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4 December 2007

To: Chairman – Councillor Mrs CAED Murfitt
Members of the Licensing (2003 Act) Sub-Committee – Councillors Mrs JM
Guest and RB Martlew

Applicant: Mr CM Clay, on behalf of Newton Sports & Social Club

Representee(s): Mr R Watkins, Environmental Health Officer, SCDC
Mrs G & Mr M Johnson, 6 Harston Road, Newton, CB22 7PA
Mr C Short, 9 Harston Road, Newton, CB22 7PA
Mr M Finch & Mrs F Edson, The Old School, Town Street, Newton, CB22
5PE
Ms H Slaski, Orchard Cottage, 7 Harston Road, Newton, CB22 7PA
Mr C Maguire, 15 Harston Road, Newton, CB22 7PA
Mr & Mrs P Atkinson, 1 Cambridge road, Newton, CB22 7PL

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 the existing club premises certificate conditions at Newton Sports & Social Club, Harston Road, Newton. The hearing will be held in the **MEZZANINE, SECOND FLOOR** meeting room at South Cambridgeshire Hall on **WEDNESDAY, 12 DECEMBER 2007 at 10.00 a.m.**

Yours faithfully
GJ HARLOCK
Chief Executive

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

AGENDA

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2. DECLARATIONS OF INTEREST	
3. APPLICATION TO VARY EXISTING CLUB PREMISES CERTIFICATE CONDITIONS: NEWTON SPORTS & SOCIAL CLUB, HARSTON ROAD, NEWTON Appendices A, B, C and D are not available electronically.	3 - 8

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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.

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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)	12 December 2007
AUTHOR/S:	Corporate Manager, Health & Environmental Services / Assistant Licensing Officer	

**APPLICATION TO VARY EXISTING CLUB PREMISES CERTIFICATE CONDITIONS:
NEWTON SPORTS & SOCIAL CLUB, HARSTON ROAD, NEWTON**

The Application

1. The application (**Appendix A**) to vary the existing licence for the Newton Sports & Social Club was accepted by the licensing section on the 26 October 2007. The requirements for advertising and displaying relevant notices were carried out in accordance with the Licensing Act 2003.

The premises are currently permitted to open: (Licence attached as **Appendix B**)

- Monday to Saturday between 10.00am and 23.00pm,
- Sunday 12.00 Midday to 22.30 pm,
- Good Friday 12.00 midday to 15.00 pm and 19.00 pm to 22.30 pm
- Premises are licensed for both on and off licence sales to club members and their guests only.
- Provision of Recorded Music (Indoors Only) see original licence as attached at Appendix B.

Background

2. The premises are in a village location, on the end of a private road, with residential properties to both sides of the club building. The premises doors open onto a main road to the front of the building. There is car parking to the front of the premises. (Map attached as **Appendix C**)
3. The variation application is:
 - **To allow Live Music Indoors Only**
Monday to Saturday 10.00 hours to 0.00 hours
Sunday 12.00 hours to 00.00 hours
New Years Eve 11.00 hours to 00.00
New Years Day 00.00 hours to 23.00
 - **To allow Recorded Music Indoors Only**
Monday to Saturday 10.00 hours to 0.00 hours
Sunday 12.00 hours to 00.00 hours
New Years Eve 11.00 hours to 00.00
New Years Day 00.00 hours to 23.00
 - **To allow Performance of Dance Indoors Only**
Monday to Saturday 10.00 hours to 0.00 hours
Sunday 12.00 hours to 00.00 hours
New Years Eve 11.00 hours to 00.00
New Years Day 00.00 hours to 23.00
 - **To allow Anything of a Similar Description to (e), (f) or (G)**
Monday to Saturday 10.00 hours to 0.00 hours
Sunday 12.00 hours to 00.00 hours

New Years Eve 11.00 hours to 00.00

New Years Day 00.00 hours to 23.00

- **To allow the Supply of Alcohol on or on behalf of a club member**

Monday to Saturday 10.00 hours to 00.00 hours

Sunday 12.00 hours to 00.00 hours

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

Monday to Saturday 10.00 hours to 00.30 hours

Sunday 12.00 to 00.30

Relevant Representations

4. Representations had been received from:

Environmental Health Officer

Local Residents

Letters attached as **Appendix D**.

Officer's Views

5. When considering the application, Members should be aware that they may only take into consideration the parts of the application that represent a variation. They may accept the application as submitted, reject the application or vary the application further by restricting times and activities and/or imposing conditions relevant to the licensing objectives.
6. Members should also be aware that each application must be considered on its individual merits and any decision must clearly focus on the promotion of one or more of the four statutory objectives which are :- The prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Each objective is of equal importance and it is important to note that there are no other licensing objectives.
7. S.182 Guidance issued by Central Government, whilst not legally binding, is clear that Licensing Law is not the primary mechanism for the general control of individuals once they are away from licensed premises and therefore beyond the direct control of the individual licensee or certificate holder. However, licensees or certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example, on the pavement, in a beer garden or smoking shelter, where and to the extent that these matters are within their control.
8. The guidance also goes on to state that there is no general presumption in favour of lengthening licensing hours within the Licensing Act and the four licensing objectives must be paramount considerations at all times. Where there are representations to an application and the committee believes that changing the hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.
9. The representations submitted by the general public relate to Public nuisance and Prevention of Crime & Disorder, guidance from the SCDC Licensing Policy and Secretary of State Guidance is offered on these matters below.

Policy Considerations

10. 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.
11. It should be noted that in addition to any relevant conditions placed on a premise that it is unlawful under the 2003 Act:
 - 1) to knowingly sell or supply or attempt to sell or supply alcohol to a person who is drunk
 - 2) to knowingly allow disorderly conduct on licensed premises
 - 3) 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
 - 4) 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.*

Conditions relating to Crime and Disorder

a) Door Supervisors (registered with the Security Industries Authority)

The Local Authority recognises that in applications where door supervisors are referred to in the operating schedule conditions relating to door supervisors are mandatory. Where conditions are attached relating to the provision of door supervisors and security they may be valuable in:

1. preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
2. keeping out excluded individuals (subject to court bans or bans imposed by licence holder);
3. Searching and excluding those suspected of carrying illegal drugs or carrying offensive weapons and;
4. maintaining orderly queuing outside venues

Where door supervisors are to be a condition of a licence they are required to be licensed through the Security Industries Authority in line with the Securities Industry Act 2000.

b) Bottle bans

It is recognised that glass vessels (ie bottles and glasses) may be used as weapons inflicting serious harm during incidents of disorder. Conditions may include:

1. bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar
2. No customer carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.

In appropriate circumstances conditions may exempt bottles containing wine or similar sold for consumption with a table meal by customers who are seated in a separate area from the bar.

c) CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions may include:

1. The need to have CCTV cameras on the premises
2. The precise positioning of each camera
3. The requirement to maintain cameras in good working order
4. The requirement to retain recordings for an appropriate period.

d) *Other conditions that may be considered relevant to promote the reduction of crime and disorder may include:*

1. Restriction on drinking areas
2. Capacity limits
3. Proof of age cards
4. Crime prevention notices
5. Signage at or immediately outside the premises
6. Use of plastic containers and toughened glass

Legal Implications

12. 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
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