

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Sub-Committee (2003 Act) 22 October 2008
AUTHOR/S: Corporate Manager, Health and Environmental Services/Assistant Licensing Officer

APPLICATION FOR PREMISES LICENCE: LALBAGH RESTAURANT (FORMALLY KNOWN AS THE DUKE OF WELLINGTON) 49 ALMS HILL, BOURN

The Application

1. The application (**APPENDIX A**) to grant a premises licence at Lalbagh Restaurant formally known as the Duke of Wellington, 49 Alms Hill, Bourn was received by the Licensing Section in accordance with the Licensing Act 2003.

Background

2. Previously the premises operated as a Public House, however ceased trading on 22 April 2007. The premises licence was surrendered to the Authority on 2 August 2007. The previous licence has not been included in this report as it is imperative for Members to be mindful of their responsibilities with regard to determining a licence application on its individual merits.
3. The premise is in a village location with residential properties in close proximity to the restaurant as seen in (**APPENDIX B**). The internal layout of the premises can be viewed under (**APPENDIX C**). The restaurant is situated on a main road, which runs through the village, the back of the property looks onto a recreation area.

Relevant Representations

4. Relevant representations have been received from the Environmental Health Officer and persons in the vicinity of the premises. Representations reflect concerns under the Prevention of Public Nuisance objective of the Licensing Act. (**APPENDIX D**).
5. As part of a mediation process that took place after the receipt of representations, the applicant verbally proposed a reduction in hours. At the time of writing this report the Authority had not received written communication to confirm these proposals, therefore the application at this stage stands as stated in Appendix A.

Officer's Views

6. 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 or impose conditions that promote the relevant Licensing objectives. The representations made are based on the Public Nuisance objectives and therefore any decisions imposed must relate to this objective only. Guidance in the South Cambridgeshire District Council Licensing Policy in relation to such issues states that conditions maybe considered and examples are listed under the relevant section below.

Policy Considerations

7. 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.**

Legal Implications

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

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