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14 October 2008



To: Chairman – Councillor A Riley  
Members of the Licensing (2003 Act) Sub-Committee – Councillors  
Mrs VM Barrett, A Riley and JF Williams

Applicants: M & M Choudhury, 49 Alms Hill, Bourn, CB23 2SH

Representee(s): Mr B Heffernan, Environmental Protection Team Leader, SCDC  
R & J Knight, Brook Farm House, 32 Alms Hill, Bourn, CB23 2SH  
Mr I Hildrew, 43 Alms Hill, Bourn, CB23 2SH  
Ms S Hildrew, 43 Alms Hill, Bourn, CB23 2SH  
Mr M Bradford, 47 Alms Hill, Bourn, CB23 2SH  
P & O Williams, 51 Alms Hill, Bourn, CB23 7SH

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 Lalbagh Restaurant, 49 Alms Hill, Bourn. The hearing will be held in the **JEAVONS ROOM, FIRST FLOOR** meeting room at South Cambridgeshire Hall on **WEDNESDAY, 22 OCTOBER 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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## AGENDA

	<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 A PREMISES LICENCE, LALBERGH RESTAURANT, 49 ALMS HILL, BOURN</b> Appendices A and D are not available electronically	<b>3 - 8</b>

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

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- **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.

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### **Banners, Placards and similar items**

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**

Since 1 July 2008, the Council has operated a new Smoke Free Policy. Visitors are not allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

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Visitors are asked to make sure that their phones and other mobile devices are set on silent / vibrate mode during meetings or are switched off altogether.

## 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**

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<b>REPORT TO:</b>	Licensing Sub-Committee (2003 Act)	22 October 2008
<b>AUTHOR/S:</b>	Corporate Manager, Health and Environmental Services/Assistant Licensing Officer	

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**APPLICATION FOR PREMISES LICENCE:  
LALBAGH RESTAURANT  
(FORMALLY KNOWN AS THE DUKE OF WELLINGTON)  
49 ALMS HILL, BOURN**

**The Application**

1. The application (**APPENDIX A**) to grant a premises licence at Lalbagh Restaurant formally known as the Duke of Wellington, 49 Alms Hill, Bourn was received by the Licensing Section in accordance with the Licensing Act 2003.

**Background**

2. Previously the premises operated as a Public House, however ceased trading on 22 April 2007. The premises licence was surrendered to the Authority on 2 August 2007. The previous licence has not been included in this report as it is imperative for Members to be mindful of their responsibilities with regard to determining a licence application on its individual merits.
3. The premise is in a village location with residential properties in close proximity to the restaurant as seen in (**APPENDIX B**). The internal layout of the premises can be viewed under (**APPENDIX C**). The restaurant is situated on a main road, which runs through the village, the back of the property looks onto a recreation area.

**Relevant Representations**

4. Relevant representations have been received from the Environmental Health Officer and persons in the vicinity of the premises. Representations reflect concerns under the Prevention of Public Nuisance objective of the Licensing Act. (**APPENDIX D**).
5. As part of a mediation process that took place after the receipt of representations, the applicant verbally proposed a reduction in hours. At the time of writing this report the Authority had not received written communication to confirm these proposals, therefore the application at this stage stands as stated in Appendix A.

**Officer's Views**

6. 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**

7. 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**

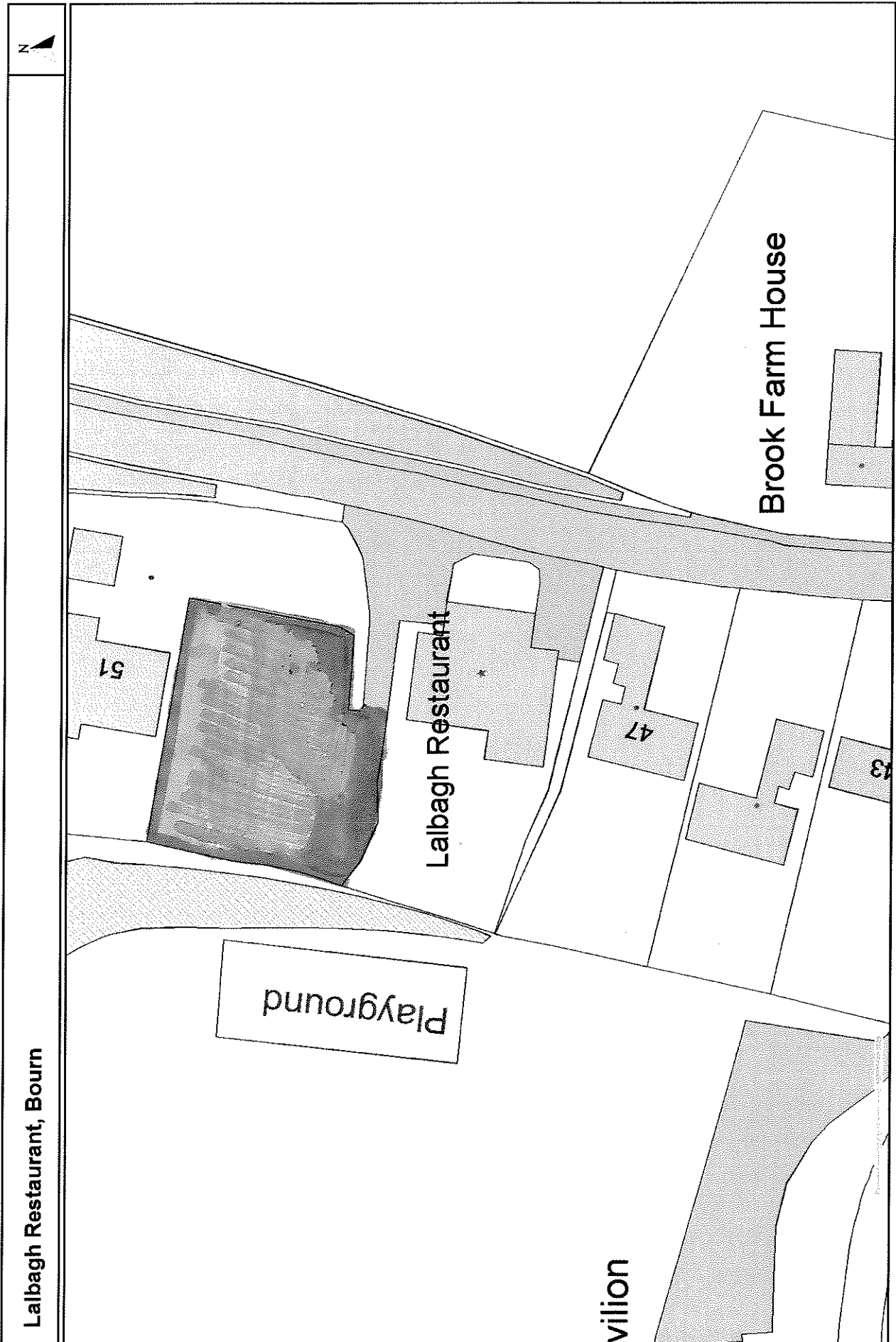
**The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or club premises certificate for the prevention of public nuisance:**

