

South Cambridgeshire District Council Licensing (2003 Act) Sub-Committee

Date of Hearing: 14 August 2020
Applicant: Whittlesford Social Club
Premises address: 14 High Street, Whittlesford, CB22 4LT
Application: Variation of Club premises licence

Those present at the hearing:
Sub-Committee: Councillor Anna Bradnam (Chair)
Councillor Bill Handley
Councillor Deborah Roberts

SCDC Officers: Jane Jackson, Licensing Officer
Paul Weller, Legal Adviser
Suzanne Christie, Environmental Health Officer
Victoria Wallace, Democratic Services Officer

Applicant: Mr Philip Chapman (representing Whittlesford Social Club)

Representatives: Mr Nick Guest
Mrs Michelle Young
Councillor Richard Williams

Appointment of Chair

Councillor Anna Bradnam was appointed as the Sub-Committee Chair.

Declarations of Interest

There were no declarations of interest.

The application

The application to vary a Club Premises Licence for Whittlesford Social Club, 14 High Street, Whittlesford, CB22 4LT was received by the licensing department and sent out for consultation on 25 June 2020. The application was accompanied by:

- The required fee
- An operating schedule
- A plan of the premises

The requirements for advertising and displaying relevant notices were carried out in accordance with the Licensing Act 2003.

The application is for a variation of a Club Licence SCDCCP0038 to remove the following licence condition:

No alcohol supplied under the scope of the club premises certificate shall be consumed other than within the confines of that part of the premises interior, as is more particularly denoted and annotated "Consumption of Alcohol" upon the floor plan dated 21st July 2005 as is incorporated within the operating schedule to the certificate.

Background

The premises can be found on the High Street, Whittlesford, which is mainly residential with a few businesses nearby.

As required by the Licensing Act policy, the application was sent to all responsible authorities for consultation as part of the licensing application process.

Notification of the application was sent to 105 neighbouring properties.

A photograph of the Blue Notice correctly displayed was received. The Notice was advertised in the Cambridge Evening News on 3 July 2020.

As part of the application process, the applicant was made aware of the representations.

Relevant representations

Written representations were received from Environmental Health and 22 interested parties. The applicant's response to the representations was received on 30 July 2020 and this response was sent to the interested parties along with the Environmental Health representation. None of the representations had been withdrawn. At the hearing, the Sub-Committee made it clear that it had taken into account all of those representations. Although not all those making representations attended the hearing, a number of residents attended and spoke on behalf of themselves and other respondents.

Observations:

The panel heard representations from the applicant, Environmental Health, local residents and the local Member.

The applicant explained the circumstances and reasons for the application to vary the current licence. He acknowledged residents' concerns regarding parking but did not consider that the variation to the current licence would have an impact on this. The club's committee had ensured conditions of the current licence had been complied with and would ensure that conditions applied to the variation of the licence if granted, would also be complied with. The applicant would be prepared to look at the time frame for the use of the outside area.

The main concerns highlighted in the representations made were:

- The area in which the club was located was predominantly residential, with neighbouring properties in very close proximity to the club. Neighbours had expressed concerns regarding the impact of noise and smoke from the club on their properties and gardens.
- There were concerns about parking.
- The variation in the licence would be to the detriment of the neighbours and would be too much of a change for the neighbours.
- In the light of the Covid-19 pandemic, concerns were raised regarding social distancing and the ability to maintain this in the space available.
- There were concerns that problems with anti-social behaviour and noise which had occurred before 2012 when sale and consumption of alcohol was permitted outside, would reoccur.

Decision

Taking all the above into account the Sub-Committee **refused** to grant the variation of the Club Premises Licence.

The reasons:

- The situation had not changed since the conditions of the current licence were imposed in 2012. Having heard all the representations, the Sub-Committee did not consider that there were grounds to vary the licence or remove the condition.
- The premises were on the high street in the centre of the village which was mainly residential and with neighbouring properties in very close proximity, which made them very vulnerable to noise and other disturbance. The Sub-Committee was concerned that any variation of the conditions of the current licence would negatively impact on the residents of these neighbouring properties.
- The Sub-Committee was concerned that variation to the licence may cause a return of behaviour that was experienced on the premises before the condition was imposed and was not persuaded that the Club would be able to put in sufficient control measures in mitigation.
- The applicant maintained that this request to vary the condition was driven by the need to adjust to the Covid-19 pandemic, but the Sub-Committee was not persuaded by the applicant's arguments.

The Sub-Committee did not consider that the measures proposed by the applicant would have addressed the four licensing objectives.

The Sub-Committee recognised that parking had been an issue, however this was outside the remit of the Hearing.

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

Signed:

Councillor Anna Bradnam (Chair)

Councillor Bill Handley

Councillor Deborah Roberts

Dated: 14 August 2020