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**TITLE: APPLICATION FOR THE VARIATION OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003**

Committee: Licensing Sub-Committee

Date: 10 September 2014

Author: Licensing Officer

[P72]

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1.0 PURPOSE/SUMMARY OF REPORT

1.1 To consider and determine an application for the variation of a premises licence in respect of Grand Central 5-5a Annesdale Ely CB7 4BN.

2.0 RECOMMENDATION(S)

2.1 That Members determine the application, having regard to:

- the evidence presented by the parties to the hearing;
- the Licensing Act 2003;
- the licensing objectives;
- Government s182 Revised Guidance issued under the Licensing Act 2003; and
- the Council's Revised Statement of Licensing Policy.

3.0 BACKGROUND/OPTIONS

Details of application

3.1 An application for a variation of a premises licence under Section 34 of the Licensing Act 2003 for Grand Central 5-5a Annesdale Ely CB7 4BN was submitted to the Licensing Authority on 16 July 2014 by TLC Inns Ltd Woodland Place Hurricane Way Wickford SS11 8YB (**Appendix 1**).

3.2 The premises is a restaurant fronting the riverside waterfront, previously known as The Boathouse.

3.3 The premises licence currently issued to Grand Central operates under 'grandfather rights' from the Licensing Act 1964. Sale of alcohol is permitted from Monday to Saturday 11:00 to 00:00 hours, Sundays, Good Friday and Christmas Day 12:30 to 23:30 hours and from the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

3.4 The current opening hours of the premises are Monday to Sunday 00:01 to 00:00 hours.

- 3.5 Although consumption of alcohol is not a licensable activity, it is advisable for all alcohol consumption areas to be marked on the premises licence plan. Applicants / premises licence holders can volunteer specific conditions for alcohol consumption areas to be added to the premises licence operating schedule to assist them in achieving compliance with the four licensing objectives of the Act
- 3.6 Currently the outside eating/drinking area is not marked on Grand Central's premises licence plan nor are there any specific licensing conditions contained in the premises licence operating schedule to cover this area.
- 3.7 Regulated entertainment is not permitted on the current premises licence but as the premises operates as a restaurant it is possible for 'themed' background music to be played during opening times as this is deemed ancillary to the main use of the premises as a restaurant.

Statutory provision & activities and times applied for

- 3.8 The application for variation seeks to provide:
- Sale of alcohol Monday to Sunday 09:00 to 00:30 hours, from end of prescribed hours New Year's Eve to start of prescribed hours on New Year's Day and the annual date of the Superbowl 09:00 to 05:00 hours. Outside drinking to cease at 23:00 hours.
  - Provision of regulated entertainment – plays, films, indoor sporting events, live music, recorded music, performance of dance and entertainment of a similar description Monday to Sunday 09:00 to 00:30 hours, from end of prescribed hours New Year's Eve to start of prescribed hours on New Year's Day and the annual date of the Superbowl 09:00 to 05:00 hours. Outside drinking to cease at 23:00 hours.
  - Provision of late night refreshment Monday to Sunday 23:00 to 00:30 hours, from end of prescribed hours New Year's Eve to start of prescribed hours on New Year's Day and the annual date of the Superbowl 23:00 to 05:00 hours. Outside drinking to cease at 23:00 hours.
  - Removal of embedded conditions under the Licensing Act 1964.
  - Addition of workable and enforceable conditions to the premises licence operating schedule.
  - Changes to the premises plan to include the outside eating/drinking area for consumption of alcohol from 09:00 to 23:00 hours daily.
  - Continuation of the current opening hours of the premises Monday to Sunday 00:01 to 00:00 hours.

