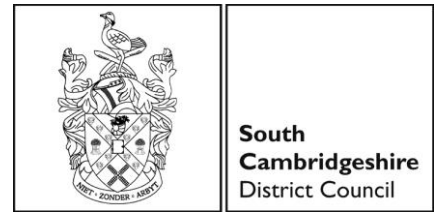


South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

t: 01954 713000
f: 01954 713149
www.scambs.gov.uk



Tuesday 30th August 2022

To: Members of the Licensing (2003 Act) Sub-Committee –
Councillors Anna Bradnam, Corinne Garvie and Jose Hales.

Applicant and Representative(s)

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 for . The hearing will be held in the **Swansley Room A and B - Ground Floor** meeting room at South Cambridgeshire Hall on **Wednesday, 7 September 2022** at **8.30 a.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution ***in advance of*** the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully
Liz Watts
Chief Executive

Requests for a large print agenda must be received at least 48 hours before the meeting.

Agenda		Pages
1. Appointment of Chair		
2. Introductions / Procedure The Chairman will introduce the members of the Sub-Committee and the officers in attendance at the meeting. A copy of the Licensing (2003 Act) Committee procedure is attached.		1 - 2
3. Declarations of Interest As a Councillor, you are reminded of the requirements under the Council's Code of Conduct to register interests and to disclose interests in a meeting. You should refer to the requirements set out in the Code of Conduct which are summarised in the notes at the end of this agenda frontsheet.		

4. Objection to a Temporary Event Notice - Coach House Hotel

3 - 24

Guidance For Visitors to South Cambridgeshire Hall

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Agenda Item 2

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.

Agenda Item 4



South
Cambridgeshire
District Council

REPORT TO: Licensing Appeals Sub-Committee 7 September 2022
AUTHOR/S: Head of Climate, Environment & Waste
LEAD OFFICER: Brooke O'Neill, Technical Officer - Licensing

Objection to Temporary Event Notice – Coach House Hotel, Newmarket Road, Melbourn, Royston, SG8 7PN.

Purpose

1. To consider the objection to a Temporary Event Notice (TEN) made by Environmental Health.

Recommendations

2. Members are requested to consider the TEN applied for, the objection received and determine whether to issue a counter notice under section 105 of the Licensing Act 2003. A counter notice will render any licensable activities provided (outside the permitted activities of the full Premises Licence?) unlawful.

This Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003 and the Council's Constitution.

Introduction

3. Authorisation from the Council is required for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late-night refreshments.

Details – Background

4. On 4 August 2022, Mr Thake submitted a Temporary Event Notice. **APPENDIX A**
5. The event is described as follows:

Date of event: 17 September 2022

Nature of the event: Soul Night

Licensable activities:

- The sale by retail of alcohol for consumption on the premises
- Relevant entertainment (Music)

Licensable times requested: 23:00 – 04:00 (Premises licence covers from 11:00 – 23:00)

Number of people in attendance at any one time: 400

6. A map of the area for intended use is attached as **APPENDIX B**.
7. A statutory noise nuisance was confirmed by Environmental Health on 22 August 2021, and subsequently a Noise Abatement Notice was served on the applicant Mr David Thake on 10 September 2021. This notice was not appealed. **APPENDIX C**

Consultation

8. The TEN was sent to Environmental Health and the Police on 4 August 2022 (the same day it was received).
9. On 5 August 2022, an objection was received from Environmental Health. There was no objection from the Police. **APPENDIX D**

Considerations

10. Section 104 of the Licensing Act 2003 provides that where a 'relevant person' (i.e. the Chief Officer of Police or the Environmental Health Service) are satisfied that allowing a premises to be used in accordance with a temporary event notice would undermine a licensing objective, that 'relevant person' is required to give a notice ("an objection notice") stating the reasons for being so satisfied.
11. Where a licensing authority receives an objection notice it is required, by section 105(2) of the Licensing Act 2003 to:
 - a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the notice and the licensing authority agree that a hearing is unnecessary;
 - b) having regard to the objection notice, give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
12. In circumstances where an objection notice has been given (and not withdrawn) and the licensing authority has determined not to give a counter notice under section 105, the authority may impose one or more conditions on the standard temporary event notice if:
 - a) the authority considers it appropriate for the promotion of the licensing objectives to do so;
 - b) if the conditions are already imposed on the premises licence that has effect in respect of the premises;
 - c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

