

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Licensing Sub-Committee (2003 Act) 18 July 2008  
**AUTHOR/S:** Corporate Manager, Health & Environmental Services / Licensing Officer

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### APPLICATION FOR PREMISES LICENCE AT 16A NORMAN WAY INDUSTRIAL ESTATE OVER

#### The Application

1. The application was made in accordance with the Licensing Act 2003 on 28 May 2008. The application requests permission for regulated entertainment, provision of entertainment facilities, late night refreshment and retail sale of alcohol. The applicant has highlighted adult activities in box N of the application. For full details of the application and timings and plan of the premises please see **Appendix A**. An external map indicating proximity of the premises to nearby businesses and residential properties is also attached as **Appendix B**.

#### Background

2. The premise is situated on the Over Industrial Estate amongst a number of industrial units. The units are predominately used for retail commercial use and presently a locked metal gate secures the entrance to the estate after 19.00 hrs when the units are not in use. The nearest residential property is physically located approximately 100 yards away on Longstanton Road.
3. As part of the application process the applicant has notified all the responsible authorities, including Police, Fire, Environmental Health and Social Services (Child protection) in accordance with the requirements of the Act.

#### Relevant Representations

4. Relevant representations, **Appendix C**, have been received from interested parties and a responsible authority, namely the Police. These representations broadly speaking are on the grounds that to grant the licence would undermine public nuisance objectives, protection of children from harm and crime prevention; therefore any decisions regarding this application should focus on these particular objectives.

#### Officer's Views

5. Members must be mindful that only licensable activities can be considered in determining this application, The role of the Licensing Authority is primarily to regulate the carrying on of the licensable activity at the premises. Any other activity carried on at the premises that are not part of the application under the Licensing Act should not be taken into consideration when considering the application.
6. The Sub Committee should be reminded that the Licensing Act should not be used as a tool to control matters beyond the Licensing objectives when these are covered by existing legislation such as Planning, Health And Safety at work, Fire reform Act or Criminal laws.

7. Members should seek to focus the Hearing on the need to promote the particular licensing objectives which have given rise to representations and should avoid straying into undisputed areas. Members have the right under the Licensing Act 2003 to determine this application and after considering any relevant representations may:

- Accept the application as submitted,
- Reject the application for a licence or
- Grant the application subject to such conditions that Members may consider necessary for the promotion of the licensing objectives. This may involve, for example, a restriction on or exclusion of one or more Licensable activities or the imposition of restrictions on times, or the introduction of additional conditions to promote one or more licensing objectives.

## **Policy Considerations**

### **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 the protection of children from harm**

#### **e) Proof of Age cards**

Conditions may be attached to premises where alcohol is sold requiring the production of proof of age cards before any sale of alcohol takes place.

The Portman Group operates a code of practice on the naming, packaging and promotion of Alcoholic Drinks. The code seeks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. Via its website and in the trade press it issues bulletins notifying retailers of products that breach this code and asks them not to re-stock or display any such product or point of display material until such time as the code is complied with.

In certain circumstances it may be necessary to attach conditions requiring premises to comply with the Portman Group Code of Practice.

### **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

Members should be aware that at page 5 of the Council's 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**

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

**Background Papers:** the following background papers were used in the preparation of this report:

Guidance issued under S.182 of the Licensing Act 2003 (July 2007 version)  
Licensing Act 2003  
South Cambridgeshire Licensing Policy

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