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18 May 2005

To: Chairman – Councillor RE Barrett
Vice-Chairman – Councillor EW Bullman
Members of the Licensing Committee – Councillors R Hall, Mrs HF Kember,
Mrs JA Muncey, Mrs CAED Murfitt, Dr JPR Orme, NJ Scarr, J Shepperson,
DALG Wherrell, A Riley, Dr JR Williamson, Mrs SA Hatton and Mrs A Elsbj

Dear Councillor

You are invited to attend the next meeting of **LICENSING COMMITTEE**, which will be held in **SWANSLEY ROOM** at South Cambridgeshire Hall on **THURSDAY, 26 MAY 2005** at **10.00 a.m.**

Please note that lunch will be provided for those Members attending this meeting and Council on the afternoon of the 26 May.

Yours faithfully
GJ HARLOCK
Finance and Resources Director

AGENDA

	PAGES
1. APOLOGIES FOR ABSENCE	
2. MINUTES OF LAST MEETING To confirm the Minutes of the meeting held on 28 October 2004 as a correct record.	1 - 4
3. DECLARATIONS OF INTEREST Members need only declare an interest in circumstances where there is an item on the agenda that may cause a conflict of interests.	
4. GREAT SHELFORD - APPLICATION FOR CONSENT STREET STATUS	5 - 6
5. HISTON - RENEWAL OF PUBLIC ENTERTAINMENT LICENCE AT THE ROYAL BRITISH LEGION CLUB The appendices referred to in the report are not available electronically.	7 - 8

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Licensing Committee held on
Thursday, 28 October 2004 at 10am

PRESENT: Councillor RE Barrett – Chairman

Councillors:	R Hall	Mrs SA Hatton
	JA Hockney	Mrs HF Kember
	Mrs JA Muncey	Mrs CAED Murfitt
	Dr JPR Orme	A Riley

Councillor SGM Kindersley, Environmental Health Portfolio Holder and Technical Officer Ray Firth, Cambridgeshire Fire and Rescue were in attendance by invitation.

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors EW Bullman, J Shepperson, and Dr JR Williamson and PC P Sinclair.

2. MINUTES OF LAST MEETING

2.1 The Chairman was authorised to sign the Minutes of the meeting held on 6th September 2004.

3. DECLARATIONS OF INTEREST

3.1 None received.

4. APPEAL DECISION BY MR HR

4.1 The appeal decision by Mr HR was noted.

5. SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL'S STATEMENT OF LICENSING POLICY

5.1 Following approval for consultation purposes of the draft Licensing Policy at the meeting held on 6th September 2004, Members were requested to consider an amended Policy that had taken into account recommendations received arising from the consultation process. The draft Policy had been circulated to over 900 consultees and 9 responses had been received by the closing date. It was noted that in general the views of the consultees were supportive of the Policy and the recommendations made were to clarify certain points and strengthen key sentences. The Authority was also complimented on producing a well balanced and fair policy.

5.2 One of the consultees in his response had raised a number of issues relating to a Public House situated opposite his house; the Licensing Officer reported that the consultees' concerns had been passed onto the relevant officers for investigation.

5.3 The Chief Environmental Health Officer reported that several responses had been received since the agenda had been published; these were from the British Institute of Inkeeping, RSPCA, CAMRA and Comberton Parish Council.

5.4 Disappointment was expressed that the Police had not responded in detail to the Policy,

particularly in respect of the resourcing impact. It was however noted that PC Sinclair was aware of the implications. It was also noted that although the Fire Service had had no comments on the Policy, several meetings had taken place between their representatives and the Licensing Officer regarding the processing of applications from their aspect.

- 5.5 The amended Policy was considered by Members on a page-by-page basis.
- 5.6 An explanation was requested concerning the phrase 'cumulative impact' at paragraph 4 and in response the Licensing Officer explained that it meant a concentration of licensed premises within close proximity of each other and in those circumstances, the Police could impose set opening hours in order to avoid a noise nuisance. It was noted that, if required, legislation was available to deal with noise nuisance from public houses.
- 5.7 In answering a query regarding grouping together applications from the same area, Members were informed that they could be, however any subsequent hearings would have to be held separately.
- 5.8 A spelling error was found at paragraph 13.

The Licensing Committee

RECOMMENDS to Cabinet and Council that the Licensing Policy be adopted.

6. SUB-COMMITTEE STRUCTURE FOR DETERMINING LICENSING HEARINGS UNDER THE LICENSING ACT 2003

- 6.1 Members considered the contents of the report and in response to a query relating to local Members hearing an application concerning premises in their village, it was noted that local Members could make a recommendation, but not form part of the hearing decision.
- 6.2 The Licensing Committee considered the sub-committee structure to hear licensing applications and agreed:

- (a) the formula for the structure of the sub-committee as laid out in Appendix A of the report to deal with hearings in respect of the Licensing Act 2003,
- (b) the appointment of the following Members to Chair the Sub-Committees:

Councillors: Mrs JA Muncey
Mrs CAED Murfitt
A Riley
NJ Scarr
J Shepperson
Dr JR Williamson

three substitutes were also appointed, they were:

Councillors: Mrs A Elsby
R Hall
Mrs SA Hatton

- (c) delegated authority was given to the Chairman and Vice-Chairman of Licensing Committee in consultation with the Chief Environmental Health Officer to approve the membership of each of the 36 Sub-Committees.