13. The Sub Committee is asked to determine the notification of this TEN under Section 105 of the Licensing Act 2003 and to consider whether a counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention and public safety objectives set out in the Act.

Options

1. The sub-committee may either: -
 - (a) Issue Counter Notice
 - (b) Impose conditions on the Temporary Event Notice
 - (c) Grant the Notice

Effect

Conclusions/Summary

2. The panel must consider the information provided and reach a decision after considering all the facts.

Background Papers

- i. Statement of Licensing Policy (Licensing Act 2003)

Appendices

- Appendix A: TEN Notification
- Appendix B: Map of the area
- Appendix C: Noise Abatement Notice
- Appendix D: Objection from Environmental Health
- Appendix E:
- Appendix F:
- Appendix G:

Report Author:

Brooke O'Neill – Licensing Technical Officer
Telephone: (01954) 712945

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This form was started at:04/08/2022 11:36:23
This form was completed at:04/08/2022 11:47:37
Internal form classification:N / A



Appendix A

All personal information that you provide us is managed in accordance with our Privacy Policy. Please visit our [Privacy Notice](#) where you can find out information about how we handle your information and your rights of access.

A Temporary Event Notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

We will send the acknowledgement of receipt of your notice to the email address you provide below (or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003).

Section: The personal details of the premises user

Title	Mr
Pronoun	
First name	David
Surname	Thake
Previous name(s)	
Date of birth (dd/mm/yyyy)	████████
Place of birth	██████
National Insurance number	████████
Address line 1	Coach house hotel
Address line 2	Newmarket road
Address line 3	Royston
Address line 4	Herts
Postcode	SG8 7PN
Daytime telephone number	01763 208272
Email	coachhousehotel@hotmail.com

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the Temporary Event Notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003
- the conditions apply to the licence or certificate
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Does the premises where you intend to carry on the licensable activities have an address? Yes

Address line 1 Coach house hotel
Address line 2 Newmarket road
Address line 3 Royston
Address line 4 Herts
Postcode SG8 7PN

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? No

A Temporary Event Notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this Temporary Event Notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below.

A description of the nature of the premises assists the chief officer of police and us exercising environmental health functions, in deciding if any issues relating to the licensing objectives are likely to arise. Please tell us how the premises are to be used, for example: a public house, a restaurant, an open field, a village hall or a beer tent.

Please describe the nature of the premises below Hotel and bar restaurant

A description of the nature of the event similarly assists the chief officer of police and us exercising environmental health functions, in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example: a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Please describe the nature of the event below Soul night

The licensable activities

The licensable activities are:

- the sale by retail of alcohol
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
- the provision of regulated entertainment
- the provision of late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

1. a performance of a play
2. an exhibition of a film
3. an indoor sporting event
4. a boxing or wrestling entertainment
5. a performance of live music
6. any playing of recorded music
7. a performance of dance
8. entertainment of a similar description to that falling within (5), (6) or (7).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 8am and 11pm on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 8am and 11pm on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 8am and 11pm on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 8am and 11pm on any day, provided that the audience does not exceed 1,000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 8am and 11pm on any day, provided that the audience does not exceed 1,000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 8am and 11pm on any day, on any premises.
 - a performance of amplified live music between 8am and 11pm on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 8am and 11pm on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 8am and 11pm on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 8am and 11pm on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local

authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 8am and 11pm on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 8am and 11pm on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 8am and 11pm on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 8am and 11pm on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on)

The sale by retail of alcohol

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

The provision of regulated entertainment

The provision of late night refreshment

Late notices

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of Temporary Event Notices (i.e. 50 Temporary Event Notices per year for personal licence holders and 5 Temporary Event Notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

Are you giving a late Temporary Event Notice? No

The maximum period for using premises for licensable activities under the authority of a Temporary Event Notice is 168 hours or 7 days.

