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10 July 2008

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

Applicant: Mr S Hobbs

Representee(s): See attached list

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 premises licence at 16a Norman Way Industrial Estate, Over. The hearing will be held in the **MEZZANINE, SECOND FLOOR** meeting room at South Cambridgeshire Hall on **FRIDAY, 18 JULY 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.

AGENDA

	PAGES
1. INTRODUCTION As per the attached Licensing (2003 Act) Committee procedure.	1 - 2
2. DECLARATIONS OF INTEREST	
3. APPLICATION FOR PREMISES LICENCE AT 16A NORMAN WAY INDUSTRIAL ESTATE, OVER Appendices A, B and C are not available electronically.	3 - 6

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

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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.

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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)	18 July 2008
AUTHOR/S:	Corporate Manager, Health & Environmental Services / Licensing Officer	

**APPLICATION FOR PREMISES LICENCE AT
16A NORMAN WAY INDUSTRIAL ESTATE OVER****The Application**

1. The application was made in accordance with the Licensing Act 2003 on 28 May 2008. The application requests permission for regulated entertainment, provision of entertainment facilities, late night refreshment and retail sale of alcohol. The applicant has highlighted adult activities in box N of the application. For full details of the application and timings and plan of the premises please see **Appendix A**. An external map indicating proximity of the premises to nearby businesses and residential properties is also attached as **Appendix B**.

Background

2. The premise is situated on the Over Industrial Estate amongst a number of industrial units. The units are predominately used for retail commercial use and presently a locked metal gate secures the entrance to the estate after 19.00 hrs when the units are not in use. The nearest residential property is physically located approximately 100 yards away on Longstanton Road.
3. As part of the application process the applicant has notified all the responsible authorities, including Police, Fire, Environmental Health and Social Services (Child protection) in accordance with the requirements of the Act.

Relevant Representations

4. Relevant representations, **Appendix C**, have been received from interested parties and a responsible authority, namely the Police. These representations broadly speaking are on the grounds that to grant the licence would undermine public nuisance objectives, protection of children from harm and crime prevention; therefore any decisions regarding this application should focus on these particular objectives.

Officer's Views

5. Members must be mindful that only licensable activities can be considered in determining this application, The role of the Licensing Authority is primarily to regulate the carrying on of the licensable activity at the premises. Any other activity carried on at the premises that are not part of the application under the Licensing Act should not be taken into consideration when considering the application.
6. The Sub Committee should be reminded that the Licensing Act should not be used as a tool to control matters beyond the Licensing objectives when these are covered by existing legislation such as Planning, Health And Safety at work, Fire reform Act or Criminal laws.

7. Members should seek to focus the Hearing on the need to promote the particular licensing objectives which have given rise to representations and should avoid straying into undisputed areas. Members have the right under the Licensing Act 2003 to determine this application and after considering any relevant representations may:

- Accept the application as submitted,
- Reject the application for a licence or
- Grant the application subject to such conditions that Members may consider necessary for the promotion of the licensing objectives. This may involve, for example, a restriction on or exclusion of one or more Licensable activities or the imposition of restrictions on times, or the introduction of additional conditions to promote one or more licensing objectives.

Policy Considerations

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 the protection of children from harm

e) Proof of Age cards

Conditions may be attached to premises where alcohol is sold requiring the production of proof of age cards before any sale of alcohol takes place.

The Portman Group operates a code of practice on the naming, packaging and promotion of Alcoholic Drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. Via its website and in the trade press it issues bulletins notifying retailers of products that breach this code and asks them not to re-stock or display any such product or point of display material until such time as the code is complied with.

In certain circumstances it may be necessary to attach conditions requiring premises to comply with the Portman Group Code of Practice.

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. No 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

Members should be aware that at page 5 of the Council's Licensing Policy it stresses that every application will be dealt with impartially and on its individual merits. It also points out in the same paragraph that it is aware of its new powers under the Anti Social Behaviour Act (s.40, 41 noise causing a public nuisance) and is also aware that the use of conditions and the application of Licensing Law should be used as a tool in the control of anti – social behaviour either by groups or individuals once these groups or individuals are beyond the direct control of a person or organisation responsible for licensed premises.

Legal Implications

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

Background Papers: the following background papers were used in the preparation of this report:

Guidance issued under S.182 of the Licensing Act 2003 (July 2007 version)
Licensing Act 2003
South Cambridgeshire Licensing Policy

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