

## South Cambridgeshire District Council

Minutes of a meeting of the Licensing (2003 Act) Sub-Committee held on  
Wednesday, 15 December 2021 at 2.30 p.m.

### 1. Appointment of Chair

Councillor Deborah Roberts was appointed as Chair.

### 2. Introductions / Procedure

### 3. Declarations of Interest

Councillor Deborah Roberts informed the sub-committee and hearing attendees that she had participated in sub-committees to consider a previous licensing application from this applicant. Councillor Deborah Roberts confirmed that she would be considering this matter afresh as it was a new application.

Cllr Jose Hales declared a non-pecuniary interest as a director of the Melbourn Hub.

### 4. Application to vary a premises licence for LJ's Sandwich Bar

**Date of Hearing:** 15 December 2021  
**Applicant:** LJ's Sandwich bar & Barista  
**Premises Address:** 40 Church Street, Gamlingay, SG19 3JH  
**Application:** To vary a premises licence

#### Those present at the hearing:

**Sub-Committee:** Councillor Deborah Roberts (Chair)  
Councillor Jose Hales  
Councillor Mark Howell

#### SCDC Officers:

Brooke O'Neil, Licensing Officer  
Rory Cosgrove, Environmental Health Officer  
Chloe Mappedoram  
Jo Dixon  
Shirley Tracey, Legal Adviser  
Aaron Clarke, Democratic Services Officer  
Rachel Jackson, Principal Licensing Officer

**Applicant:** Luigi Lanni  
Jill Green

#### Representees:

#### The application

On 25 October 2021, an application for the variation of a premises licence for LJs Sandwich Bar & Barista, 40 Church Street, Gamlingay, SG19 3JH was submitted to the Licensing Authority, advertised and consulted upon.

#### Requested activities

The proposed application is to carry out the following activities:

**Hours Premises are open to the Public**

Monday - Friday	07:00 - 23:00
Saturday	07:00 - 23:00
Sunday	07:00 - 23:00

**Supply of Alcohol**

For consumption on the premises only

Monday – Friday	12:00 – 22:30
Saturday	12:00 – 22:30
Sunday	12:00 – 22:30

**Background**

The premises, known as LJ's Sandwich Bar & Barista could be found on Church Street in Gamlingay.

1. The application was advertised in the Cambridge News on 2 November 2021, and the site notice displayed on the premises as required.
2. Cambridge Fire and Rescue Service had no objection to the application but requested that a suitable and sufficient fire risk assessment be conducted and documented of the premises under the Fire Safety Order, to help identify fire hazards and the measures and arrangements required to safeguard all relevant persons on the premises. The fire risk assessment should be conducted by a competent person with relevant knowledge, skills and experience of fire safety matters.
3. Environmental Health requested that the following condition be imposed on any licence that may be granted "Alcohol shall only be permitted in the external areas of the premises until 21:00 Sunday to Thursday and until 22:30 Fridays, Saturdays, Bank Holidays and Valentine's Day". The applicant had confirmed acceptance of this condition.
4. There were no responses from other Responsible Authorities.

**Relevant representations**

Representations were received from Gamlingay Parish Council and four local residents. One resident submitted sound clips as part of the representation, and these were emailed to the applicant. The applicant submitted sound clips from a neighbouring party from 2019 in response.

**Observations:**

The main concerns highlighted for the application were with regards to smell and sound nuisances.

The applicant had decided to try to vary the hours of operation because with the global pandemic had affected business significantly as they could only have a certain number of people inside. The applicant stated that they were struggling to get sufficient turnover.

It was explained that the premises was not licenced to sell alcohol on certain days, hindering the business on Bank Holidays and celebrations that would fall on a Thursday or Friday.

It was explained that the applicant had purchased a new recirculating extractor fan after a meeting with residents but that they were required to leave windows and doors open due to the pandemic regulations.

It was remarked that only one neighbour had complained about the smell coming from the premises.

It was explained that there were three pest control boxes outside to control rodents but that when Environmental Health had visited unexpectedly their health rating was taken from 4 stars to 5 stars. It was explained that they also bleach and clean their bins weekly after they were emptied by the Local Authority. It was explained that although a complaint had been received about an over-filled bin but that this had been because the bin had not been collected by the Local Authority.

It was explained that there was no-one living next to the immediate cooking area and that Environmental Health had suggested to the applicant that the filters in the extraction system should be replaced which the applicant confirmed had been carried out.

It was explained that the premises were capable of having 16 covers inside and 18 covers outside.

It was remarked that the landlord had put a wall on an adjoining roof to stop the smell and the sound going into the adjoining properties to the premises. It was stated by the objector however, that this space was likely where the smells were entering into the property as well as through the walls between the adjoining properties.

It was explained that the smells in the neighbouring property were experienced upon going into the upper story locations of the property, it was stated that 'the smell hits you once you get most of the way up the staircase'.

The neighbours provided a comprehensive log of the issues and stated that they had stopped sleeping in the main bedroom due to the noise levels from the premises. In addition, they stated that they could no longer use their garden whilst there were customers using the courtyard of the premises and it had affected the sound level at which they had to set their TV so that they could hear it. It was described as living next to neighbours who were 'having a constant party'.

The neighbours remarked that this had been extremely detrimental to their quality of life.

It was explained to the panel that the noise issues that had been experienced by the neighbours had occurred since the opening of the bar facilities.

## Decision

Taking all the above into account the Sub-Committee **refused** to grant the variation of the Premises Licence.

**Reasons:**

- Evidence provided showed there had been a continuing and persistent noise nuisance. It was considered that to extend the time during which alcohol could be sold on the premises, would further exacerbate the existing issues and cause a public nuisance.

The applicant has a right of appeal to the Cambridge Magistrates' Court within 21 days of receiving notification of this decision.

Signed:

Councillor Deborah Roberts (Chair)

Councillor Jose Hales

Councillor Mark Howell

Dated: 15 December 2021