Please state the dates on which you intend to use these premises for licensable activities 17/09/2022

Please state below the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8am and 11pm on each of the 2 days.

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock, for example, 13:00) 13:00 - 04:00

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers 400

Will the licensable activities include the sale or supply of alcohol? Yes

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first 2 licensable activities listed above:

- the sale by retail of alcohol.
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club.

Will the sale or supply of alcohol be for consumption on or off the premises, or both? On the premises only

Relevant entertainment

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") as any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity. A Temporary Event Notice may be given for this purpose.

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). Music 13:00- 04:00

Personal licence holders

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 Temporary Event Notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

Do you currently hold a valid personal licence? Yes
Issuing licensing authority North Herts district
Licence number LICPL/15020/05
Date of issue (dd/mm/yyyy) 24/08/2015
Any further relevant details

Previous Temporary Event Notices you have given

A personal licence holder (issued under the Licensing Act 2003) may give up to 50 Temporary Event Notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 Temporary Event Notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on Temporary Event Notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 Temporary Event Notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), Temporary Event Notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. See further down for a definition of an "associate".

If a Temporary Event Notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the Temporary Event Notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, Temporary Event Notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user.

Have you previously given a Temporary Event Notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this Temporary Event Notice? Yes

Please state the number of Temporary Event Notices (including the number of late Temporary Event Notices, if any) you have given for events in that same calendar year 2

Have you already given a Temporary Event Notice for the same premises in which the event period either ends 24 hours or less before, or begins 24 hours or less after the event period proposed in this notice? No

Associates and business colleagues

An "associate" of the proposed premises user is:

- a. the spouse or civil partner of that person
- b. a child, parent, grandchild, grandparent, brother or sister of that person
- c. an agent or employee of that person

d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

Has any associate of yours given a Temporary Event Notice for an event in the same calendar year as the event for which you are now giving a Temporary Event Notice? No

Has any associate of yours already given a Temporary Event Notice for the same premises in which the event period either ends 24 hours or less before, or begins 24 hours or less after the event period proposed in this notice? No

Has any person with whom you are in business carrying on licensable activities given a Temporary Event Notice for an event in the same calendar year as the event for which you are now giving a Temporary Event Notice? No

Has any person with whom you are in business carrying on licensable activities already given a Temporary Event Notice for the same premises in which the event period either ends 24 hours or less before, or begins 24 hours or less after the event period proposed in this notice? No

Temporary event notice payment

£21.00

[Open a read only view of the answers you have given \(this will open in a new window\)](#)

Please note: If you are using Internet Explorer as your browser, you will not be able to view your answers via the link above as this is not supported in Internet Explorer.

Declaration

By submitting this form you are agreeing to the following declaration:

- I understand that it is an offence:
 - to knowingly or recklessly make a false statement in or in connection with this Temporary Event Notice and that a person is liable on summary conviction for such an offence to a fine of any amount.
 - to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding 6 months, or to both.
- I declare that the information I have provided on this form is accurate

I agree to the above declaration

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Appendix B



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South
Cambridgeshire
District Council

South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridgeshire
CB23 6EA
www.scambs.gov.uk
03450 450500

Appendix C

Environmental Protection Act 1990, Section 80

Abatement Notice in Respect of Statutory Nuisance

Notice Reference: 9756

Recipient

Name: Mr David Thake

Address: The Coach House Hotel, Newmarket Road, Melbourn, Royston SG8 7PN

THIS IS A FORMAL NOTICE issued by South Cambridgeshire Council 'the Council' under Section 80 of the Environmental Protection Act 1990 because it is satisfied of the existence and likely recurrence of a statutory nuisance under Section 79(1)(g) of the Act at:

The Coach House Hotel, Newmarket Road, Melbourn, Royston SG8 7PN

Arising from loud amplified music emanating from the external areas of the premises at such a level as to cause nuisance to occupiers of nearby dwellings.