### Mandatory conditions

- 3.9 The following conditions are required by law to be imposed upon the new premises licence by the Licensing Act 2003:

#### **Mandatory Conditions: Premises Licence - Sale by Retail of Alcohol**

1. No supply of alcohol may be made under the premises licence:
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

#### **Mandatory Conditions: Premises Licence - Irresponsible Drink Promotions**

1. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
  - (i) the outcome of a race, competition or other event or process, or
  - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

#### **Mandatory Conditions: Premises Licence - Dispense of Alcohol**

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

#### **Mandatory Conditions: Premises Licence - Provision of Free Tap Water**

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

#### **Mandatory Conditions: Premises Licence - Age Verification Policy**

1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
2. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

#### **Mandatory Conditions: Premises Licence - Measures of Alcohol**

The responsible person shall ensure that:

- a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml;
  - (iii) still wine in a glass: 125 ml; and

- b) customers are made aware of the availability of these measures.

**Mandatory Condition: Premises Licence - No sale of Alcohol for less than the Permitted Price**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price less than the permitted price.

2. For the purposes of the condition set out in paragraph 1:

- a) 'duty' is to be construed in accordance with the Alcoholic Liquor Duties Act 1979);

- b) 'permitted price' is the price found by applying the formula:

$$P = D + (D \times V)$$

where:

- (i) P is the permitted price,  
(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and  
(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- c) 'relevant person' means, in relation to premises in respect of which there is in force a premises licence:
- (i) the holder of the premises licence,  
(ii) the designated premises supervisor (if any) in respect of such a licence, or  
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d) 'relevant person' means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- e) 'value added tax' means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ('the first day') would be different from the permitted price on the next day ('the second day') as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### Licensing objectives addressed by the applicant

- 3.10 The applicant has undertaken a risk assessment to identify the following steps in relation to the four licensing objectives listed below:

#### General – all four licensing objectives

- A sensible drinking policy to be in place.

#### The prevention of crime and disorder

- CCTV to be operated at the premises internally and externally.
- No drinks promotions or discounts to be offered.
- No glassware or drinking to be allowed outside the premises after 23:00 hours.

#### Public safety

- Appropriate external lighting to be provided.
- All escape routes to be highlighted and staff to be trained in the process of evacuating the building.
- Correct fire extinguishers to be kept in place on the premises.

#### The prevention of public nuisance

- Clear and legible notices to be prominently displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- Except for ingress to and egress from the premises, all doors and windows to remain closed during events involving regulated entertainment.

- The volume of the amplified music in premises to be turned down after 00:30 hours.
- Internal live music to cease at 00:30 hours on any night.
- Recorded music between the hours of 00:00 and 00.30 to be limited to background music only.
- Regular monitoring of noise levels to take place outside the premises. Staff to aurally check external areas regularly for elevated noise levels during events involving regulated entertainment and appropriate measures taken to reduce and control noise emissions at that time if considered likely to cause excess disturbance to neighbouring properties. Written records of checks to be kept and made available to the Local Authority on request.

#### The protection of children from harm

- Staff training to be given in relation to proof of age, underage drinking and refusal register.
- Proof of age scheme "Challenge 25" or current official proof of age scheme to be adhered to.

#### Outside seating area conditions

- The following conditions to apply to the external area adjacent to the side of the premises as edged on the plan lodged with the Licensing Authority showing that external area.
- Cambridgeshire County Council's policy for "Tables and chairs positioned on the public highway" to apply to the premises outside pavement dining area.
- Application to first be made to Cambridgeshire County Council Highway Authority and County Council officers to assess the application before any tables and chairs are permitted to be located on the public highway outside the premises.
- Whilst the external seating area is in use by the premises, it must be adequately supervised; checks must be made at half hourly intervals (this to include removal of empty glassware and breakages etc.)
- The area used to be clearly delineated by barriers provided by the venue and to be limited to 13 tables accommodating 60 covers in all.

