

**LICENSING SUB COMMITTEE**

26 March 2012  
10.00 am - 1.35 pm

**Present:** Councillors Blencowe, Rosenstiel and Smith

**Officers Present**

Assistant Licensing Officer – Deborah Stoker  
Committee Manager – Martin Whelan  
Legal Advisor – Carol Patton

**FOR THE INFORMATION OF THE COUNCIL**

**1 Appointment of a Chair**

The sub committee appointed Councillor Smith as chair for the meeting.

**2 Declarations of Interest**

Councillors Rosenstiel and Smith declared a personal interest in the application, due to the proximity of the registered address of the applicant (22 Signet Court) and the City Liberal Democrat HQ (16 Signet Court). Both Councillors confirmed that they had had no contact with the applicant.

**3 Hearing Procedure**

All parties noted the procedure.

**4 Consideration Of An Application For A Premises Licence To Be Granted: Klub Polski Gawra, 231 Chesterton Road, Cambridge, CB4 1AS**

The committee received a report from the Assistant Licensing Officer, requesting consideration of an application for a premises licence for Klub Polski Gawra, 231 Chesterton Road. The Assistant Licensing Officer

explained that a hearing was required due to 24 representations from interested parties.

The Assistant Licensing Officer explained that the premises had been granted a time limited licence from 17<sup>th</sup> March 2008 through to 31<sup>st</sup> May 2012.

The committee asked the Assistant Licensing Officer the following questions;

- i. Clarification on the reasons for the time limited nature of the existing licence was requested. The Assistant Licensing Officer explained that it would have been the decision of the committee on 17<sup>th</sup> March 2008, based on the evidence received.
- ii. The Assistant Licensing Officer was asked about the apparent contradiction in the licence, which permitted off sales, and then restricted sales solely to individuals purchasing table meals. Following discussion it was established that the off sales element was designed to allow the transfer of alcohol from the main restaurant to the beer garden which involved leaving the licensed premises (and travel through an unlicensed part of the building).

In response to an interjection from a member of the public, the Chair explained the meaning and application of the cumulative impact policy.

### Applicant

Mr Sylwester Iwaniec addressed the committee in support of the application and made the following points

- i. The reduced number of representations compared with 2008 was a reflection of the improved management of the premises.
- ii. Some of the representations focussed on issues outside the control of premises such as parking.
- iii. The improved management of the premises was highlighted. Mr Iwaniec explained that he had managed the premises for 5 years and he had transformed the premises from an undesirable drinking establishment serving predominantly cheap Polish vodka and beer, to a pleasant restaurant.

- iv. Mr Iwaniec questioned the noise impact of removing the restrictions on the use of the beer garden. It was suggested that the noise generated by Chesterton Road would be more significant.

The committee asked the following questions

- i. The applicant was asked whether he was willing to accept the principle of the use of the beer garden being restricted to sunset. The applicant confirmed that he was willing to accept the condition
- ii. The applicant was asked regarding his future plans for the premises, specifically in relation to the provision of off sales other than use of the garden. The applicant explained that it was his intention to import Polish wine in the future, and sell it customers of the restaurant.
- iii. The applicant was questioned regarding the admission policy for the venue. The applicant explained that the club operated a membership policy. Following discussion it was established that it was not a legal requirement for the club to operate this policy, because it was licensed as a premises rather than a club. The applicant also confirmed that membership was available on the same day, and that over the past four years membership had been refused to a number of individuals. The applicant also confirmed that there was no requirement to be Polish or of Polish origin to join the club.
- iv. Clarification was requested on the arrangements for functions in the unlicensed hall. The applicant advised that a temporary events notice was requested on each occasion.
- v. Clarification was also requested on the reasons for requesting the removal of the restriction on the requirement to only sell alcohol when supplied with a table meal. The applicant explained that this had been requested, to allow the sale of alcohol to individuals attending community events.

### Interested parties

#### 1. Peter Woodsford

Mr Woodsford addressed the committee and made the following comments objecting to the application.

- i. The licensing arrangements had caused significant concern when the original application was made in 2008.
- ii. The premises were located in a complex and sensitive location, and that the conditions set in 2008 reflected the specific circumstances of the location. Any increase would make a bad situation worse.
- iii. The proposals would result in the impact of the premises on the residential area increasing, and acquiring problems associated with public houses.
- iv. The premises whilst having a Chesterton Road address were accessed from Chesterton Hall Crescent, and also had a substantial impact on Chantry Close. It was also highlighted that the premises were in the vicinity of a major cycleway and routes to school.
- v. Concern was raised that if the licence was granted without restriction, the existing management arrangements were not sufficient to prevent an increase in crime and disorder issues arising from the premises.
- vi. The limited size of the car park was noted and it was explained that it was often full, which meant that vehicles had to reverse out of the car park onto a busy street. It was also suggested that customers believed that they had a right to park, irrespective of whether it inconvenienced local residents.

## 2. Lisbeth Hayward

Ms Hayward supported the representation of Mr Woodsford, and added the following additional points

- i. Chesterton Hall Crescent is a cul-de-sac, so traffic entering the crescent had to leave and enter via the same point.
- ii. The beer garden was next to the car park, and was very small.

