

LICENSING (2003 ACT) SUB-COMMITTEE

WEDNESDAY, 22 OCTOBER 2008

DECISION

Set out below is the decision taken at the meeting of the Licensing (2003 Act) Sub-Committee held on Wednesday, 22 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.

2. DECLARATIONS OF INTEREST

Cllr JF Williams informed the hearing that although he was a member of the Council's Planning Committee, he was not in attendance at either the site visit or the Planning Committee meeting on 3 September when a planning application relating to these premises was considered.

3. APPLICATION FOR A PREMISES LICENCE, LALBERGH RESTAURANT 49 ALMS HILL, BOURN



South
Cambridgeshire
District Council

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

Date of Hearing:

22 October 2008

Members
Panel:

of

Councillor A Riley – Chairman
Councillor Mrs VM Barrett
Councillor JF Williams

Applicant(s)
Name:

M & M Choudhury

Premises
Address:

49 Alms Hill
Bourn
Cambridge
CB23 2SH

Date
Application:

of 28 August 2008

Application:

Premises licence

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
E - Live Music – Indoors only		<p>Approved:</p> <p>Up to 12 regulated entertainment events are permitted each calendar year finishing at midnight</p>	
Monday	12:00 – 15:00 17:00 – 00:00		
Tuesday	12:00 – 15:00 17:00 – 00:00		
Wednesday	12:00 – 15:00 17:00 – 00:00		
Thursday	12:00 – 15:00 17:00 – 00:00		
Friday	12:00 – 15:00 17:00 – 00:00		
Saturday	12:00 – 15:00 17:00 – 00:00		
Sunday	12:00 – 15:00 17:00 – 00:00		
A maximum of 12 events for the Calendar year (wedding ceremony)			

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
F - Recorded music – Indoors only		<p>Approved:</p> <p>Up to 12 regulated entertainment events are permitted each calendar year finishing at midnight</p>	
Monday	12:00 – 15:00 17:00 – 00:00		
Tuesday	12:00 – 15:00 17:00 – 00:00		
Wednesday	12:00 – 15:00 17:00 – 00:00		
Thursday	12:00 – 15:00 17:00 – 00:00		
Friday	12:00 – 15:00 17:00 – 00:00		
Saturday	12:00 – 15:00 17:00 – 00:00		
Sunday	12:00 – 15:00 17:00 – 00:00		
A maximum of 12 events for the Calendar year (wedding ceremony)			

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
G - Performance of Dance – Indoors only		<p>Approved:</p> <p>Up to 12 regulated entertainment events are permitted each calendar year finishing at midnight</p>	
Monday	12:00 – 15:00 17:00 – 00:00		
Tuesday	12:00 – 15:00 17:00 – 00:00		
Wednesday	12:00 – 15:00 17:00 – 00:00		
Thursday	12:00 – 15:00 17:00 – 00:00		
Friday	12:00 – 15:00 17:00 – 00:00		
Saturday	12:00 – 15:00 17:00 – 00:00		

Sunday	12:00 – 15:00 17:00 – 00-00		
A maximum of 12 events for the Calendar year (wedding ceremony)			

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
I - Provision of facilities for making music – Indoors only		Approved: Up to 12 regulated entertainment events are permitted each calendar year finishing at midnight	
Monday	12:00 – 15:00 17:00 – 00-00		
Tuesday	12:00 – 15:00 17:00 – 00-00		
Wednesday	12:00 – 15:00 17:00 – 00-00		
Thursday	12:00 – 15:00 17:00 – 00-00		
Friday	12:00 – 15:00 17:00 – 00-00		
Saturday	12:00 – 15:00 17:00 – 00-00		
Sunday	12:00 – 15:00 17:00 – 00-00		
A maximum of 12 events for the Calendar year (wedding ceremony)			

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
J - Provision of facilities for dancing – Indoors only		Approved: Up to 12 regulated entertainment events are permitted each calendar year finishing at midnight	
Monday	12:00 – 15:00 17:00 – 00-00		
Tuesday	12:00 – 15:00 17:00 – 00-00		
Wednesday	12:00 – 15:00 17:00 – 00-00		
Thursday	12:00 – 15:00 17:00 – 00-00		
Friday	12:00 – 15:00 17:00 – 00-00		
Saturday	12:00 – 15:00 17:00 – 00-00		
Sunday	12:00 – 15:00 17:00 – 00-00		
A maximum of 12 events for the Calendar year (wedding ceremony)			