- Whilst that area is in use by the premises, the staff must ensure that persons using that area are seated and within the area delineated by the barriers provided by the premises.
- Whilst the area is in use by the premises, staff must ensure any customers who may be smoking in that area do not encroach upon the public right of way and allow free and unfettered access to persons wishing to use it.
- The external side seating area must not be used by the venue after 23:00 hours each evening.
- The Police will liaise with the Management concerning use of this area by the venue and in the event that there should be any issues that undermine one or more of the licensing objectives, the Management, having been notified, will use their best endeavours to address the situation in good time and if necessary remove the tables from use until such a time it is agreed by the Police in writing that those concerns are addressed.
- The Environmental Health Officer will liaise with the Management concerning use of this area by the venue and in the event that there should be any issues that undermine the public nuisance licensing objective, the Management having been notified will use their best endeavours to address the situation in good time and if such issue is not addressed and a public nuisance is proved, if necessary the tables and chairs will be removed from use until such time as it is agreed in writing by the Environmental Health Officer and those concerns are addressed.
- Notices to be placed in the external area, requesting customers to respect the needs of local residents.
- Notices to be placed in the external area requesting customers to ensure that they remain within the approved area and do not take glass drinking vessels from that area.

#### Consultation/Representations

- 3.11 In accordance with legislation, the applicant displayed a notice on the premises where it could be conveniently read by the public for 28 consecutive days and placed a notice in a local paper circulating within the vicinity of the premises within 10 working days after the date of submission of the application to the Council (**Appendix 2**). The last date for the receipt of representations was 13 August 2014.
- 3.12 Results of the consultation exercise with the statutory responsible authorities and members of the public are as follows:

Cambridgeshire Constabulary	No representation
Cambridgeshire Fire & Rescue Service	No representation

Cambridgeshire CC Children's Services	No representation
Cambridgeshire CC Trading Standards	No representation
Cambridgeshire CC Public Health Programmes	No representation
Environmental Health (Health and Safety)	No representation
Environmental Health (Environmental Protection)	No representation
Planning Authority	No representation
Members of the public	Representations received

- 3.13 A representation form for other persons dated 4 August 2014 from Mrs Jacqueline Crick 4 Annesdale Ely CB7 4BN regarding the public nuisance licensing objective (**Appendix 3**).
- 3.14 A representation form for other persons dated 5 August 2014 from Mrs Lilija Povedaiko-Tamosaitis 8 Annesdale Ely CB7 4BN regarding the public nuisance licensing objective (**Appendix 4**).
- 3.15 A representation form for other persons dated 12 August 2014 from Mr Robert and Mrs Ann Powell 13 Annesdale Ely CB7 4BN regarding the public nuisance licensing objective was deemed not relevant on 22 August 2014.
- 3.16 A representation form for other persons dated 28 July 2014 from Mr Stephen and Mrs Virginia Watkinson 9 Annesdale Ely CB7 4BN regarding the public nuisance licensing objective was deemed not relevant on 22 August 2014.
- 3.17 All representations raised were emailed to the applicant TLC Inns Ltd on 14 August 2014.
- 3.18 For ease of reference the areas of concern and the relevance of each representation raised are detailed in table form (**Appendix 5**).
- 3.19 A mediation meeting was held on 20 August 2014 for local residents raising representations to meet with representatives of TLC Inns Ltd at the Council offices to discuss their areas of concern.

Conditions put forward by Responsible Authorities and agreed with the Applicant

- 3.20 No conditions have been put forward by any of the Responsible Authorities that could be added to the premises licence operating schedule.

**East Cambridgeshire District Council's Revised Statement of Licensing Policy October 2010**

- 3.21 The following sections of the Council's Revised Statement of Licensing Policy are relevant: 1.30-1.34, 1.57-1.58, 1.62-1.65, 2.1 to 2.9 and 5.1 to 5.7 (**Appendix 6**).

**S182 Revised Statutory Guidance to the Licensing Act 2003**

- 3.22 The following sections of the Revised Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant: 1.16, 1.17, 2.18-2.24, 9.38-9.40 and 10.8-10.13 (**Appendix 7**).

### **Planning History**

- 3.23 No planning application for change of use is necessary for the downstairs area of the premises.

## **4.0 CONCLUSIONS/DETERMINATION OF APPLICATION**

- 4.1 The mediation meeting held on 20 August 2014 allowed local residents to raise and discuss their concerns in person with Jo and Steve Haslam who are both the owners of the premises and directors of TLC Inns Ltd.
- 4.2 The notes of the mediation meeting were circulated to all parties on 27 August 2014 (**Appendix 8**).

