

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Licensing Sub-Committee (2003 Act)  
**AUTHOR/S:** Director Health & Environmental. Services

1 March 2019

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### APPLICATION TO GRANT A PREMISES LICENCE TL41394 56836

#### The Application

1. The application to grant a Premises Licence for TL41394 56836 was received by the licensing department on the 10 December 2018. The requirements for advertising and displaying relevant notices were carried out in accordance with the Licensing Act 2003 (**APPENDIX A**)

The application is for the Grant of a new Premises Licence.

The requested days and times for opening, Supply of Alcohol, Provision of Films, Provision of Live Music, Recorded Music and Provision of Performance of Dance applied for are as follows:-

#### **SATURDAY & SUNDAY**

Opening Hours:	11.00 to 23.00
Supply of Alcohol	12:00 to 22.30 (on the premises)
Provision of Films	11.00 to 23.00 (both indoors and outdoors)
Provision of Live Music	11.00 to 23.00 (both indoors and outdoors)
Provision of Recorded Music	11.00 to 23.00 (both indoors and outdoors)
Provision of Performance of Dance	11.00 to 23.00 (both indoors and outdoors)

#### Background

2. The premise, TL41394 56836, is a green field sited on Haggis Farm, Barton, Cambridge. The entrance of which is off Grantchester Road. The nearest residential properties are shown on the map (**APPENDIX B**)

The purpose of this licence is to hold an event at the premises for one period of up to two consecutive days from Saturday to Sunday inclusive on one occasion in each calendar year

3. As required by the Licensing Act policy, the application was sent to all responsible authorities for consultation as part of the licensing application process. No representations have been received by the responsible authorities.
4. Photographs of the Blue Notice displayed were received (**APPENDIX C**).
5. The Notice was advertised in the Cambridge Evening News (**APPENDIX D**).
6. On the 3 January 2019 it was brought to the attention of the licensing department that the blue notice was not visible.

An officer visited the premises and confirmed that the blue notice was not displayed correctly.

The application was sent out for consultation again. Confirmation of correct display of Blue Notice was received on the 7 Jan 2019 (**APPENDIX E**)

7. On the 15 January 2019 an email was received with an attached site plan and a link to the Management Plans that are requested five months before the event as part of the additional conditions of the proposed licence - Security Report (**APPENDIX F**), General Risk Assessment (**APPENDIX G**), Fire Safety Management Plan (**APPENDIX H**), Transport Management Plan (**APPENDIX I**), Event Safety, Management Plane – Introduction (**APPENDIX J**), Construction Phase Plan (**APPENDIX K**), Adverse Weather Plan (**APPENDIX L**) and Emergency Management Plan (**APPENDIX M**) - Site Plan (**APPENDIX N**)
8. On the 1 February 2019 a memo was sent to Licensing from Environmental Health with a request for changes to the application and additional conditions to be added to the licence when issued. (**APPENDIX O**)
9. On 4 February 2019 letters of support were received (**APPENDIX P**)
10. As part of the application process the applicant has been made aware of the representations

### **Relevant Representations**

11. No representations have been received from the responsible authorities however representations have been made by interested parties

7 January 2019 a representation was received (**APPENDIX Q**).

11 January 2019 a representation was received (**APPENDIX R**)

The representations submitted by representees relate primarily to Public Nuisance, The Prevention of Crime and Disorder and Public Safety objectives.

### **Officer's Views**

Members when considering the application should be aware that they may only take into consideration the parts of the application that represent the licensing objectives.

1. The Prevention of Crime and Disorder
2. Public Safety
3. The prevention of public nuisance
4. The protection of children from harm

Members have the right under the Licensing Act 2003 to determine this application after considering any relevant representations, Members may

- a. Accept the proposed application as submitted
- b. Reject the application
- c. Agree the application but impose conditions that promote the relevant licensing objectives

## Legislation Guidance

Members should also be aware of the Secretary of states guidance under S182 of the Licensing Act 2003 which states:-

*Public nuisance retains its broad common law meaning for the purpose of this Act. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbances affecting the whole community. It may also include in appropriate circumstances the reduction of there living and working amenity and environment of interested parties in the vicinity of the premises. Beyond the vicinity of the premises these are matters for personal responsibility of individuals under the law.*

The Guidance goes on to state:-

*It is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder cannot be justified and will not serve to promote the licensing objectives*

## Policy Considerations

Conditions referred to within the South Cambridgeshire Licensing Policy relating to the prevention of public nuisance, public safety and the prevention of crime & disorder.

### Example conditions relating to the prevention of public nuisance.

- a. Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties
- b. 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.
- c. The placing of refuse - such as bottles- into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
- d. 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.
- e. 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).

### Example conditions relating to the prevention of crime and disorder

- a. Door Supervisors (registered with the SIA – 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.

a. Bottle Bans

It is recognised that glass vessels (i.e. 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.

b. 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

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

### **Example conditions relating to 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:

- a. 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.
- b. 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.
- c. Restrictions may be necessary on parts of a premise used for certain licensable activities at certain times.

### **Conditions relating to Public Safety (including fire safety)**

Conditions relating to public safety will be those that are necessary to promote the objective of public safety for individual premises or clubs. They should not duplicate other legal requirements. Equally the attachment of conditions to a premises licence or club premises certificate will not relieve employers of the statutory duty to comply with the requirements of Health and Safety legislation and the requirements under the management of Health and Safety at Work regulations 1999 and the Fire Precautions (Workplace) *regulations 1997 to undertake risk assessments*.

### **Legal Implications**

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

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