- 6.3 Following formal discussion of the above item, the Assistant Solicitor informed Members that further training sessions would be organised during January and February 2005 in respect of chairing the hearing panels. The Environmental Portfolio Holder indicated that training should be mandatory for the appointed chairmen and was advisable for all other Members too.
- 6.4 It was noted that the Head of Legal Services would be organising a visit to a Magistrate's Court for Members of the Licensing Committee prior to the hand over of responsibility for licensing regulations to local authorities.
- 6.5 As there were several key issues affecting the Council in the forthcoming months with the possibility of clashes between meetings and licensing hearings, it was suggested that Members availability be coordinated and a schedule of hearings programmed one month in advance.

The Meeting ended at 11.20 a.m.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee 26 May 2005
AUTHOR: Housing and Environmental Services Director

REQUEST FOR DESIGNATION OF CONSENT STREETS – GREAT SHELFORD VILLAGE

Purpose

1. To consider a request from Great Shelford Parish Council for all Streets in the village to be designated Consent Streets under the Local Government (Miscellaneous Provisions) Act 1982.

Effect on Corporate Objectives

2.

Quality, Accessible Services	
Village Life	Village life would be improved for the residents by curtailing unauthorised traders in the area.
Sustainability	
Partnership	Increased communication with the Parish Council during the consultation and decision making process.

Background

3. A request from the Parish Council was received on 21 April 2005 to designate Great Shelford Consent Street Status in order to control street trading in the village.
4. If the request is approved, the process involves listing all the relevant streets in the village, in a Public Notice of intention, consulting the Local member(s), Police and Highways Authorities that then allows twenty-eight days for representations. The Licensing Committee will then consider such representations and may resolve or refuse the designation request. If the decision is to confirm the designation, then the resolution will be advertised by Public Notice on two further occasions.

Considerations

5. If the Village of Great Shelford was granted Consent Street status, consultations would be made by the Council on any application made to trade within the village. The advantage to having Consent Street status would be that the Parish Council has an input into the consultation process and final decision. Also the trader would hold a licence and then be bound by conditions set by the Licensing Officer. If a village does not have Consent Street status, any trader could lawfully trade without requiring permission or being licensed.
6. The introduction of the Licensing Act 2003 will have an effect on mobile food traders that wish to serve hot food after 11.00pm at night, as they will be classed as late night refreshment premises and therefore also require licensing under the above Act.

Financial Implications

7. Fees and charges would be part of the application process for street traders, therefore generating revenue for the Council to recover for administration costs.

Legal Implications

8. As included in the report.

Staffing Implications

9. There are no additional staffing implications.

Consultations

10. Application will be made to the relevant Highways Authority and Police once Committee has given approval.

Recommendations

11. It is recommended that the Licensing Committee agree to the request from Great Shelford Parish Council for all streets in the village to be designated as Consent Streets.

Background Papers: the following background papers were used in the preparation of this report: None

Contact Officer: Juli Stallabrass – Assistant Licensing Officer
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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Committee 26 May 2005
AUTHOR: Housing and Environmental Services Director

**APPLICATION FOR RENEWAL OF PUBLIC ENTERTAINMENT LICENCE –
THE ROYAL BRITISH LEGION CLUB, 22-24 SAFFRON ROAD, HISTON**

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

Purpose

1. To determine an application for the renewal of the Public Entertainment licence for the above premises. As objections have been made against this application it has been passed to the Licensing Committee for decision.

Background

2. The Royal British Legion has held a Public Entertainment Licence (**Appendix A**) in excess of 12 years for the premises at 22-24 Saffron Road, Histon, Cambridgeshire.
3. Public Entertainment Licences are renewed annually and as part of the renewal process the applicant has to display a notice at the premises notifying the public of the application. In addition the Licensing office consults with the Police, Fire Authorities, Environmental Health and the Parish Council.
4. As part of the 2004/05 renewal application, a request was made to extend the hours for public entertainment from 11.30pm to 12.00 Midnight. At this time no objections were received and therefore the request was granted.
5. On the 7th February 2005 the licensing section received a letter from Dr and Mrs CJ S explaining clearly that at no time were they aware that the application made in 2004 included a request to vary the hours and had they been aware of such a request would have made objections at that time. Subsequent to this a further letter from a Dr and Mrs R G also stated that had they known about the request for variation in 2004 they would have objected at the time.
6. Both Dr S and Dr G were informed of their right to raise objections to the renewal of the licence for the period 2005/06.
7. There have been six written objections received in regard to this application by residents of Saffron Road. (**Appendix B**)
8. There have been no objections from the Police, Fire, Environmental Health or Parish Council. However the district Environmental Health Officer has commented, see **Appendix C**.
9. All the objectors have been notified that they may attend this meeting in order to support their written representations.

Considerations

10. There have been previous complaints made to the out of hours Officer regarding noise from events held at the Club during the period of previous licences as well as during the last year.
11. The District Environmental Health officer has attended on several occasions and carried out noise monitoring, but has not found a noise nuisance in existence. A noise limiting device is currently fitted and set at a level agreed with the Environmental Health officer.
12. In addition to any noise emanating from the premises, the nature of the objections also relate to public nuisance issues due to the fact that the premises are located in a residential street with properties on all sides and is a cul-de-sac.
13. The licence is for Public Entertainment and therefore at these times the Club, which is normally a members only club may be open to the general public.

Options

14. The Committee may when determining this application,
 - a. Refuse the application
 - b. Grant the application
 - c. Make amendments to the licence conditions

Legal Implications

15. Any decision made by South Cambridgeshire District Council could be subject to appeal to a Magistrates Court by the applicant.

Background Papers: the following background papers were used in the preparation of this report: NONE

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