

LICENSING COMMITTEE4 April 2011
10.10 am - 1.10 pm**Present:** Councillors Boyce, Stuart and Znajak**Officers Present:**Licensing Manager – Christine Allison
Assistant Licensing Officer – Debbie Stoker
Legal Advisor – Carol Patton
Committee Manager – Martin Whelan**Responsible Authorities Present:**

PC Sinclair

Interest Parties

- Niamh Sweeney
- Paul Ainsworth – Pubs Officer, Cambridge CAMRA
- Cllr. Colin Rosenstiel (on behalf of interested parties)
- Cllr. Tim Bick (as Ward Councillor)
- Yvonne Bilsby
- Clive Dorrington on behalf of Tindi Lewis
- Ruth Bridgen
- Roger France
- Liam McNally

FOR THE INFORMATION OF THE COUNCIL**11/10/licsub To appoint a Chair for the meeting**

Cllr Boyce was appointed Chair for the meeting.

11/11/licsub Declarations of Interest

Cllr Rosenstiel (Interested Party) declared a personal interest as a member of CAMRA.

11/12/licsub Licensing Sub-Committee Procedure

All parties noted the procedure.

11/13/licsub Application for a new Premises licence: The Earl Grey PH, 60 King Street, Cambridge, CB1 1LN

The Licensing Manager presented her report and outlined the application. She stated that the Council, as the licensing authority, had received an application for a new premises licence for “The Earl Grey Public House”, 60 King Street, Cambridge.

The Hearing was to consider 1 responsible authority representation and a number of interested parties representations. The Licensing Manager advised the Panel of the decision-making options available to them. The Sub-Committee were also advised that the premises were located in a Cumulative Impact Area.

The Sub-Committee asked whether it would be possible to restrict the sale of certain types of alcohols in a non off-licence setting. The Legal Advisor advised the Sub-Committee that they could condition to certain types of product but that all conditions needed to be necessary, reasonable and proportionate. The Sub-Committee also noted that it might be difficult to enforce.

Applicant

Mr Hoskins explained that the application was for a small bar selling specialist locally produced and West Country ciders. It was explained that it was intended that the venue would open in the mornings to serve tea and coffee, and that alcohol sales would start from 12 p.m. The Sub-Committee noted that Mr Hoskins indicated that it was very probable that alcohol sales would not commence until later in the day, depending on the level of trade.

Mr Hoskins explained that the intention was to create a traditional venue, which was not overly large. It was explained that the bar was proposed to be a horseshoe shape, so that all areas of the bar could be easily observed. The applicant advised that CCTV would cover the courtyard and the front of the premises.

Mr Hoskins advised that the courtyard would be used as a smoking area, and that customers would be strongly discouraged from congregating outside of

the premises on the pavement. It was noted that customers would be prevented from taking drinks onto the pavement.

Mr Hoskins acknowledged the close proximity of the residential properties, and assured all parties that the recorded music would be background only.

The Sub-Committee asked the applicant the following questions

- i. The applicant was asked for clarification for the exact intention of the application until 2 a.m. on New Years Eve. The applicant advised that the intention was to apply until 2 a.m. on New Years Day.
- ii. The applicant was asked whether the use of the courtyard as a smoking area would affect any of the neighbouring properties. The applicant explained that the closest windows were the staff accommodation and that a 6/7 metre high wall adjoining Christ's College surrounded the rest of the courtyard so disturbance was unlikely.
- iii. The applicant was asked for clarification on how occasionally live music would be performed. The applicant explained that live music would be performed very occasionally and at most 2 times per month.
- iv. The applicant was also asked about the potential number of performers. The applicant agreed to the principle of the numbers being limited ideally to 4 or less.
- v. The applicant was asked whether the live music would be acoustic or amplified. The applicant advised that the majority of the proposed live music could be performed un-amplified, however it was noted that it would limit the ability to offer certain types of performances if only acoustic music was allowed.

The Interested Parties asked the applicant the following questions

- i. The applicant was asked what steps he was proposing to ensure that the new premises would not add to the existing problems in the area. The applicant emphasised the importance of strong and effective management, and high quality staff to ensure that no issues arose.
- ii. The applicant was asked to clarify comments regarding the number of customers who congregated outside of the Radegund Public House. The applicant explained that due to the size of the Radegund Public House it

got very warm and that those premises didn't have a courtyard, which meant that customers congregated outside on the pavement to cool down and smoke.

Police Representation

PC Sinclair presented the representation from the Police.

The level of support was questioned, as it was highlighted that a significant number of the supporters did not live in the immediate vicinity of the premises.

PC Sinclair highlighted the existing problems in the area, particularly the number of people travelling through the area and creating problems. He referred to the difficulty of quantifying the impact of the new premises prior to its opening.