## 3. Barrie Fleet

Dr Fleet supported the previous representation and suggested that any reduction in restrictions would not result in an improvement in the situation. Dr

Fleet strongly opposed any reduction in the restrictions on the use of the facilities.

#### 4. J Aubrey

Mr Aubrey explained that he lived opposite the premises and made the following comments in objection to the application.

- i. Free membership was openly advertised outside of the premises, and therefore the membership criteria voluntarily operated is nullified.
- ii. Significant amount of time was invested in opposing both the current and previous application.
- iii. Driveways in the vicinity of the premises were regularly blocked causing significant inconvenience.
- iv. The noise generated from the beer garden amplified and affected the sleeping arrangements for his children. Any further extension to the time limit for use of the beer garden was opposed.
- v. Traffic safety issues, specifically the cycle route, were highlighted due to the number of vehicles reversing out of the full car park.
- vi. The limited numbers of public disorder incidents were acknowledged, but it was explained that there had been issues. Specific issues with people congregating outside of the premises were also highlighted.
- vii. Littering issues were highlighted including beer bottles in hedges.

#### 5. M Aubrey

Mrs Aubrey spoke in objection to the application and made the following comments:

- i. The suggestion that the opposition was purely due to the nationality of the applicant and the principal users was incorrect.
- ii. The rationale behind requesting certain revisions to the existing licence was challenged, including the maximum numbers permitted to use the restaurant and beer garden.

- iii. Driveways were regularly blocked, causing significant inconvenience. Significant difficulties had been experienced in requesting customers to move vehicles. Issues associated with anti-social use of the car park, such as use of car horns late at night, were also highlighted.
- iv. The presence of people congregating in the vicinity of the premises had an intimidating effect on children and women.
- v. Any extension to the existing terms of the licence was strongly opposed, specifically allowing the premises to open on Monday. It was noted that the previous Polish Club had never opened on Mondays.

## 6. PR Jelbert

Ms Jelbert spoke in objection and made the following comments;

- i. Not against the existing premises, and had used the restaurant but the location was not suitable for a pub.
- ii. The existing parking problems were already serious.
- iii. The presence of people congregating in the vicinity of the premises had an intimidating effect on children, senior citizens and women. It was acknowledged that these issues were not fully within the control of the premises.
- iv. The need for additional premises serving alcohol in the vicinity was questioned, due to the number of premises in the area, which had closed.
- v. The negative effect that alcohol and alcoholism could have was noted.

## 7. Mrs Mikolajczyk

Mrs Mikolajczyk spoke in objection to the application and raised the following concerns;

- i. The existing use of the building was inconsistent with the original intentions for the building.
- ii. Relationship issues between different elements in the Polish community were highlighted.

The committee asked the interested parties the following questions

- i. All the interested parties were invited to comment on why in their view the relevant responsible authorities (Police and Environmental Health) had chosen to not make a representation. The interested parties expressed surprise that the relevant responsible authorities and local councillors had not made representations, as the circumstances had not changed significantly since 2008.
- ii. The interested parties were asked, whether they could suggest any solutions to reduce the traffic problems. Following discussions the interested parties suggested that the continuation of the existing restriction on numbers using the premises would provide a degree of control. It was also highlighted that whilst the restriction on numbers provided a degree of control, the situation was still not ideal.
- iii. The committee asked the interested parties whether they agreed the membership scheme provided a degree of control against the issues raised. The interested parties expressed a view that the benefits of such a scheme were nullified by openly advertising daily membership with limited controls on eligibility.
- iv. The interested parties were asked whether they believed the applicant to be a fit and proper person to run the premises. It was agreed that this was not a fair question. The question was then revised to ask whether they believed that the management arrangements were sufficient to mitigate issues. The interested parties emphasised the difference between a restaurant and a pub, and acknowledged that certain issues were beyond the control of the applicant.
- v. Clarification was requested on whether the interested parties had any concerns regarding the application for off-licence provisions. The interested parties raised no objection to the principle of off sales where they related to the transfer of drinks from the bar to the garden, but raised concerns that if off sales were permitted it could make problems worse. It was also noted that on occasions despite the efforts of the management, customers had been witnessed removing drinks from the premises.
- vi. The interested parties were asked about the additional impact of the three additional nights requested, and whether they would have a

significant impact. The interested parties explained that the application had the ability to request temporary event notices for up to 15 events per year, and suggested these nights should continue to be managed through the temporary event notice process. A distinction was drawn in relation to New Years Eve, between the time limited nature of fireworks and ongoing noise to 2 a.m, and the disruption that this created particularly to families with small children.

