

LICENSING (2003 ACT) SUB-COMMITTEE

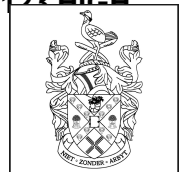
WEDNESDAY, 8 OCTOBER 2008

DECISIONS

Set out below is a summary of the decisions taken at the meeting of the Licensing (2003 Act) Sub-Committee held on Wednesday, 8 October 2008. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

If you have any queries about any matters referred to in this decision sheet please contact Maggie Jennings.

3. APPLICATION FOR A PREMISES LICENCE, MALTHURST LTD., 123 HIGH STREET, HARSTON



South
Cambridgeshire
District Council

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
LICENSING (2003 ACT) SUB-COMMITTEE**

Date of Hearing:

8 October 2008

Members of Panel:

Councillor A Riley – Chairman
Councillor MB Loynes
Councillor JF Williams

Applicant(s) Name:

Malthurst Limited

Premises Address:

123 High Street
Harston
Cambridge
CB22 7QB

Date of Application:

20 August 2008

Application:

Premises licence

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
Supply of Alcohol – Off the premises		Modified Monday to Sunday inclusive: 06:00 – 22:15	To prevent public nuisance
Monday	06:00 – 23:00		
Tuesday	06:00 – 23:00		
Wednesday	06:00 – 23:00		
Thursday	06:00 – 23:00		
Friday	06:00 – 23:00		
Saturday	06:00 – 23:00		
Sunday	06:00 – 23:00		

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
Hours premises are open to the public		Approved	
Monday	00:00 – 24:00		
Tuesday	00:00 – 24:00		
Wednesday	00:00 – 24:00		
Thursday	00:00 – 24:00		
Friday	00:00 – 24:00		
Saturday	00:00 – 24:00		
Sunday	00:00 – 24:00		

Prior to consideration of the application for a Premises Licence, the applicant's legal representative amended the application to allow the supply of alcohol (off the premises only) from 0:00 to 24:00 Monday to Sunday to 06:00 to 23:00 hours Monday to Sunday and withdrew the application for the provision of Late Night refreshment (indoors and outdoors). The applicant's legal representative also assured the Panel that his client complied with the requirement of s176 of the Licensing (2003) Act that the premises were not used primarily as a garage; consequently alcohol sales were permitted.

The Sub-Committee has considered the application very carefully and has had due regard to the Licensing Act 2003, the accompanying Guidance and Regulations and the SCDC Licensing Policy. We have considered the written representations received from local residents and heard the evidence of the applicant's legal representation together with the representees present at the hearing.

The applicant's representative told the Panel there were currently no crime and disorder, public safety or public nuisance problems at the premises and that the company had a rigorous policy to prevent underage alcohol sales and staff were regularly trained on this issue.

The representations from the nearby residents were on the grounds of the Prevention of Public Nuisance; Protection of Children from Harm; the Prevention of Crime and Disorder and Public Safety. One resident told the panel there had been disturbances on the premises and another said the application was inappropriate for its location.

One of the representees, Mr Cound, pointed out that he believed that the current planning consent for the premises specified opening hours of 7am to 10pm Monday to Saturday and 8am to 10pm on Sunday. The Chairman of the Panel informed Mr Cound that this was not something that could be considered by the Licensing Panel but that planning restrictions would still apply and were regulated by the planning authority.

The Panel attached the following conditions to the licence to address the concerns of nearby residents, as proposed by the applicant in the application:

- A CCTV system will be installed, or the existing system maintained, such system to be fit for the purpose
- The CCTV system shall be capable of producing immediate copies of recordings on site. Copies of the recording will either be recorded on good quality video tape or digitally on to CD/DVD or other equivalent medium
- Any recording will be retained and stored in a suitable and secure manner for a minimum of 14 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request
- The precise positions of the cameras may be agreed, subject to compliance with Data Protection legislation, with the police from time to time
- The system will display, on any recording, the correct time and date of the recording
- The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity
- The applicant will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police
- A 'Challenge 21' (or equivalent) scheme shall be adopted so that all cashiers are trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 21 years, for evidence of age. This evidence shall be photographic, such as a passport or photographic driving licence until other effective identification technology is adopted by the licence holder (for example, thumb print or pupil recognition). All cashiers will be instructed, through training, that a sale shall not be made unless this evidence is produced. Prominent notices will be displayed in the store advising customers that they may be asked to provide evidence of age

Interested parties and responsible authorities may apply for a review of the licence on a ground relating to one or more of the licensing objectives should there be any

relevant issues arising from the operation of the premises licence at any stage in the future. The four licensing objectives are: the Prevention of Crime and Disorder; Prevention of Public Nuisance; Public Safety and Protection of Children from Harm.

The applicant and objectors have a right of appeal to the Cambridge Magistrates' Court within 21 days of receiving notification of this decision.

Signed:
Councillor A Riley (Chairman)

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Councillor MB Loynes

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Councillor JF Williams

Dated: 8 October 2008