The Sub-Committee asked the Police the following questions

- i. The Police were asked whether King Street is a hotspot. PC Sinclair explained that whilst King Street was not as busy as other areas of the city, there were still significant problems.
- ii. The Police were asked whether the fact that the premises on King Street closed earlier than the City Centre venues, contributed to the lower level of problems. PC Sinclair acknowledged the suggestion but explained that not all the problems arose after 2am.
- iii. The Police were asked whether there was specific evidence of problems related to premises on King Street. PC Sinclair explained that no specific incidents came to mind.
- iv. Clarification was requested on whether premises in the area operated a no new admission policy after a certain time. It was noted that the "Champion of the Thames" operated a no new admission policy after 11pm.
- v. The Police were asked whether the absence of proposed conditions, indicated that the Police were of a view that there was no possible way that the application could be made acceptable. PC Sinclair explained the basis of the cumulative impact policy and advised that due to the location, it was impossible to suggest that the premises would not add to the cumulative impact.

Interested Parties

The following addressed the Sub-Committee as interested parties:

- Niamh Sweeney
- Paul Ainsworth – Pubs Officer, Cambridge CAMRA
- Cllr. Colin Rosenstiel (on behalf of interested parties)
- Cllr. Tim Bick (as Ward Councillor)
- Yvonne Bilsby
- Clive Dorrington on behalf of Tindi Lewis
- Ruth Bridgen
- Roger France
- Liam McNally

The Interested Parties raised the following issues

- i. Concern was expressed that an additional venue on King Street would further split the available trade, which was already struggling to support the existing establishments.
- ii. Substantial problems with anti-social behaviour and other problems associated with excessive consumption of alcohol were highlighted. The issues raised included public urination, vomiting, disturbance from taxis and customers.
- iii. Concern was expressed about the relationship between the highway and the premises, as the premises are located on the narrowest section of the road. The close proximity to residential building was also raised as a concern.
- iv. The Sub-Committee were urged to take a consistent approach to decision making in light of recent decisions to refuse applications in the same area (e.g. The Greene Room).
- v. The Sub-Committee were advised that since 2004 16 pubs had closed permanently in Cambridge, with a further 3 closed and currently unclear whether they would reopen. The importance of encouraging vibrant small-scale establishments was emphasised. It was also suggested that the venues such as the Earl Grey did not generate problems that were associated with the larger city centre venues.

- vi. It was strongly suggested that the area had changed significantly since the pub was last open in 1968, and that the changing nature of the area meant that it was more sensitive to development proposals of this nature. The proximity of the flats and specifically bedrooms of the properties in Manor Place was highlighted as a concern.
- vii. Concerns were expressed that the proposals were inconsistent with the nature of the community, as it has evolved since the pub was last open in 1968. The proximity of the flats and specifically bedrooms of the properties in Manor Place was highlighted as an area of concern. It was further suggested that the addition of an additional premises to the existing provision of pubs, restaurants and take-away would have a substantial impact on the community.
- viii. The Sub-Committee were urged to frame the decision in the “here and now” and discount the emotional argument associated with re-opening a pub 43 years after it last opened.

All parties agreed to the following documents being circulated

- Petition from the applicant in support of the application
- Photograph submitted by Cllr Bick indicating the proximity of the Manor Place flats to the premises.

The Police representative highlighted that the petition had not been reviewed, so requested that the committee apportioned appropriate weight to the petition. The Sub-Committee noted the request.

- ix. Concerns were raised regarding violence and anti-social behaviour. Additional concerns were raised regarding the prevalence of illegal and anti-social parking of vehicles. All parties were reminded that car parking was not a licensing consideration. All parties were also reminded that the character of the applicant was not a valid licensing consideration in the context of this application.
- x. Concerns were expressed about parking on double yellow lines and nuisance associated with the use of motor vehicles.
- xi. The application was supported and the recent article in “What’s brewing” magazine in support of similar establishments was highlighted.

All parties agreed at this stage to the following document being circulated

- A colour photograph of vomit submitted by one of the interested parties.

The Sub-Committee asked the following question.

- i. The Police and Ward Councillors were asked whether Manor Place was a particular focus in setting neighbourhood policing priorities. The Police and Ward Councillors advised that the discussion and priorities tended to focus on the whole of the Market Ward rather than specific parts.

The interested parties asked the following question.

- i. Clarification was requested on whether it was in order that the applicant and nominated designated premises supervisor were a different person. All parties were advised that the applicant and designated premises supervisor could be different.

All parties were given an opportunity to sum up.

Resolved to refuse the application for a new premises licence for the following reasons

1. The premises are situated within a cumulative impact zone and there is a presumption that the application will be refused unless the applicant can demonstrate that there will be no additional negative impact on the vicinity.
2. In this particular case, the Sub Committee decided that the applicant's operating schedule failed to demonstrate that there would be no additional negative impact on the vicinity.
3. None of the conditions offered in the applicant's operating schedule addressed the issue of late night public nuisance generated by his patrons as they depart from the premises.
4. The Sub Committee decided that there would be a negative impact experienced as public nuisance by the residents of Manor Place if a licence was granted to this applicant, and they therefore refused the application.

The meeting ended at 1.10 pm

CHAIR