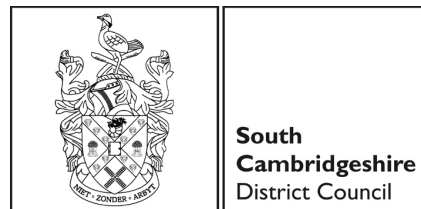


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6 September 2006

To: Chairman – Councillor Mrs A Elsby
Members of the Licensing (2003 Act) Sub-Committee – Councillors
Mrs CAED Murfitt and Mrs DSK Spink, MBE

Applicant: Jonathan Brown on behalf of Shelford Rugby Club

Representee(s): Russell Watkins, Environmental Health Officer
Mr & Mrs AC Starr, 115 Cambridge Road, Great Shelford, CB2 5JJ
M Welch, 117 Cambridge Road, Great Shelford, CB2 5JJ
Mrs GE Howe, 123 Cambridge Road, Great Shelford, CB2 5JJ

Dear Sir/Madam

Please find below the agenda, and attached the relevant papers, for the hearing by the **LICENSING (2003 ACT) SUB-COMMITTEE** of the application to vary existing club premises certificate conditions at Shelford Rugby Club, Great Shelford. The hearing will be held in the **SWANSLEY ROOM, GROUND FLOOR** at South Cambridgeshire Hall on **TUESDAY, 19 SEPTEMBER 2006** at **2.00 p.m.**

Yours faithfully
GJ HARLOCK
Chief Executive

AGENDA

	PAGES
1. INTRODUCTION As per the attached Licensing (2003 Act) Committee Procedure	1 - 2
2. DECLARATIONS OF INTEREST	
3. APPLICATION TO VARY EXISTING CLUB PREMISES CERTIFICATE CONDITIONS, SHELFORD RUGBY CLUB, GREAT SHELFORD Appendices A, B and C are not available electronically.	3 - 6

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

Whilst the District Council endeavours to ensure that you come to no harm when visiting South Cambridgeshire Hall you also have a responsibility to ensure that you do not risk your own or others' safety.

Security

Visitors should report to the main reception desk where they will be asked to sign a register. Visitors will be given a visitor's pass that must be worn at all times whilst in the building. Please remember to sign out and return your pass before you leave. The visitors' book is used as a register in cases of emergency and building evacuation.

Emergency and Evacuation

In the event of a fire you will hear a continuous alarm. Evacuate the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park.

Do not use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.

Do not re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If someone feels unwell or needs first aid, please alert a member of staff.

Access for People with Disabilities

All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Hearing loops and earphones are available from reception and can be used in all meeting rooms.

Toilets

Public toilets are available on each floor of the building next to the lift.

Recording of Business

Unless specifically authorised by resolution, no audio and / or visual or photographic recording in any format is allowed at any meeting of the Council, the executive (Cabinet), or any committee or sub-committee of the Council or the executive.

Banners / Placards / Etc.

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

Smoking

The Council operates a NO SMOKING policy.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts. There shall be no food and drink in the Council Chamber.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**LICENSING ACT 2003 COMMITTEE****HEARING PROCEDURE****1. Introduction**

- The Chairman of the sub-committee will welcome and introduce everyone present, giving explanations of roles where necessary, and outline the procedure to be followed.
- The hearing will take the form of a discussion to be led by the sub-committee.
- Members of the sub-committee will be able to ask questions of any party, or the Licensing Officer, at the hearing. They will try, so far as possible, to ask their questions at the conclusion of each party's submission.
- The sub-committee will consider any requests for permission to ask questions of other parties. It will decide if questions are required in order for it to consider the case properly. If permission is given to one party, it will usually be given to all other parties.
- The Chairman may ask any person behaving in a disruptive manner to leave and may refuse to permit that person(s) to return or may permit them to return with specified conditions. Such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.
- Members of the sub-committee will be asked to make any Declaration of Interests.

2. Witnesses

The sub-committee will consider any requests from any of the parties to call witnesses.

3. New evidence/information

The sub-committee will consider any requests for permission to present new evidence or information not previously disclosed to all the parties and the sub-committee prior to the hearing. The general rule is that such information or evidence must not be considered unless all parties at the hearing agree to it being considered on the day of the hearing. A request may be made for a short adjournment to allow time for everyone to receive copies of the extra information and time to read it.

4. Allocation of time

Each party will be asked for a time estimate for the presentation of their case. The sub-committee will hear all estimates and then allocate each party an equal amount of time to speak.

5. Licensing Officer's report

The Council's Licensing Officer will outline details of the application and representations received by the council. No recommendation to members will be made.

6. Applicant's case

The applicant will present their case first. They have a right to:

- address the sub-committee on any points of clarification the council has sought;
- address the committee generally; and
- call any witnesses that they have been given permission to call. Witnesses may be cross-examined if permission is granted. If this happens, the time taken for questions will count towards the allocated time of the party asking the questions, not the party answering them.

Members of the sub-committee may ask questions of the applicant.

7. Police representations

The Police will make any representations about the application, with the same rights as listed at s.6. Members of the sub-committee may ask questions of the police representative.

8. "Responsible authorities" representations

Other "responsible authorities" (Police/Fire/Environmental Health Officer/Social Services/Trading Standards/Planning Directorate) will then make representations, with the same rights as listed at s.6. Members of the sub-committee may ask questions of those authorities represented.

9. Any other representations

Anybody else making representations will go last, with the same rights listed at s.6.

Members of the sub-committee may ask questions of any person who has made a representation.