What you are required to do

As the person responsible for the said nuisance, you are required to abate the nuisance immediately from the service of this notice upon you and prohibit the recurrence of the same.

Suspension of the notice

This is a Notice to which paragraph (2) of regulation 3 of the Statutory Nuisance (Appeals) Regulations 1995 applies and, in consequence, in the event of an appeal this Notice shall not be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council, the nuisance to which this notice relates is likely to be of a limited duration such that suspension would render the notice of no practical effect and the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

What happens if you fail to comply?

If, without reasonable excuse, you contravene or fail to comply with any requirement of this Notice you will be guilty of an offence under Section 80(4) of the Environmental Protection Act 1990 and on summary conviction will be liable to a fine together with a further fine of an amount equal to one-tenth of the greater of £5000 or level 4 on the standard scale for each day on which the offence continues after conviction. The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Further, if you fail to execute all or any of the works in accordance with this Notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Your right to appeal

You may appeal against the Notice to a Magistrates' Court within 21 days beginning with the date of service of the notice. See the notes for information on appeals.

Officer

Chloe Mappedoram
Environmental Health Practitioner
10th September 2021

Appeals under Section 80(3) of the Environmental Protection Act 1990 ('the 1990 Act')

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under Section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case:

- (a) That the abatement notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances)
- (b) That there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under Section 80A(3) (certain notices in respect of vehicles, machinery or equipment)
- (c) That the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary
- (d) That the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose
- (e) Where the nuisance to which the notice relates:
 - (i) Is a nuisance falling within Section 79(1)(a), (d),(e),(f), (fa) or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) Is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) Is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes
 - (iv) Is a nuisance falling within section 79(1)(fb) of the 1990 Act and
 - (aa) The artificial light is emitted from industrial, trade or business premises, or
 - (bb) The artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act)that the best practical means were used to prevent, or to counteract the effects of, the nuisance
- (f) That, in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of:
 - (i) Any notice served under Section 60 or 66 of the Control of Pollution Act 1974 ('the 1974 Act') (control of noise on construction sites and from certain premises), or
 - (ii) Any consent given under Section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) Any determination made under Section 67 of the 1974 Act (noise control of new buildings).
- (g) That, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of Section 80(1)(a) of the act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the Noise and Statutory Nuisance Act 1993 (loudspeakers in streets or roads);
- (h) That the abatement notice should have been served on some person instead of the appellant, being:
 - (i) The person responsible for the nuisance, or
 - (ii) The person responsible for the vehicle, machinery or equipment, or
 - (iii) In the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) In the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
- (i) That the abatement notice might lawfully have been served on some person instead of the appellant, being -
 - (ii) In the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (iii) In the case where the appellant is the occupier of the premises, the owner of the premises,and that it would have been equitable for it to have been so served:
- (j) That the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) A person also responsible for the nuisance, or
 - (i) A person who is also owner of the premises, or
 - (ii) A person who is also an occupier of the premises, or
 - (iii) A person who is also the person responsible for the vehicle, machinery or equipment,and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under Section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph 2(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may:

- (a) Quash the abatement notice to which the appeal relates, or
- (b) Vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) Dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit:

- (a) With respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) As to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court:

- (a) Shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) Shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

Suspension of Notice

3. (1) Where:

(a) An appeal is brought against an abatement notice served under Section 80 or Section 80A of the 1990 Act, and

(b) Either -

- (i) Compliance with the abatement notice would involve any person in expenditure on the carrying out of the works before the hearing of the appeal, or
- (ii) In the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) Either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where:

(a) The nuisance to which the abatement notice relates -

- (i) Is injurious to health, or
- (ii) Is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) The expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice:

- (a) Shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
- (b) Shall include a statement as to which of the grounds set out in paragraph (2) apply.

