
2.00 - 3.25 pm

Present: Councillors Bird, Ratcliffe and Smart

Officers

Licensing Officer: Alex Nix

Legal Advisor: Carol Patton

Democratic Services Officer: Dawn Cave

Present for the Applicant

Gregory Rawinski: Representing applicant

Gianfranco Cuccaro: Applicant's Agent

FOR THE INFORMATION OF THE COUNCIL

16/33/Lic Appointment of a Chair

Councillor Smart was elected as Chair for the meeting.

16/34/Lic Declarations of Interest

No interests were declared.

16/35/Lic Meeting Procedure

All parties noted the hearing procedure.

16/36/Lic Charlies Coffee Company

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 Charlie's Coffee Co Ltd, 44-45 Burleigh Street, Cambridge. The details of the variation were set out in the report. It was noted that these had changed since the original application had been made, following discussions with Environmental Health, specifically so that the new Conditions stated:

- Reducing the hours of the licensable activities (supply of alcohol, recorded and live music, exhibition of films) from 09:00 to 00:00, to 09:00 to 23:00;
- Not selling draft beers or lagers;

- Only a limited range of spirits being sold;
- No alcohol to be consumed in the external seating area.

Members were reminded that the premises were located in a Cumulative Impact Area.

Mr Rawinski, representing the applicant, and Mr Cuccaro, the Applicant's Agent, made the following points:

- i. how the hours of the licensable activities had been reduced to 23:00 from 00:00, following discussions with the Police and Environmental Health team;
- ii. Outlined on what occasions films/programmes would be shown and music played, and what mitigation measures would be taken;
- iii. Explained the rationale behind serving alcoholic drinks, which had been requested by customers enjoying a meal at the venue;
- iv. Suggested that the representation was based on the original conditions, not the revised Conditions;
- v. Explained how the business took measures to be a responsible neighbour in an area of the city where there were some issues.

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

- vi. confirmed that the application to sell draught beer had been withdrawn, and all licensable activities would cease at 23:00;
- vii. confirmed that alcoholic drinks would only be available at a premium price i.e. no offers or promotions;
- viii. outlined the usual clientele who visited the business, which were predominantly local people, families and professionals;
- ix. Confirmed that alcohol could not be taken off the premises, and the licensable area did not include the outside seating area;
- x. Confirmed that the staff operate under the Challenge 25 scheme.

The applicant's agent summed up their case. Members withdrew at 2:35pm and returned at 3:20pm. Whilst retired and having made their decision, Members received assistance on the wording of the decision by the Legal Advisor, but no legal advice was provided.

Decision:

The Sub-Committee decided to grant the variation of licence as applied for, as follows:

1. The supply of alcohol to be allowed until 23:00;
2. Recorded music, live music and exhibition of films until 23:00 as agreed with Environmental Health;
3. To retain condition 4 of Annex 2 prohibiting the sale of draught beers and lagers;
4. To remove condition 5 of Annex 2;
5. To replace condition 12 of Annex 2 as specified in the report.

The Sub Committee provided the following reasons for their decision:

1. the applicant has accepted all advice from the police relating to the type of alcohol sold. The police did not see fit to make any representations to the sub-committee relating to the cumulative impact area.
2. the applicant accepted advice from Environmental Health limiting all licensable activities at 23:00.

The meeting ended at 3.25 pm

CHAIR