## **5.0 Determination of Application for the Grant of a Premises Licence**

- 5.1 Members are requested to consider the application on its merits, and in accordance with the Revised Statutory Guidance issued under s182 Licensing Act 2003, the Council's Revised Statement of Licensing Policy, the information contained within this report, and having had due regard to the applicant and the parties/authorised bodies making relevant representations.
- 5.2 Having regard to the representations made by other persons, the licensing authority can determine the variation of a premises licence application as follows:
- a) to grant the premises licence variation;
  - b) to reject the whole or part of the application;
  - c) to modify the conditions of the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 5.3 Members must provide the reasons for their decisions.

## **6.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT**

- 6.1 There are no costs associated with this report.

- 6.2 Should there be a decision to modify the conditions of the licence or reject the whole or part of the application the applicant can appeal to the Magistrates' Court. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 6.3 Where a person who made relevant representations in relation to the application desires to contend that any variation made ought not to have been made or that when varying the licence the licensing authority ought not to have modified the conditions of the licence or ought to have modified them in a different way the person who made the relevant representation may appeal against the decision. There will be costs associated with this process. The right of appeal is 21 days from the date of notification of the decision.
- 6.4 An Equality Impact Assessment (EIA) is not required, as this does not relate to a service provided by the Council or a decision on a change of policy, but an application for a licence by an individual/ organisation.

## 7.0 APPENDICES

- |     |            |   |
|-----|------------|---|
| 7.1 | Appendix 1 | Premises licence application  |
| 7.2 | Appendix 2 | Premises application newspaper notice   |
| 7.3 | Appendix 3 | Representation dated 4 August 2014 from Mrs Jacqueline Crick 4 Annesdale Ely CB7 4BN            |
| 7.4 | Appendix 4 | Representation dated 5 August 2014 from Mrs Lilija Povedaiko-Tamosaitis 8 Annesdale Ely CB7 4BN |
| 7.5 | Appendix 5 | Table of areas of concern raised in representations made by other persons                       |
| 7.6 | Appendix 6 | ECDC Revised Statement of Licensing Policy  |
| 7.7 | Appendix 7 | Revised Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003   |
| 7.8 | Appendix 8 | Notes of the mediation meeting of 20 August 2014  |

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<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer</u></b>
Licensing Act 2003	Room SF208 The Grange Ely	Lin Bagwell Licensing Officer  01353 616477  lin.bagwell@eastcambs.gov.uk
Home Office Revised Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 June 2014		
ECDC Revised Statement of Licensing Policy 12 October 2010		

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### Legal and Public Notices

#### LICENSING ACT 2003

Notice is hereby given that TLC Inns Ltd has 17th July 2014 applied to East Cambridgeshire District Council, The Grange, Nutholt Lane, Ely, Cambridgeshire, CB7 4PL for the variation of a Premises License for Grand Central 5 Annesdale Ely. The application provides for plays, films, indoor sporting events, live music, recorded music, performance of dance, entertainment of a similar description, provision of late night refreshment and sale by retail of alcohol:

Monday to Sunday 09:00 to 00:30

From end of prescribed hours New Year's Eve to start of prescribed hours New

Year's Day.

Annual date of Superbowl 09:00 to 05:00

Any person wishing to make representations to this application may do so by submitting a completed representation form to Environmental Services, Licensing Section, The Grange, Nutholt Lane, Ely, Cambridgeshire, CB7 4PL by 13th August 2014

A copy of the form to make representations on can be downloaded from the Council's web site [www.eastcambs.gov.uk](http://www.eastcambs.gov.uk) or by telephoning 01353 665555.

The application can be viewed, by appointment, at the Council Offices during normal office hours (Monday to Thursday 08:45 to 17:00 and Friday 08:45 to 16:30). It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction is a Level 5 fine on the standard scale.