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**Representation Memo to Licensing re: application for a TEN:
The Coach House Hotel, Newmarket Road, Melbourn SG8 7PN**

25 August 2022

Application reference no: 262089

Appendix D

The Coach House Hotel is a small pub/hotel with a Lodge in Duxford is a small hotel with a restaurant, bar, and private rooms. The pub sits on land approximately 2 hectares and the outside space directly behind the hotel currently houses a number of motor homes. There are residential houses within 100m from the premises – please see appendix A for location map.

Environmental Health has been consulted upon in relation to a Temporary Event Notice for an event which is advertised on the internet as “She brings you joy” which is planned for the 17th September 2022 from 1300 until 0400 on 18th September for up to 400 people. The application is for alcohol and regulated entertainment for the whole event. The premises licence currently only permits alcohol to be served until 2300 and no regulated entertainment is permitted within the already licenced area of the hotel outside of the hours 0800 – 2300 which is deregulated and permitted by the live music act 2012. As far as I am aware, the land behind the pub is not licenced and therefore any alcohol or entertainment occurring on there must be covered by a TEN.

We to **object** to the application for the following reasons:

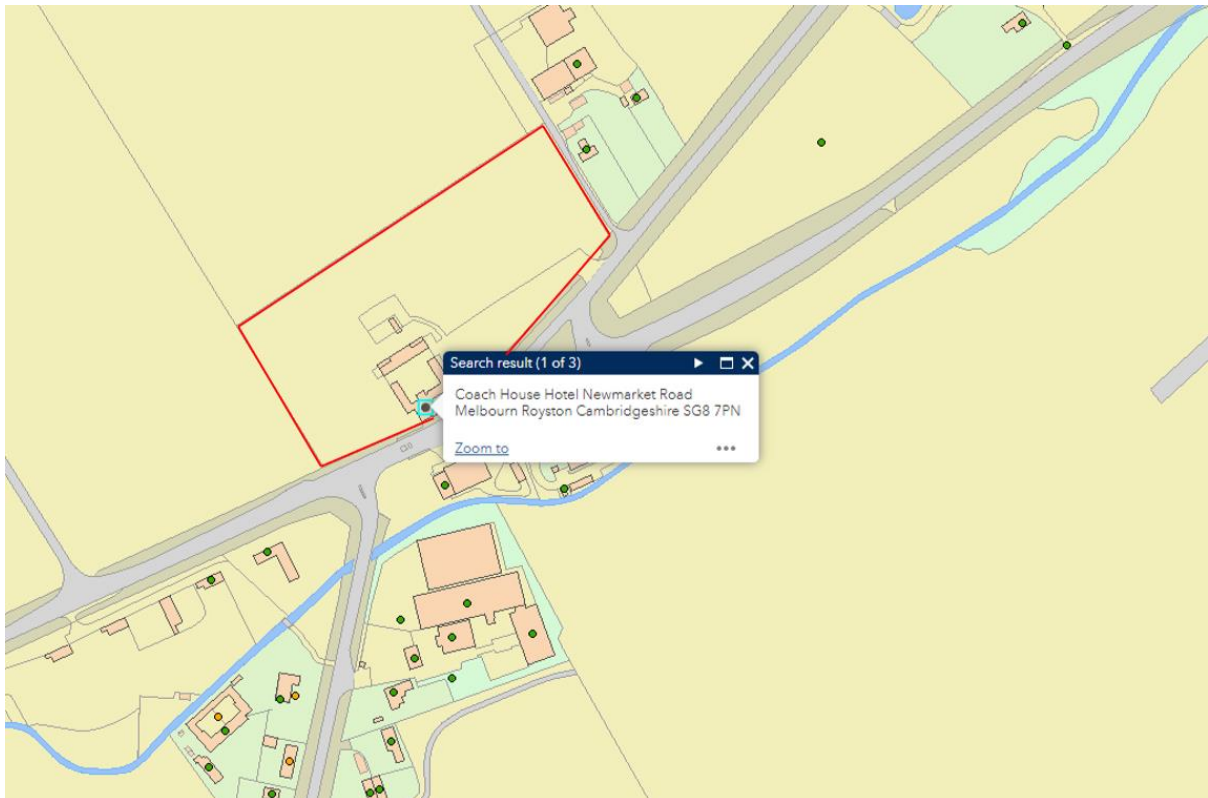
There has been numerous complaints in relation to loud music from the premises since August 2021 as excessive noise from outside music events had been occurring since June 2021. Some of these events were not covered by a TEN and therefore not licenced. After evidence of excessive noise from an event on 22nd August 2021 (MP3 attached). A noise abatement notice on 10th September 2021 addressed to the applicant Mr David Thake. This notice was not appealed.

