

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Sub-Committee (2003 Act)

1 February 2019

AUTHOR/S: Director Health & Environmental Services

APPLICATION TO GRANT A PREMISES LICENCE LJ'S SANDWICH BAR & BARISTA

The Application

1. The application (**APPENDIX A**) to grant a Premises Licence for LJ's Sandwich Bar & Barista, 40 Church Street, Gamlingay, SG19 3JH was received by the licensing department on the 20 November 2018. The requirements for advertising and displaying relevant notices were carried out in accordance with the Licensing Act 2003.

The application is for the Grant of a new Premises Licence.

The requested days and times for opening, Sale of Alcohol, Provision of Recorded Music and Provision of Indoor Sporting Events applied for are as follows:-

MONDAY- SUNDAY

Opening Hours:	07.00 to 00.00
Supply of Alcohol	11:00 to 23:30 (on and off the premises)
Provision of Late Night Refreshment	23.00 to 23.30

Background

2. The premises can be found on Church Street, which a mixture of residential houses and local shops. The nearest residential property (36 Church Street) and the property of the representee who states they border the premises (12 Charnocks Close) are shown on the attached maps (**APPENDIX B**).
3. As required by the Licensing Act policy, the application was sent to all responsible authorities for consultation as part of the licensing application process - no representations were received.
4. A photograph of the Blue Notice correctly displayed was received (**APPENDIX C**).
5. The Notice was advertised in the Biggleswade Chronicle on the 23 November 2018 (**APPENDIX D**)
6. As part of the application process the applicant has been made aware of the representations.

Relevant Representations

7. No representations have been received from the responsible authorities however representations have been made by interested parties
- 17 December 2018 a representation was received from the Parish Council (**APPENDIX E**).
- 17 December 2018 a representation was received by email (**APPENDIX F**)
- A representation was received in writing on the 17th December 2018 (**APPENDIX G**)
- The representations submitted by representees relate primarily to Public Nuisance and Public Safety objectives.

Officer's Views

8. Members when considering the application should be aware that they may only take into consideration the parts of the application that represent the licensing objectives.
- 1) The Prevention of Crime and Disorder
 - 2) Public Safety
 - 3) The prevention of public nuisance
 - 4) The protection of children from harm
9. Members have the right under the Licensing Act 2003 to determine this application after considering any relevant representations, Members may
- 10.
- a. Accept the proposed application as submitted
 - b. Reject the application
 - c. Agree the application but impose conditions that promote the relevant licensing objectives

Legislation Guidance

11. Members should also be aware of the Secretary of states guidance under S182 of the Licensing Act 2003 which states:-

Public nuisance retains its broad common law meaning for the purpose of this Act. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community. It may also include in appropriate circumstances the reduction of there living and working amenity and environment of interested parties in the vicinity of the premises. Beyond the vicinity of the premises these are matters for personal responsibility of individuals under the law.

The Guidance goes on to state:-

It is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder cannot be justified and will not serve to promote the licensing objectives

Policy Considerations

15. *Conditions referred to within the South Cambridgeshire Licensing Policy relating to the prevention of public nuisance and Public Safety..*

Example Conditions relating to the prevention of public nuisance.

- a. *Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties*
- b. *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.*
- c. *The placing of refuse - such as bottles- into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.*
- d. *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.*
- e. *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).*

Example conditions relating to 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:

- a. *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.*
- b. *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.*
- c. *Restrictions may be necessary on parts of a premise used for certain licensable activities at certain times.*

Conditions relating to Public Safety (including fire safety)

Conditions relating to public safety will be those that are necessary to promote the objective of public safety for individual premises or clubs. They should not duplicate other legal requirements. Equally the attachment of conditions to a premises licence or club premises certificate will not relieve employers of the statutory duty to comply with the requirements of Health and Safety legislation and the requirements under the management of Health and Safety at Work regulations 1999 and the Fire Precautions (Workplace) regulations 1997 to undertake risk assessments.

Legal Implications

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

Contact Officer: Jane Jackson – Resource Team Leader
Telephone: (01954) 713635