



CAMBRIDGE CITY COUNCIL

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STATEMENT BY CITY COUNCILLOR FRANCIS H. DUEHAY TO CAMBRIDGE
LICENSE COMMISSION CONCERNING LICENSE PROCEDURES

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I am pleased that the License Commission, in response to the order I introduced and unanimously passed in City Council on November 1, 1982, has begun to develop its policies with regard to issuance and transfer of alcoholic licenses and with regard to disciplining licenses where disturbances and violations occur.

My first concern is with process. I hope that the License Commission carefully surveys businesses and business associations, citizens and neighborhood associations, and the several Cambridge department heads in the course of this study. I urge that the survey include a copy of the order as adopted by the City Council so that the concern of the city council can be fully understood. There should not only be occasions like this one where citizens can voice their concerns; the License Commission should also actively solicit written suggestions.

There should be as well a careful review, as called for in the order, of the practices of other communities around the country which have successfully dealt with these problems.

When the License Commission has completed its consultation and its review of practices in other communities, it should circulate its proposed new policies in draft form in order again to gain the input of concerned citizens.

With regard to the substance of study, there are now serious problems directly related to the oversupply of licenses in the city and to an overconcentration of licenses in certain areas. There is a greater concentration of pouring licenses in Harvard and Central Square than in any equivalent area elsewhere in New England. Within the last three years there has been a forty percent increase in pouring licenses in Harvard Square. Harvard Square has the highest crime rate in the city. The crime rate in Central Square is serious and growing. And in Central Square and in other Cambridge squares there are serious problems of the maintenance of public order, many of the problems relating directly to practices of the License Commission.

The License Commission, for example, has failed to discipline establishments that are disruptive and/or break the law. When the annual relicensing procedure occurs, there is only pro forma public notice; and there is no written record that indicates that the Commission has examined the complete records of the building, fire, police and health departments before reissuing licenses. Likewise, there are no procedures in writing about the standards licenses must maintain and what happens when laws are violated and/or disruptions occur. Clear procedures in writing must be developed and enforced to deal with these cases.

2 a.m. licenses have been issued with abandon. Licenses have been allowed to concentrate in Harvard Square, Central Square, the stretch between Harvard and Porter Square, Porter Square and perhaps other areas of the city with little regard for the consequences.

Now there is no license quota anywhere in Cambridge due to the fact that the License Commission did not notify the City Council that their action in adding five new licenses to the state quota last year has been interpreted by the ABC as accepting a new state law which lifts quotas altogether.

The License Commission itself lacks procedures which ensure that it gets complete information from police, fire, building, and health records before it makes decisions. Further its meetings are usually held at 2 p.m. (a most inconvenient hour for the public) and many of the most important items on its agenda are not publicly advertised. As is required under law, the Commission must make its decision in public at meetings advertised for that purpose. The Commission appears to be breaking the law in this instance. This results in a situation where only a few people in the city with access to inside information really understand what is going on. In fact, it is well known that certain high-priced attorneys have had unusual success in representing clients before the License Commission. What the clients are buying is special access to a semi-secret operation where licenses are bought, sold, and transferred without anyone's knowing about it.

The fact that there are few if any written policies on licensing has encouraged the emergence of those who specialize in obtaining action from the Commission. New Commission policies should be sufficiently explicit that most of those who apply do not feel the necessity nor incur the great expense of having such representation.

In conclusion, there is a great deal of complex and important work before this Commission to develop, tighten and implement those policies that will restore the confidence of the public in their operations. The Commission must shape its policies in such a way as to assist in reducing rather than in increasing crime, disorder, and congestion in Cambridge.

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