

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Sub-Committee (2003 Act) 12 December 2007
AUTHOR/S: Corporate Manager, Health & Environmental Services / Assistant Licensing Officer

APPLICATION TO VARY EXISTING CLUB PREMISES CERTIFICATE CONDITIONS: NEWTON SPORTS & SOCIAL CLUB, HARSTON ROAD, NEWTON

The Application

1. The application (**Appendix A**) to vary the existing licence for the Newton Sports & Social Club was accepted by the licensing section on the 26 October 2007. The requirements for advertising and displaying relevant notices were carried out in accordance with the Licensing Act 2003.

The premises are currently permitted to open: (Licence attached as **Appendix B**)

- Monday to Saturday between 10.00am and 23.00pm,
- Sunday 12.00 Midday to 22.30 pm,
- Good Friday 12.00 midday to 15.00 pm and 19.00 pm to 22.30 pm
- Premises are licensed for both on and off licence sales to club members and their guests only.
- Provision of Recorded Music (Indoors Only) see original licence as attached at Appendix B.

Background

2. The premises are in a village location, on the end of a private road, with residential properties to both sides of the club building. The premises doors open onto a main road to the front of the building. There is car parking to the front of the premises. (Map attached as **Appendix C**)
3. The variation application is:
 - **To allow Live Music Indoors Only**
Monday to Saturday 10.00 hours to 0.00 hours
Sunday 12.00 hours to 00.00 hours
New Years Eve 11.00 hours to 00.00
New Years Day 00.00 hours to 23.00
 - **To allow Recorded Music Indoors Only**
Monday to Saturday 10.00 hours to 0.00 hours
Sunday 12.00 hours to 00.00 hours
New Years Eve 11.00 hours to 00.00
New Years Day 00.00 hours to 23.00
 - **To allow Performance of Dance Indoors Only**
Monday to Saturday 10.00 hours to 0.00 hours
Sunday 12.00 hours to 00.00 hours
New Years Eve 11.00 hours to 00.00
New Years Day 00.00 hours to 23.00
 - **To allow Anything of a Similar Description to (e), (f) or (G)**
Monday to Saturday 10.00 hours to 0.00 hours
Sunday 12.00 hours to 00.00 hours

New Years Eve 11.00 hours to 00.00

New Years Day 00.00 hours to 23.00

- **To allow the Supply of Alcohol on or on behalf of a club member**

Monday to Saturday 10.00 hours to 00.00 hours

Sunday 12.00 hours to 00.00 hours

- **To allow Club Premises Open to Member and Guests**

Monday to Saturday 10.00 hours to 00.30 hours

Sunday 12.00 to 00.30

Relevant Representations

4. Representations had been received from:

Environmental Health Officer

Local Residents

Letters attached as **Appendix D**.

Officer's Views

5. When considering the application, Members should be aware that they may only take into consideration the parts of the application that represent a variation. They may accept the application as submitted, reject the application or vary the application further by restricting times and activities and/or imposing conditions relevant to the licensing objectives.
6. Members should also be aware that each application must be considered on its individual merits and any decision must clearly focus on the promotion of one or more of the four statutory objectives which are :- The prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. Each objective is of equal importance and it is important to note that there are no other licensing objectives.
7. S.182 Guidance issued by Central Government, whilst not legally binding, is clear that Licensing Law is not the primary mechanism for the general control of individuals once they are away from licensed premises and therefore beyond the direct control of the individual licensee or certificate holder. However, licensees or certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example, on the pavement, in a beer garden or smoking shelter, where and to the extent that these matters are within their control.
8. The guidance also goes on to state that there is no general presumption in favour of lengthening licensing hours within the Licensing Act and the four licensing objectives must be paramount considerations at all times. Where there are representations to an application and the committee believes that changing the hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.
9. The representations submitted by the general public relate to Public nuisance and Prevention of Crime & Disorder, guidance from the SCDC Licensing Policy and Secretary of State Guidance is offered on these matters below.

Policy Considerations

10. Guidance issued under section 182 of the Act outlines a number of conditions that may be used to promote the four objectives. Whilst this list is not exhaustive it is an indication to applicants of the conditions that may be considered appropriate in individual cases.
11. It should be noted that in addition to any relevant conditions placed on a premise that it is unlawful under the 2003 Act:
 - 1) to knowingly sell or supply or attempt to sell or supply alcohol to a person who is drunk
 - 2) to knowingly allow disorderly conduct on licensed premises
 - 3) for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
 - 4) To allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements will therefore be unnecessary

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.*

Conditions relating to Crime and Disorder

a) Door Supervisors (registered with the 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.

b) Bottle bans

It is recognised that glass vessels (ie bottles and glasses) may be used as weapons inflicting serious harm during incidents of disorder. Conditions may include:

1. 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.

c) 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.

d) *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

Legal Implications

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

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