

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Licensing Sub-Committee (2003 Act)

12 October 2012

**AUTHOR/S:** Director, Health & Environmental Services

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### **APPLICATION TO VARY EXISTING CLUB PREMISES CERTIFICATE CONDITIONS: WHITTLESFORD SOCIAL CLUB, 14 HIGH STREET, WHITTLESFORD**

#### **The Application**

1. The application (**APPENDIX A**) to vary the existing licence for the Whittlesford Social Club, Whittlesford was accepted by the licensing section on the 17 August 2012.
2. The requirements for advertising and displaying relevant notices were carried out in accordance with the Licensing Act 2003 after alterations to the original date.
3. The variation application is:
  - **To allow Live Music (Indoors and outdoors)**  
Monday and Tuesday 19.30pm – 23.30pm  
Wednesday to Saturday 10.00am – 23.30pm  
Sunday 10.00am – 22.30pm  
Christmas Eve 10.00am – 01.00am  
Christmas Eve (if falls on Monday or Tuesday) 19.30pm – 01.00am
  - **To allow Recorded Music (Indoors and outdoors)**  
Monday and Tuesday 19.30pm – 23.30pm  
Wednesday to Saturday 10.00am – 23.30pm  
Sunday 10.00am – 22.30pm  
Christmas Eve 10.00am – 01.00am  
Christmas Eve (if falls on Monday or Tuesday) 19.30pm – 01.00am
  - **To allow Anything of a Similar Description to (e), (f) or (G) (indoors and outdoors)**  
Monday and Tuesday 19.30pm – 23.30pm  
Wednesday to Saturday 10.00am – 23.30pm  
Sunday 10.00am – 22.30pm
  - **To allow the Provision of Facilities for Dancing (Indoors only)**  
Monday to Saturday 10.00am – 23.30pm  
Sunday 10.00am – 22.30pm
  - **To allow Provision of facilities for entertainment of a similar description falling within (i) or (J) (inside and outside)**  
Monday to Sunday 10.00am to 23.30 hours
  - **To allow the Supply of Alcohol (Inside & outside)**  
Monday to Saturday 10.00am – 23.30pm  
Sunday 10.00am to 22.30pm  
Christmas Eve 10.00am – 01.00am

- **To allow Club Premises Open to Member and Guests**  
Monday to Saturday 10.00am - Midnight  
Sunday 10.00am - 23.00pm  
Christmas Eve 10.00am – 01.30am

**The premises are currently permitted to open:**

- Monday to Sunday 24 hours/unlimited

**To allow the Supply of Alcohol (Inside only)**

- Monday to Saturday between 11.00am and 23.20pm
- Sunday 12.00 Midday to 22.50 pm
- New Years Eve from 11.00 am - 36 hours allowed (as granted by Central Government)
- Premises are licensed for both on and off licence sales to club members and their guests only.

**Background**

4. The premises are in a village location, with residential properties located to both sides, the front and rear of the building. The premises car park opens onto a main road leading through Whittlesford village.
5. There is a small car parking area to the side of the premises, which also has a smoking shelter and seating close to the entrance to the club. (Map attached as **APPENDIX B**)
6. The premises currently hold a Club premises certificate, license No SCDCCP0038 (**Appendix C**).
7. Complaints were received relating to the activities of the premises in respect of noise, anti social behaviour and licensable activities to the Council's Health and Environmental Services between May 2010 and April 2011.
8. These matters were raised directly with the Club Secretary and a subsequent letter clarifying the clubs permissions was sent on the 1 December 2010. (**Appendix D**).

**Relevant Representations**

9. Representations have been received from:

Cambridgeshire Constabulary  
Environmental Health Officer  
Local Residents  
Letters attached as (**APPENDIX E**).

**Officer's Views**

10. When considering the application Members should be aware that they may only take into consideration the parts of the application that represent a variation to the original licence.

## **Policy Considerations**

11. The 2003 Act requires that licensing conditions attached to a licence should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore these individual aspects should be avoided.
12. Licensing authorities should ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives. Consideration should also be given to wider issues such as conditions already in place that address the potential negative impact on the promotion of the licensing objectives and the track record of the business.
13. Licensing authorities should not seek to impose conditions that may duplicate any requirements or prohibitions that could be imposed under other regulatory regimes, i.e. fire safety etc.
14. Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested. Such consideration may also be given when considering extending the scope of licensable activities from indoors to both indoors and outdoors.
15. The Sub Committee must be aware that with effect from 1 October 2012 the Live Music Act passed into law which significantly affects the powers of any Licensing Committee in respect of permissions or conditions relating to Live music.
16. The Live Music Act 2012 introduces the following amendments to the Licensing Act 2003:-
  - amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises;
  - amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment); and
  - unamplified live music between 8am and 11pm in all venues.
17. The Live Music Act will also remove licensing requirements for the provision of entertainment facilities.

## **Legal Implications**

18. All 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: Licensing Act 2003

Amended Guidance Issued under S.182 of the Licensing Act 2003

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