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14/00571

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We TLC INNS LTD  
*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 14/00226/LIQ_02
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description GRAND CENTRAL 5-5A ANNESDALE			
Post town	ELY	Postcode	CB7 4BN
Telephone number at premises (if any)	01353 664388		
Non-domestic rateable value of premises	£14085.00		

**Part 2 – Applicant details**

Daytime contact telephone number		07958209480	
E-mail address (optional)		JO@TLCINNS.CO.UK	
Current postal address if different from premises address		TLC INNS LTD WOODLAND PLACE HURRICANE WAY	
Post town	WICKFORD	Postcode	SS11 8YB

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?  Yes  No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation** (Please see guidance note 2)  
**TO ADD CHANGES TO THE PREMISE PLAN AND THE REMOVAL OF EMBEDDED CONDITIONS UNDER LICEINCING ACT 1964**

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of a play take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	0900 -----	0030 -----			
Tue	0900 -----	0030 -----	<b><u>State any seasonal variations for performing plays</u></b> (please read guidance note 5)		
Wed	0900 -----	0030 -----			
Thur	0900 -----	0030 -----	<b><u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6) NEW YEARS EVE : from end of prescribed hours New Year Eve to start of prescribed hours new years day. Superbowl: Annual date of superbowl 0900-0500. Outside drinking to cease at 2300		
Fri	0900 -----	0030 -----			
Sat	0900 -----	0030 -----			
Sun	0900 -----	0030 -----			

**B**

Films Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	0900	0030	<b>Please give further details here</b> (please read guidance note 4)		
Tue	0900	0030			
Wed	0900	0030	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)		
Thur	0900	0030			
Fri	0900	0030	<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6) NEW YEARS EVE : from end of prescribed hours New Year Eve to start of prescribed hours new years day. Superbowl: Annual date of superbowl 0900-0500. Outside drinking to cease at 2300		
Sat	0900	0030			
Sun	0900	0030			

**C**

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon	0900	0030	
Tue	0900	0030	<b>State any seasonal variations for indoor sporting events</b> (please read guidance note 5)
Wed	0900	0030	
Thur	0900	0030	<b>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</b> (please read guidance note 6)
Fri	0900	0030	NEW YEARS EVE : from end of prescribed hours New Year Eve to start of prescribed hours new years day. Superbowl: Annual date of superbowl 0900-0500. Outside drinking to cease at 2300
Sat	0900	0030	
Sun	0900	0030	

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon	0900	0030			
Tue	0900	0030			
Wed	0900	0030	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur	0900	0030			
Fri	0900	0030	<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6) NEW YEARS EVE : from end of prescribed hours New Year Eve to start of prescribed hours new years day. Superbowl: Annual date of superbowl 0900-0500. Outside drinking to cease at 2300		
Sat	0900	0030			
Sun	0900	0030			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon	0900	0030			
Tue	0900	0030	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed	0900	0030			
Thur	0900	0030	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6) NEW YEARS EVE : from end of prescribed hours New Year Eve to start of prescribed hours new years day. Superbowl: Annual date of superbowl 0900-0500. Outside drinking to cease at 2300		
Fri	0900	0030			
Sat	0900	0030			
Sun	0900	0030			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon	0900	0030			
Tue	0900	0030	<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Wed	0900	0030			
Thur	0900	0030	<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6) NEW YEARS EVE : from end of prescribed hours New Year Eve to start of prescribed hours new years day. Superbowl: Annual date of superbowl 0900-0500. Outside drinking to cease at 2300		
Fri	0900	0030			
Sat	0900	0030			
Sun	0900	0030			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	0900	0030		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	0900	0030	<b>Please give further details here</b> (please read guidance note 4)		
Wed	0900	0030			
Thur	0900	0030	<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)		
Fri	0900	0030			
Sat	0900	0030	<b>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 6) NEW YEARS EVE : from end of prescribed hours New Year Eve to start of prescribed hours new years day. Superbowl: Annual date of superbowl 0900-0500. Outside drinking to cease at 2300		
Sun	0900	0030			