In June this year Environmental Health was consulted upon for another TEN at which point I reminded Mr Thake of his responsibilities and attached a copy of the existing noise abatement notice. Mr Thake has not made contact with South Cambridgeshire District Council to discuss the letter, the noise abatement notice or the TEN applications.

The event on 26 June 2022 was reported to be a nuisance and I attach a further MP3 for 0200 on the 27 June which was taken via the noise app at a nearby residential property.

It is my view that there are dwellings within close proximity of the Hotel and it is not an appropriate location to have the events of the scale and level that they have been having for the past 14 months. As such my objection is in relation to the Prevention of public nuisance,

Kind regards
Chloe Mappedoram
Environmental Health Practitioner



2022-06-26_0211_40
7875_3290383.mp3

(noise recording 26/6/22 0210am)



2021-08-22-0102-36
3457-2495401.mp3

(noise recording 22/8/22 0102am)

Notes to help those attending meetings in person at South Cambridgeshire Hall

Notes to help those people visiting the South Cambridgeshire District Council offices – please also refer to the Covid-security measures relating to meetings in the Council Chamber which are on the website page for each relevant meeting.

Members of the public wishing to view the meeting will be able to watch the livestream via the link which will be publicised before this meeting.

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Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Leave the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this is via the staircase just outside the door. Go to the assembly point at the far side of the staff car park opposite the staff entrance

- **Do not** use the lifts to leave the building. If you are unable to use stairs by yourself, the emergency staircase landings have fire refuge areas, which give

protection for a minimum of 1.5 hours. Press the alarm button and wait for help from Council fire wardens or the Fire and Rescue Service.

- **Do not** re-enter the building until the officer in charge or the Fire and Rescue Service confirms that it is safe to do so.

First Aid

If you feel unwell or need first aid, please alert a member of staff.

Access for People with Disabilities

We are committed to improving, for all members of the community, access to our agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. The Council Chamber is accessible to wheelchair users. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can get both neck loops and earphones from Reception.

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Public toilets are available on each floor of the building next to the lifts. These include facilities for disabled people.

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We are open and transparent about how we make decisions. Public meetings are webcast and are also recorded, but we allow recording, filming and photography at Council, Cabinet and other meetings, which members of the public can attend, so long as proceedings at the meeting are not disrupted. We also allow the use of social media during meetings to bring Council issues to the attention of a wider audience. To minimise disturbance to others attending the meeting, please switch your phone or other mobile device to silent / vibrate mode.

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Disturbance by Public

If a member of the public interrupts proceedings at a meeting, the Chair will warn the person concerned. If they continue to interrupt, the Chair 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 Chair may call for that part to be cleared. The meeting will be suspended until order has been restored.

Smoking

Since 1 July 2008, South Cambridgeshire District Council has operated a Smoke Free Policy. No one can smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Until the lifting of Covid restrictions, no vending machines are available. Bottled water is available for attendees at meetings.

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