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
L – Late night refreshment – Indoors only		Modified: Friday and Saturday only 23:00 – 23:30, other days excluded Up to 12 regulated	To be consistent with the opening hours granted
Monday	23:00 – 00-00		
Tuesday	23:00 – 00-00		

Wednesday	23:00 – 00:00	entertainment events are permitted each calendar year finishing at midnight at which late night refreshment should finish at midnight.	
Thursday	23:00 – 00:00		
Friday	23:00 – 00:00		
Saturday	23:00 – 00:00		
Sunday	23:00 – 00:00		
Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
M – Supply of alcohol – Both On and Off the premises		Approved Up to 12 events are permitted each calendar year at which the supply of alcohol finishes at 23:30	
Monday	12:00 – 14:30 17:00 – 22:30		
Tuesday	12:00 – 14:30 17:00 – 22:30		
Wednesday	12:00 – 14:30 17:00 – 22:30		
Thursday	12:00 – 14:30 17:00 – 22:30		
Friday	12:00 – 14:30 17:00 – 23:00		
Saturday	12:00 – 14:30 17:00 – 23:00		
Sunday	12:00 – 14:30 17:00 – 22:30		

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
Hours premises are open to the public		Approved Up to 12 events are permitted each calendar year at which the premises are open until midnight.	
Monday	12:00 – 15:00 17:00 – 23:00		
Tuesday	12:00 – 15:00 17:00 – 23:00		
Wednesday	12:00 – 15:00 17:00 – 23:00		
Thursday	12:00 – 15:00 17:00 – 23:00		
Friday	12:00 – 15:00 17:00 – 23:30		
Saturday	12:00 – 15:00 17:00 – 23:30		
Sunday	12:00 – 15:00 17:00 – 23:00		

Prior to consideration of the application for a premises licence, it was noted that the applicant had made an amendment to the application involving a reduction in timings concerning the opening hours and supply of alcohol.

The Panel considered the application very carefully and had due regard to the Licensing Act 2003, the accompanying Guidance and Regulations and the SCDC Licensing Policy. They heard the evidence of the applicant who said he had amended his application to help allay the concerns of his neighbours. The Panel also heard from the Environmental Health Officer that he had been working with the applicant regarding the siting of an extraction system at the premises. The applicant said that the extraction system was to be sited in such a way that there should be no external noise. The applicant also said that he would like an extension of hours on a very occasional basis so that wedding celebrations could be held on the premises.

The Panel also heard from four representees who lived close to the premises who welcomed the modified application and the information given concerning the proposed installation of the extraction system, but continued to express concerns about potential nuisance to their properties from the premises. The representees sought clarification of the potential conflict with the existing planning consent and were informed that the Planning and Licensing systems operated independently of each, but that action could be sought by a planning enforcement if the applicant breached the terms of his planning consent.

Concern was also expressed about the extension of the licence to off sales given the proximity of the nearby playing field. It should be noted that under Guidance, conditions relating to public nuisance caused by the antisocial behaviour of customers once they are beyond the control of the licence holder cannot be justified. Beyond the vicinity of the premises any individual engaging in antisocial behaviour is accountable in his own right. The representees were informed they had the right to a review of the licence if such a link could be proved in the future.

The Panel decided to **APPROVE** the licence application as amended to allow the licensable activities during the hours set out in the tables above. The applicant agreed that the following conditions should be attached to the licence to address the public nuisance concerns of nearby residents:

- No customers shall be permitted to drink outside the premises
- Bottles and other refuse shall not be placed in outside receptacles between 22:00-08:00hrs
- Prominent, clear and legible notices shall be displayed at all exits, requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
- All doors and windows shall be kept closed during licensed entertainment events, except to allow access and egress from the premises, and if it proves necessary a self-closing device shall be fitted to the main entrance door to the premises.

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 Mrs VM Barrett

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Councillor JF Williams

Dated: 22 October 2008