**I**

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)		
Mon	2300	0030			
Tue	2300	0030			
Wed	2300	0030	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)		
Thur	2300	0030			
Fri	2300	0030	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6) NEW YEARS EVE : from end of prescribed hours New Year Eve to start of prescribed hours new years day. Superbowl: Annual date of superbowl 0900-0500. Outside drinking to cease at 2300		
Sat	2300	0030			
Sun	2300	0030			

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	0900	0030			
Tue	0900	0030			
Wed	0900	0030			
Thur	0900	0030			
Fri	0900	0030			
Sat	0900	0030			
Sun	0900	0030	<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6) NEW YEARS EVE : from end of prescribed hours New Year Eve to start of prescribed hours new years day. Superbowl: Annual date of superbowl 0900-0500. Outside drinking to cease at 2300		

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

**L**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)		
Day	Start	Finish
Mon	00:01	00:00
Tue	00:01	00:00
Wed	00:01	00:00
Thur	00:01	00:00
Fri	00:01	00:00
Sat	00:01	00:00
Sun	00:01	00:00

**Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list** (please read guidance note 6)  
 NEW YEARS EVE : from end of prescribed hours New Year Eve to start of prescribed hours new years day.  
 Superbowl: Annual date of superbowl 0900-0500.  
 Outside drinking to cease ay 2300

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.  
 REMOVAL OF EXISITNG EMBEDDED CONDITONS FROM LICENCING ACT 1964

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

# M

**Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:**

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

SEE ATTACHED LIST

**b) The prevention of crime and disorder**

SEE ATTACHED LIST

**c) Public safety**

SEE ATTACHED LIST

**d) The prevention of public nuisance**

SEE ATTACHED LIST

**e) The protection of children from harm**

SEE ATTACHED LIST

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee; or  
I have not made or enclosed payment of the fee because this application has been made in  
relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where  
applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be  
rejected.

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING  
LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003,  
TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.**

**Part 5 – Signatures** (please read guidance note 11)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	16-7-14.
Capacity	Director

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 14) Mrs Jo Haslam TLC INNS LTD Woodland Place Hurricane Way			
<b>Post town</b>	wickford	<b>Post code</b>	SS11 8YB
<b>Telephone number (if any)</b>	07958209480 or 01268 764741		
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b> jo@tlcinns.co.uk			

### **Conditions consistent with the Operating Schedule**

1. A sensible drinking policy to be in place.
2. Staff training to be given in relation to proof of age, under age drinking and refusal register.
3. CCTV to be operated at the premises internally and externally.
4. Appropriate external lighting to be provided.
5. No drinks promotions or discounts to be offered.
6. All escape routes to be highlighted and staff to be trained in the process of evacuating the building.
7. Correct fire extinguishers to be kept in place on the premises.
8. No glassware or drinking to be allowed outside the premises after 23:00 hours.
9. Proof of age scheme "Challenge 25" or current official proof of age scheme to be adhered to.
10. Clear and legible notices to be prominently displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
11. Except for ingress to and egress from the premises, all doors and windows to remain closed during events involving regulated entertainment.
12. The volume of the amplified music in the premises to be turned down after 00:30 hours.
13. Internal live music to cease at 00:30 hours on any night.
14. Recorded music between the hours of 00:00 and 00:30 to be limited to background music only.
15. Regular monitoring of noise levels to take place outside the premises. Staff to aurally check external areas regularly for elevated noise levels during events involving regulated entertainment and appropriate measures taken to reduce and control noise emissions at that time if considered likely to cause excess disturbance to neighbouring properties. Written records of checks to be kept and made available to the Local Authority on request.