- 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**

8. 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  
Tel: (01954) 713144



Lalbagh Restaurant, Bourn

Date 29/9/2008

Scale 1/577

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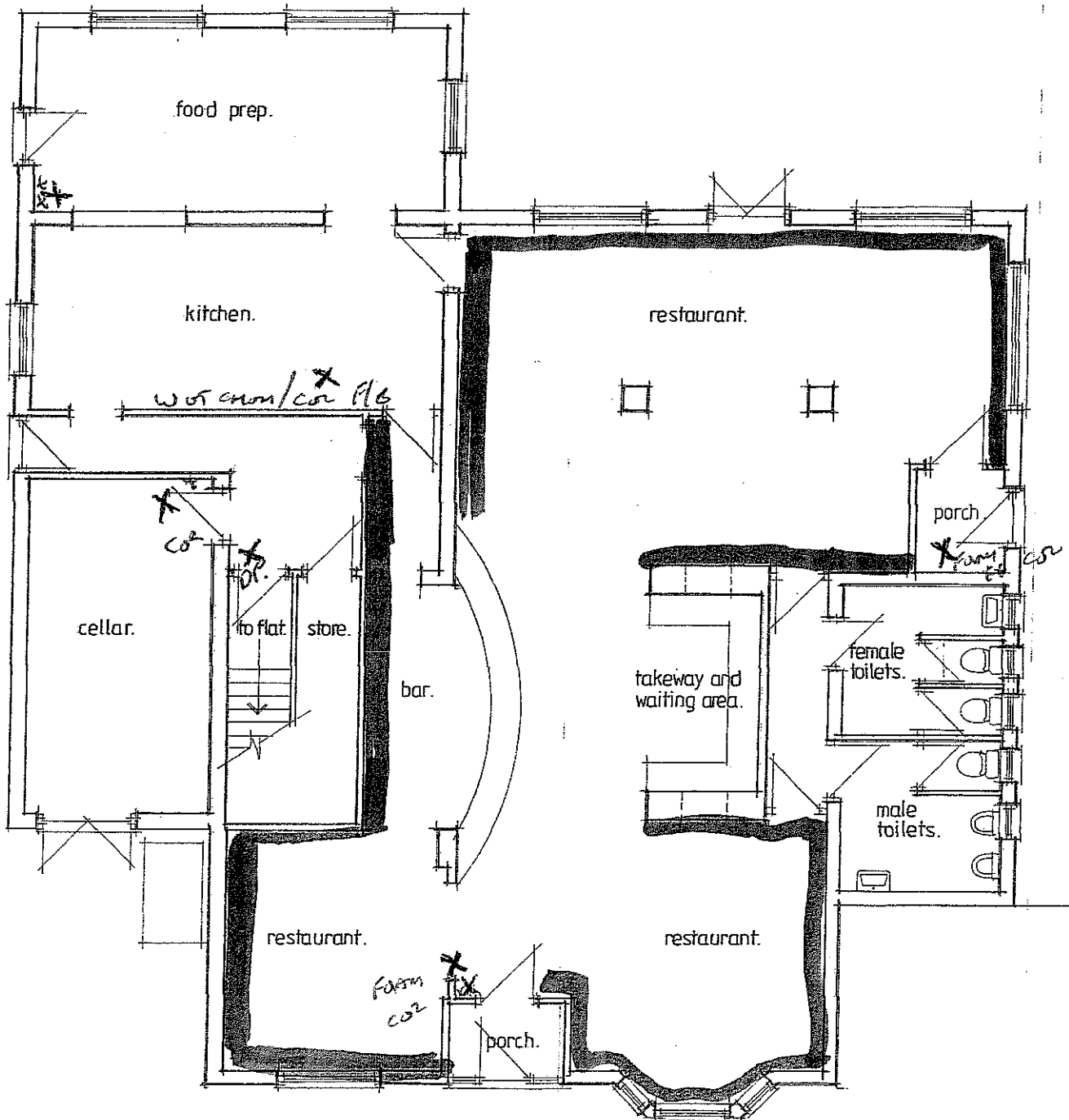
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# RESTAURANT WITH TAKEAWAY SERVICE THE DUKE OF WELLINGTON ALMS HILL BOURN CAMBRIDGE

X fire equipment

█ Licencable Area



PROPOSED GROUND FLOOR PLAN.

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