

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Licensing (2003 Act) Sub-Committee held on  
Tuesday, 13 February 2018 at 10.00 a.m.

**PRESENT:** Councillor Cicely Murfitt – Chairman

**Councillors:** Charles Nightingale Deborah Roberts

**Officers:** Patrick Adams Senior Democratic Services Officer  
Juli Stallabrass General Clerk (Licensing)  
Paul Weller Legal Adviser

### **1. APPLICATION TO VARY A PREMISES LICENCE MALTHURST LTD, HARSTON**

<b>Applicant's Name:</b>	Malthurst Ltd
<b>Premises Address:</b>	123 High Street, Harston, Cambridge, CB22 7QB
<b>Application:</b>	Premises licence

**Applicant:** Robert Botkai (Legal representative) and  
Nicola Law (on behalf of Malthurst Ltd)

#### **The application**

The application to vary a licence for the Malthurst Ltd, 123 High Street, Harston, Cambridge CB22 7QB, was received by the licensing section on the 20 December 2017. The requirements for advertising and displaying relevant notices were carried out in accordance with the Licensing Act 2003.

The application was for the Variation of a Premises Licence.

The requested days and times applied for are to extend current hours to become 24 hours 7 days a week for Opening Hours, Sale of Alcohol and Late Night Refreshment.

#### **Background**

The premises is in a central location of the village, positioned on the High Street adjacent to dwellings with shared boundaries. The nearest residential properties are 119 High Street and residential property to the rear in Sheepshead Lane.

#### **Relevant representations**

Representations were received from Harston Parish Council and residential properties located nearby. These representations relate to public nuisance and public safety objectives.

#### **Observations:**

The panel heard representations from the applicant's representatives, Robert Botkia and Nicola Law. The panel also heard representations from Robert Marsh, Dr Felicity Cooke and Cllr Trevor Goldberg from Harston Parish Council. The ensuing discussion centred on the level of public nuisance the granting of this licence could cause. It was stressed that the Sub-Committee should determine as against the four licensing objectives and that the granting or refusal of planning permission is not a concern for the Sub Committee. Similarly, planning should address some of the concerns raised by residents when considering any application for extended hours and/or the sale

of petrol or other items. The Sub-Committee need to consider the increased impact of the licensable activities of the sale of alcohol and the sale of late night refreshments.

### **The decision**

Taking all the above into account, the Sub-Committee decided to REFUSE the application to:

- Extend the hours for the sale of alcohol for 24 hours daily
- The provision of late night refreshment daily between the hours of 23:00 and 05:00 the following day.

The part of the application to include in the annex of the premises licence the conditions in section 16 of this application is approved.

The part of the application to make alterations to the premises is approved.

### **Reasons**

Licensing Objective Public Nuisance

1. The Sub-Committee took the view that the addition of the licensable activities, namely the sale of alcohol and late night refreshments, would adversely increase the impact on the promotion of the above licensing objective.
2. The predominantly residential location of the premises in a rural setting means that the increased activity arising out of these licensable activities would have a noticeable effect.
3. The Sub-Committee took the view that the current hours for the licensing activities were appropriate for this premises and its location.
4. The Sub-Committee took the view that the premises would become a destination venue for the sale of alcohol and late night refreshments to the detriment of the rural community.

All parties may apply for a review of the Licence on a ground relating to one or more of the licensing objectives should there be any relevant issues arising from the operation of the Licence at any stage after the date of this decision notice. The Sub-Committee hopes that local residents will feel able to bring any future concerns directly to the attention of the Applicant in an effort to reach an amicable solution. The four licensing objectives are: the Prevention of Crime and Disorder; Prevention of Public Nuisance; Public Safety; and Protection of Children from Harm.

All parties have a right of appeal to the Cambridge Magistrates' Court within 21 days of receiving notification of this decision.

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**The Meeting ended at 1.00 p.m.**

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