### **Outside Seating Area Conditions**

1. The following conditions to apply to the external area adjacent to the side of the premises as edged on the plan lodged with the Licensing Authority showing that external area.
2. Cambridgeshire County Council's policy for "Tables and chairs positioned on the public highway" to apply to the premises outside pavement dining area.
3. Application to first be made to Cambridgeshire County Council Highway Authority and County Council officers to assess the application before any tables and chairs are permitted to be located on the public highway outside the premises.
4. Whilst the external seating area is in use by the premises, it must be adequately supervised; checks must be made at half hourly intervals (this to include removal of empty glassware and breakages etc.)
5. The area used to be clearly delineated by barriers provided by the venue and to be limited to 13 tables accommodating 60 covers in all.
6. Whilst that area is in use by the premises, the staff must ensure that persons using that area are seated and within the area delineated by the barriers provided by the premises.
7. Whilst the area is in use by the premises, staff must ensure any customers who may be smoking in that area do not encroach upon the public right of way and allow free and unfettered access to persons wishing to use it.
8. The external side seating area must not be used by the venue after 23:00 hours each evening.
9. The Police will liaise with the Management concerning use of this area by the venue and in the event that there should be any issues that undermine one or more of the licensing objectives, the Management, having been notified, will use their best endeavours to address the situation in good time and if necessary remove the tables from use until such a time it is agreed by the Police in writing that those concerns are addressed.
10. The Environmental Health Officer will liaise with the Management concerning use of this area by the venue and in the event that there should be any issues that undermine the public nuisance licensing objective, the Management having been notified will use their best endeavours to address the situation in good time and if such issue is not addressed and a public nuisance is proved, if necessary the tables and chairs will be removed from use until such time as it is agreed in writing by the Environmental Health Officer and those concerns are addressed.
11. Notices to be placed in the external area, requesting customers to respect the needs of local residents.
12. Notices to be placed in the external area requesting customers to ensure that they remain within the approved area and do not take glass drinking vessels from that area

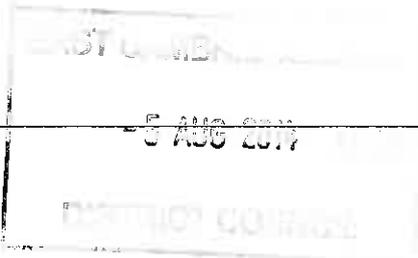






**THE LICENSING ACT 2003  
REPRESENTATION FORM FOR OTHER PERSONS**

An 'other person' is any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of the geographic proximity to the premises.

Full name	Jacqueline Crick	
Title	Mrs	
Postal address (inc post code)	4 Annesdale Ely Cambs, CB7 4BN	
Contact telephone number	01353 657482	
Mobile telephone number	—	
Email address	—	

Name of premises you are making a representation about	Grand Central
Address of the premises you are making a representation about	5 Annesdale Ely, Cambs., CB7 4AT

This section is about your representation which must relate to one or more of the Licensing Objectives.  
Please detail the evidence supporting your representation under the relevant headings, the reason for raising the representation and include all matters you wish to be considered (use additional sheets if necessary).  
When considering representations the Licensing Authority may take into account documentary evidence or other information produced by 'other persons' either before the hearing or, with the consent of all parties, at the hearing.

Which licensing objective(s) does your representation relate to?	Detail the evidence supporting your representation, or the reason(s) for your representation (use additional sheets if necessary)
The prevention of crime and disorder	Public safety
—	—

The prevention of public nuisance <i>Noise and disturbance</i>	The protection of children from harm  
Suggested conditions that could be added to assist the Licensing Authority in determining this application, or other suggestions you would like the Licensing Authority to take into account (use additional sheets if necessary) <i>I strongly object to the extension of licensing opening hours at the Grand Central restaurant (TLC Inns Ltd.) at 5 Annesdale, Ely to stage: live music, dancing, live sport and live american superbowl.          The position of Grand Central is in the middle of terrace of          it'd (see additional sheet)</i>	

If the Licensing Authority considers that relevant representations have been raised, a mediation meeting between the relevant parties (if all agree) may be arranged to try to reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be arranged unless all representations are withdrawn.

All representations in their entirety will be disclosed to the applicant for a premises licence or club premises certificate.