10. Legal advice

Once all parties have presented their cases to the sub-committee, and the members of the sub-committee have no more questions for any of the parties, the Council's Legal Officer will be asked to outline any relevant legal guidance.

11. Decision-making

The sub-committee will then retire to another room to make its decision. The Council's Legal Officer and Clerk will accompany members to advise where necessary and take notes of the decision.

12. Notification of decision

Depending on the nature of the application, a determination of the case will either be made at the conclusion of the hearing, or within 5 working days. In most cases, all parties will be notified of the decision in writing.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Sub-Committee (2003 Act) 19 September 2006
AUTHORS: Executive Director/Ast Licensing Officer

**APPLICATION TO VARY EXISTING CLUB PREMISES CERTIFICATE CONDITIONS:
 SHELFORD RUGBY CLUB, CAMBRIDGE ROAD, GREAT SHELFORD**

The Application

1. The application (**APPENDIX A**) to vary the existing licence for the Shelford Rugby Club, Great Shelford was accepted by the licensing section on the 28th July 2006. The requirements for advertising and displaying relevant notices were carried out in accordance with the Licensing Act 2003 after alterations to the original date.

The premises are currently permitted to open:

- Monday to Saturday between 10.00am and 23.00pm,
- Sunday 12.00 Midday to 22.30 pm,
- Premises are licensed for both on and off licence sales to club members and their guests only.

There were no activities transferred under Grandfather Rights for this application.

Background

2. The premises are in a village location, at the end of a private road, with residential properties to both sides of the field and building. The premises gates open onto a main road leading through Great Shelford opposite Scotsdales Nursery. There are residential properties to either side of the gates leading from the premises. There is car parking to the front of the premises. (Map attached as **APPENDIX B**)
3. The variation application is for: -
 - **To allow the provision of Plays (Indoors only)**
Friday & Saturday 19.00 hours to 23.00 hours
 - **To allow for the provision of Films (Indoors only)**
Friday & Saturday 19.00 hours to 23.00 hours
 - **To allow Indoor Sporting Events**
Monday to Saturday 09.00 hours to 22.00 hours
 - **To allow Boxing and Wrestling (Outdoors only)**
Friday and Saturday 19.00 hours to 23.00 hours
 - **To allow Live Music (Inside & Outside)**
Friday & Saturday 19.00 hours to 02.00 hours
Sunday 19.00 hours to 23.00 hours
 - **To allow Recorded Music (Inside & Outside)**
Friday & Saturday 19.00 hours to 02.00 hours
Sunday 19.00 hours to 23.00 hours
 - **To allow Performance of Dance (Indoors only)**
Monday to Sunday 19.00 hours to 23.00 hours
 - **To allow Anything of a Similar Description to (e), (f) or (G)**
Thursday to Sunday 19.00 hours to 23.00 hours
 - **To allow the Provision of Facilities for Dancing (Indoors only)**

Monday to Sunday 19.00 hours to 23.00 hours

- **To allow Provision of facilities for entertainment of a similar description falling within (i) or (J)**

Monday to Sunday 09.00 hours to 23.00 hours

- **To allow the Supply of Alcohol (Inside & outside)**

Monday to Thursday 09.00 hours to 23.00 hours

Friday 09.00 hours to Midnight

Saturday 09.00 hours to 01.00 hours

Sunday 09.00 hours to 23.00 hours

- **To allow Club Premises Open to Member and Guests**

Monday to Thursday 07.30 hours to 23.30 hours

Friday and Saturday 07.30 hours to 02.30 hours

Sunday 07.30 hours to 23.30 hours

Relevant Representations

3. Representations had been received from:

Environmental Health Officer

Local Residents

Letters attached as APPENDIX C.

Officer's Views

4. Members, when considering the application, should be aware that they may only take into consideration the parts of the application that represent a variation.
5. Below are conditions referred to within the South Cambridgeshire District council Licensing Policy in relation to the licensing objectives.

Policy Considerations

6. Guidance issued under section 182 of the Act outlines a number of conditions that may be used to promote the four objectives. Whilst this list is not exhaustive it is an indication to applicants of the conditions that may be considered appropriate in individual cases.
7. It should be noted that in addition to any relevant conditions placed on a premise that it is unlawful under the 2003 Act:
 - (a) to knowingly sell or supply or attempt to sell or supply alcohol to a person who is drunk
 - (b) to knowingly allow disorderly conduct on licensed premises
 - (c) for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
 - (d) To allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements will therefore be unnecessary

Conditions relating to the prevention of public nuisance.

a) Consideration may be given to conditions that ensure that:

- 1) Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties
- 2) Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 3) The use of explosives, pyrotechnics and fireworks of a similar nature, which could cause disturbance in the surrounding areas are restricted.
- 4) The placing of refuse - such as bottles- into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
- 5) Noxious smells from the licensed premises are not permitted (subject to existing legislation not providing adequate measures) so as to cause a nuisance to nearby properties and the premises are properly vented.
- 6) Flashing or particularly bright lights on or outside licensed premises (any such condition must be balanced against the benefits of providing lighting to promote the prevention of crime and disorder).

b) Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or club premises certificate for the prevention of public nuisance:

- 1) Conditions may be placed on premises restricting (other than where they are protected by the transitional provisions of the Act) the hours during which premises are permitted to be open to the public or to members and their guests.
- 2) Restrictions may be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times
- 3) Restrictions may be necessary on parts of a premise used for certain licensable activities at certain times.

Legal Implications

8. All parties will maintain a right of appeal to a Magistrate's Court after the determination of this committee.

Contact Officer: Juli Stallabrass – Assistant Licensing officer
Telephone: (01954) 713024

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