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17 April 2008

To: Chairman – Councillor Mrs PM Bear  
Members of the Licensing (2003 Act) Sub-Committee – Councillors R Hall and  
Mrs CAED Murfitt

Applicant: Punch Taverns plc

Representee: Mr N Atkins, Environmental Health Officer, South Cambridgeshire District  
Council

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 a variation to the premises licence at the Chequers Public House, Cottenham. The hearing will be held in the **JEAVONS ROOM, FIRST FLOOR** meeting room at South Cambridgeshire Hall on **MONDAY, 28 APRIL 2008 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.

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<b>AGENDA</b>		<b>PAGES</b>
<b>1. INTRODUCTION</b> As per the attached Licensing (2003 Act) Committee procedure		<b>1 - 2</b>
<b>2. DECLARATIONS OF INTEREST</b>		
<b>3. APPLICATION FOR VARIATION OF PREMISES LICENCE, CHEQUERS PUBLIC HOUSE, COTTENHAM</b> The appendices referred to in the report are not available electronically.		<b>3 - 6</b>

## **GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL**

Whilst the District Council endeavours to ensure that you come to no harm when visiting South Cambridgeshire Hall you also have a responsibility to ensure that you do not risk your own or others' safety.

### **Security**

Visitors should report to the main reception desk where they will be asked to sign a register. Visitors will be given a visitor's pass that must be worn at all times whilst in the building. Please remember to sign out and return your pass before you leave. The visitors' book is used as a register in cases of emergency and building evacuation.

### **Emergency and Evacuation**

In the event of a fire you will hear a continuous alarm. Evacuate the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park.

Do not use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.

**Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

### **First Aid**

If someone feels unwell or needs first aid, please alert a member of staff.

### **Access for People with Disabilities**

All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Hearing loops and earphones are available from reception and can be used in all meeting rooms.

### **Toilets**

Public toilets are available on each floor of the building next to the lift.

### **Recording of Business**

Unless specifically authorised by resolution, no audio and / or visual or photographic recording in any format is allowed at any meeting of the Council, the executive (Cabinet), or any committee or sub-committee of the Council or the executive.

### **Banners / Placards / Etc.**

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

### **Disturbance by Public**

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.

### **Smoking**

The Council operates a NO SMOKING policy.

### **Food and Drink**

Vending machines and a water dispenser are available on the ground floor near the lifts. There shall be no food and drink in the Council Chamber.

### **Mobile Phones**

Please ensure that your phone is set on silent / vibrate mode during meetings.

**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**

<b>REPORT TO:</b>	Licensing Sub-Committee (2003 Act)	28 April 2008
<b>AUTHOR/S:</b>	Corporate Manager, Health & Environmental Services / Assistant Licensing Officer	

**APPLICATION FOR VARIATION OF PREMISES LICENCE:  
CHEQUERS PUBLIC HOUSE, COTTENHAM**

**The Application**

1. The application (**APPENDIX A**) to vary a premises licence at The Chequers Public House, 297 High Street, Cottenham, Cambridgeshire was received by the Licensing Section in accordance with the Licensing Act 2003.
2. The premises currently have the following permissions:
  - Performance of live music
  - Any playing of recorded music
  - Entertainment of a similar description to that falling within entertainment facilities for making music or dancing
  - The sale by retail of alcohol
3. For full details please refer to the current licence (**APPENDIX B**).

**Background**

4. The premise is in a village location with residential properties in the surrounding area as seen in (**APPENDIX C**). The premise is situated on a main road, in the heart of the village opposite the green.
5. The application is for:

**Live Music, Recorded Music, Provision of facilities for entertainment of a similar description to that falling within I or J (Indoors) and Supply of Alcohol (On and off);**

Monday to Thursday	11.00 – 00:00
Friday	11:00 – 02:30
Saturday	11:00 – 02:30
Sunday	12:00 – 22:30

Friday and Saturday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday and Easter Bank Holiday weekend until 02:30h into the following morning.

Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend until 00:00h, Thursday, Sunday and Monday for the Easter Bank Holiday weekend until 00:00h.

Christmas Eve and Boxing Day until 02:30h into the following morning. From the start of permitted hours New Years Eve to the end of permitted hours New Years Day.

**Hours premises are open to the public;**

Monday to Thursday	11:00 – 00:30
Friday	11:00 – 03:00
Saturday	11:00 – 03:00
Sunday	12:00 – 23:00

Friday and Saturday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday and Easter Bank Holiday weekend until 03:00h into the flowing morning.

Sunday and Monday for each May Bank Holiday, Spring/Whitsun Bank Holiday and every August Bank Holiday weekend until 00:30h, Thursday, Sunday and Monday for they Easter Bank Holiday weekend until 00:30h.

Christmas Eve and Boxing Day until 03:00h into the following morning. From the start of permitted hours New Years Eve to the end of permitted hours New Years Day.

**Relevant Representations**

4. A relevant representation concerning the prevention of public nuisance was received from the Environmental Health Officer for this area (**APPENDIX D**).

**Officer's Views**

5. Members have the right under the Licensing Act 2003 to determine this application after considering any representations. Members may accept the application as submitted, reject the application or impose conditions that promote the relevant Licensing objectives. The representations made are based on the Public Nuisance objectives and therefore any decisions imposed must relate to this objective only. Guidance in the South Cambridgeshire District Council Licensing Policy in relation to such issues states that conditions maybe considered and examples are listed under the relevant section below.

**Policy Considerations**

6. Conditions referred to within the South Cambridgeshire Licensing Policy relating to the prevention of Public Nuisance.

**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.

#### **Legal Implications**

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

Contact Officer: Tara King  
Assistant Licensing Officer  
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