

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Sub-Committee (2003 Act) 15 November 2019
AUTHOR/S: Director Health & Environmental. Services

APPLICATION TO GRANT A PREMISES LICENCE TL44498 62106

The Application

1. The application to grant a Premises Licence for TL44498 62106 was received by the licensing department on the 23 September 2019. 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:-

THURSDAY (One per year in December)

| | |
|-----------------------------------|--|
| Opening Hours: | 11:00 to 02:00 |
| Supply of Alcohol | 12:00 to 01:00 (on the premises) |
| Provision of Live Music | 12:00 to 01:00 (indoors) |
| Provision of Recorded Music | 12:00 to 01:00 (both indoors and outdoors) |
| Provision of Performance of Dance | 12:00 to 01:00 (both indoors and outdoors) |
| Entertainment Similar to E,F,G | 12:00 to 01:00 (both indoors and outdoors) |
| Late Night Refreshment | 12:00 to 01:00 (indoors) |

FRIDAY, SATURDAY & SUNDAY (WINTER Mid November to 1st January one event per week on Friday or Saturday. SUMMER May to September Fridays & Saturdays Only)

| | |
|-----------------------------------|--|
| Opening Hours: | 11:00 to 02:00 |
| Supply of Alcohol | 12:00 to 01:00 (on the premises) |
| Provision of Live Music | 12:00 to 01:00 (indoors) |
| Provision of Recorded Music | 12:00 to 01:00 (both indoors and outdoors) |
| Provision of Performance of Dance | 11:00 to 23:00 (both indoors and outdoors) |
| Entertainment Similar to E,F,G | 12:00 to 01:00 (both indoors and outdoors) |
| Late Night Refreshment | 12:00 to 01:00 (indoors) |

Background

2. The premise, TL44498 62106, is a green field sited on Holiday Inn Cambridge, Lake View, Bridge Road, Impington, CB24 9PH. The entrance of which is off Bridge Road. The nearest residential properties are shown on the map (**APPENDIX B**)

The purpose of this licence is to hold eight events at the premises on a Friday or Saturday with a condition of only one event to be held on a Thursday during a 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 18th October 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 E**)
7. As part of the application process the applicant has been made aware of the representations which were received.

Relevant Representations

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

A total of 19 representations have been received during the consultation period
The representations submitted by representees relate primarily to Public Nuisance.
(**APPENDIX F**)

9. On 22 October 2019 representees were responded to with details of the conditions which would apply to the premise licence if granted as recommended by the Responsible Authorities - Environmental Health and Licensing. (**APPENDIX G**)
10. Responses to Appendix G were collated and emailed to the applicant and will be replied to in due course.
At time of preparation of this Agenda 3 representations have been withdrawn following the receipt of Appendix G (**APPENDIX H**)

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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