

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Licensing Sub-Committee (2003 Act) 20 February 2008  
**AUTHOR/S:** Corporate Manager Health and Environmental Services/ Assistant Licensing Officer

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### APPLICATION TO VARY EXISTING CLUB PREMISES CERTIFICATE BEACH SOCIAL CLUB, WATERBEACH

#### The Application

1. The application (**APPENDIX A**) to vary the existing certificate for the Beach Social Club was accepted on the 8 January 2008. The requirements for advertising and displaying relevant notices were carried out in accordance with the Licensing Act 2003.

#### Background

2. This Hearing is in place of a previous one cancelled on the 10 January 2008, due to the applicants withdrawing the application.
3. The Club is located in a residential area of the village of Waterbeach, with neighbours situated in close proximity to the premises (**APPENDIX B**). The internal layout of the premises can be seen attached (**APPENDIX C**). The Beach Social Club currently holds the following permissions under a club premises certificate;

#### Opening Hours

Monday to Saturday	10.00	to	23.20
Sunday	12.00	to	22.50
New Years Eve	10.00	to	00.00
New Years Day	00.00	to	23.20

#### Supply of Alcohol by or on behalf of a club, or to the order of, a member of the club for consumption on and off the premises.

Monday to Saturday	10.00	to	23.00
Sunday	12.00	to	22.30
New Years Eve	10.00	to	00.00
New Years Day	00.00	to	23.00

#### The Variation Application is:

##### Films (Indoors only)

Monday to Saturday	12.00	to	23.00
Sunday	12.00	to	22.00

##### Indoor sporting Events

Monday to Sunday	12.00	to	23.00
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**Live Music (Indoors only)**

Monday to Thursday	12.00	to	23.00
Friday and Saturday	12.00	to	00.00
Sunday	12.00	to	22.30
New Years Eve	12.00	to	02.00

**Recorded Music (Indoors only)**

Monday to Thursday	12.00	to	23.00
Friday and Saturday	12.00	to	00.00
Sunday	12.00	to	22.30
New Years Eve	12.00	to	02.00

**Performance of Dance (Indoors only)**

Monday to Thursday	12.00	to	23.00
Friday and Saturday	12.00	to	00.00
Sunday	12.00	to	22.30

**Anything of a similar description to that falling within (e), (f) or (g) (Indoors only)**

Monday to Thursday	12.00	to	23.00
Friday	12.00	to	00.00
Saturday	12.00	to	00.00
Sunday	12.00	to	22.30

**Provision of facilities for making music (Indoors only)**

Monday to Thursday	12.00	to	23.00
Friday and Saturday	12.00	to	00.00
Sunday	12.00	to	22.30

**Provision of facilities for dancing (Indoors only)**

Monday to Thursday	12.00	to	23.00
Friday and Saturday	12.00	to	00.00
Sunday	12.00	to	22.30
New Years Eve	12.00	to	02.00

**Provision of facilities for entertainment of a similar description to that falling within (i) or (j) (Indoors only)**

Monday to Thursday	12.00	to	23.00
Friday and Saturday	12.00	to	00.00
Sunday	12.00	to	22.30

**Supply of Alcohol (On Licence)**

Monday to Thursday	10.00	to	23.00
Friday and Saturday	10.00	to	00.00
Sunday	10.00	to	22.30
Boxing Day	10.00	to	23.30
Bank Holidays (Sat, Sun, Mon)	10.00	to	23.30

**Hours Premises are Open to Members and Their Guests**

Monday to Thursday	10.00	to	23.30
Friday and Saturday	10.00	to	00.30
Sunday	10.00	to	23.00
Boxing Day	10.00	to	00.00
Bank Holidays (Sun & Mons)	10.00	to	00.00

## **Relevant Representations**

4. Relevant representations have been received from local residents (**APPENDIX D**). The representations are linked to the Licensing Objectives stated in s.4(2) of the Licensing Act 2003 and primarily concern Public Nuisance and Crime and Disorder.
5. A representation from the Environmental Health Officer was withdrawn as the applicant agreed to all conditions to be added to the licence (**APPENDIX E**).
6. No other representations have been received from any of the Responsible Authorities.

## **Officer's Views**

7. 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 for variation or impose conditions that promote the relevant Licensing Objectives. The representations made are based on the public nuisance and crime and disorder objectives and decisions imposed must relate to these objectives only. Guidance in the South Cambridgeshire District Council Licensing Policy in relation to such issues states conditions maybe considered and examples are listed under the relevant sections below.

## **Policy Considerations**

8. 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.

### **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. 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.

#### **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
9. Members should be aware that at page 5 of the Councils Licensing Policy it stresses that every application will be dealt with impartially and on its individual merits. It also points out in the same paragraph that it is aware of its new powers under the Anti Social Behaviour Act (s.40, 41 noise causing a public nuisance) and is also aware that the use of conditions and the application of Licensing Law should be used as a tool in the control of anti – social behaviour either by groups or individuals once these groups or individuals are beyond the direct control of a person or organisation responsible for licensed premises.

#### **Legal Implications**

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

**Contact Officer:** Juli Stallabross – Assistant Licensing Officer  
Telephone: (01954) 713024