- vii. In response to a question from the panel, the interested parties most strongly objected to the suggestion that the licence could be extended to cover Mondays. The committee were advised that the original provision had been included to give the residents a “break” following three busy nights.
- viii. All parties were advised that a number of the issues raised didn't relate to licensable activities. Clarification was requested on the reference to the activities of the club interfering with a route to school. The interested parties acknowledged that the issues primarily related to the journey home from school, but gave examples of how the club had affected the journey to school, such as the presence of broken glass.
- ix. Clarification was requested on whether the obstruction issues and other allegations had been reported to the police. The interested parties expressed reservations about burdening the Police with seemingly trivial issues. Concerns were also raised regarding the implications if Chesterton Hall Crescent became residents only parking.
- x. The interested parties were asked whether they had any evidence to suggest that the individuals highlighted as drinking outside the premises had purchased their alcohol in the premises. It was acknowledged that there were a number of premises in the area selling similar products.
- xi. The applicant confirmed that no beer was served in bottles.

The applicant responded to a number of the issues raised by the interested parties.

- i. The size of the premises limited the number of people able to use the restaurant to 35.



- ii. A number of allegations regarding individuals congregating in the vicinity of the premises were challenged, and specifically further evidence was requested on how these related to the premises.
- iii. The beer garden couldn't be extended due to the nature of the surfacing, and there was no intention to extend. The number of tables in the beer garden would soon be reduced to accommodate a refurbishment.
- iv. The sign outside the premises was to encourage customers from outside the Polish community.
- v. Challenged the allegation regarding the management of the premises, and the relationship with the Polish Society.
- vi. No intention to run a pub, as current sales were currently  $\frac{3}{4}$  food and  $\frac{1}{4}$  drink, and the intention was to increase food sales, and to be able to offer a drink to other users of the community facilities.
- vii. The community facilities were already open on a Monday, so there was unlikely to be a significant impact of opening on Monday.
- viii. The car park was sufficient for the number of customers. Following questioning it was established that people attending the community activities also used the car park, but the applicant challenged the assertion that the car park was regularly full.

Following a question from the committee, the applicant agreed in principle to a condition restricting the sale of alcohol to customers taking meals at the tables and those using the other community facilities in the building.

The committee asked the applicant about the reasons for applying for non-standard timings for certain days. The applicant advised that the premises had run events on these evenings over the last four years, and the purpose of this element of the application was to remove the need to apply for temporary events notices on each occasion. The interested parties requested that the three nights if granted, were also deducted from the maximum permitted number of temporary event. The Assistant Licensing Officer confirmed that the number of temporary events permitted was a statutory figure and could not be amended. The applicant confirmed that 6 notices had been used in 2011.

The applicant encouraged the committee to consider all the issues presented, and consider the application in light of the difficult economic environment.

The committee sought clarification on whether an off licence was required to transfer alcohol from the bar to the beer garden. The Legal Advisor indicated that it was unlikely that the legal position had yet been tested, due to the unusual circumstances.

The meeting adjourned at 12:20 and resumed 13:32.

## **Resolved**

To grant the application without a time limit and increasing the hours allowed for the sale of alcohol to include Mondays and the non standard timings applied for, and incorporating the mandatory conditions and all the conditions offered in the Applicant's operating schedule and amending the current licence conditions so that they appear as follows:

### **The Prevention of Crime and Disorder**

1. Drinks for consumption on the premises may only be served to persons seated in the restaurant or in the garden, or standing in the bar area, for a meal or to attend community functions.
2. No sales for consumption off the licensed premises (this shall not prevent drinks from being carried between the restaurant/bar area and the garden).
3. The Klub Polski Gawra shall abide by its crime and disorder policy. All staff shall be trained in their responsibilities regarding violence, disorder, drugs and explosive devices.
4. A refusals log shall be kept.

### **Public Safety**

5. No more than 35 people shall be permitted inside the premises and 20 people outside in the beer garden.
6. The club shall abide by its public safety policy. All staff shall be trained in their responsibilities with regard to fire, accidents and reporting potentially dangerous situations.

7. An incident log shall be maintained and audited by the Designated Premises Supervisor.

### **The Prevention of Public Nuisance**

8. The use of the beer garden shall stop at 20.00 hours or sunset if later every evening.

9. Prominent clear and legible notices shall be displayed at the exit, requesting patrons departing to respect the needs of local residents and to leave the premises and the area quietly.

10. The placing of waste including bottles into receptacles outside the premises and the emptying of premises waste receptacles by waste contractors shall only be permitted to take place between the hours of 07.00 and 23.00 hours to minimise disturbance to nearby properties.

11. Litter bins to be provided outside the premises.

### **The Protection of Children from harm**

12. On occasions when the venue is open for the sale of alcohol the DPS or relevant person shall actively operate a "Challenge 21" policy. This shall include a voluntary agreement to only accept identity cards with a 'pass' accreditation passports or photo ID driving licences, or any future identification card as approved by central government, as bona fide recognised forms of identification.

13. All persons below the age of 16 shall be accompanied by an adult.

It was also a condition of the licence that on the grant of the new licence the existing licence should be surrendered because there should not be two concurrent licences for the same premises.

The Sub Committee granted the application because they believed that the conditions allow the licensing objectives to be met as required in this case. The changes from the previous licence will not adversely affect the promotion of the licensing objectives in these premises.

The meeting ended at 1.35 pm

**CHAIR**