Signed *JM Crick /c* Date *4-8-14*

Please print designation *MRS JACQUELINE CRICK, OWNER*

Please return this form along with any additional sheets to:

Licensing Team  
 Environmental Services  
 East Cambridgeshire District Council  
 The Grange  
 Nutholt Lane  
 Ely  
 CB7 4EE

Telephone: 01353 665555

Email: [licensing@eastcambs.gov.uk](mailto:licensing@eastcambs.gov.uk)

**This form must be returned within the statutory period, which is 28 days from the day after the day on which the applicant served the application on the Licensing Authority.**

**Due to tight timescales involved and to assist the determination of the application process any representations should be forwarded to the Licensing Authority as soon as possible and preferably within 14 days of notification of the application.**

**If in any doubt, please contact the Licensing Team as above.**

victorian houses with families living either side. At this present time, the noise penetrates through the walls resulting in high level of noise e.g. loud music, loud voices, laughing, banging of doors.

After closing time, cleaning takes place, moving of furniture, loud music playing, staff shouting and laughing until 1.30 a.m. My sleep is disturbed.

At the rear of the property, where the kitchens are located, there would be more disturbance effecting the neighbourhood which includes pots & pans clattering, music playing, loud voices, emptying bins, extraction fans in operation. Also there are air conditioning units operating continuously, well into the early hours of the morning.

I have had discussions with proprietors and managers to reduce the levels of disturbance but this was to no satisfactory outcome for the residents.

The Annesdale community is very concerned about the impact of this proposal.

JM Coile

4.8.14



THE LICENSING ACT 2003  
REPRESENTATION FORM FOR OTHER PERSONS

An 'other person' is any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of the geographic proximity to the premises.

Full name	LILIJA POVEDAIKO - TAMOSAITIS
Title	Mrs.
Postal address (inc post code)	8 ANNESDALE ELY, CAMBS. CB7 4BN
Contact telephone number	01353 661677
Mobile telephone number	0794 4439396
Email address	info@riversideinn-ely.co.uk

Name of premises you are making a representation about	GRAND CENTRAL
Address of the premises you are making a representation about	5-5A ANNESDALE ELY, CAMBS. CB7 4BN

This section is about your representation which must relate to one or more of the Licensing Objectives.  
Please detail the evidence supporting your representation under the relevant headings, the reason for raising the representation and include all matters you wish to be considered (use additional sheets if necessary).  
When considering representations the Licensing Authority may take into account documentary evidence or other information produced by 'other persons' either before the hearing or, with the consent of all parties, at the hearing.

Which licensing objective(s) does your representation relate to?	Detail the evidence supporting your representation, or the reason(s) for your representation (use additional sheets if necessary)
NUISANCE	
The prevention of crime and disorder	Public safety

<p>The prevention of public nuisance</p> <p><i>ON SEPARATE SHEET</i></p>	<p>The protection of children from harm</p>
<p>Suggested conditions that could be added to assist the Licensing Authority in determining this application, or other suggestions you would like the Licensing Authority to take into account (use additional sheets if necessary)</p>	

If the Licensing Authority considers that relevant representations have been raised, a mediation meeting between the relevant parties (if all agree) may be arranged to try to reach a settlement. If this informal process is unsuccessful a hearing before the Licensing Sub-Committee will be arranged unless all representations are withdrawn.

All representations in their entirety will be disclosed to the applicant for a premises licence or club premises certificate.

Signed ..... *[Signature]* ..... Date *5/8/2014* .....

Please print designation .....

Please return this form along with any additional sheets to:

Licensing Team  
 Environmental Services  
 East Cambridgeshire District Council  
 The Grange  
 Nutholt Lane  
 Ely  
 CB7 4EE

Telephone: 01353 665555

Email: [licensing@eastcambs.gov.uk](mailto:licensing@eastcambs.gov.uk)

This form must be returned within the statutory period, which is 28 days from the day after the day on which the applicant served the application on the Licensing Authority.

Due to tight timescales involved and to assist the determination of the application process any representations should be forwarded to the Licensing Authority as soon as possible and preferably within 14 days of notification of the application.

If in any doubt, please contact the Licensing Team as above.



Dear Ms Bagwell

Re: **Grand Central, Annesdale, Ely – application to extend drinks licence**

I am the owner of the Riverside Inn guest house in Annesdale which adjoins (shares the party wall which is not soundproofed at the moment) with the Grand Central restaurant. In the time that I have owned this property I have developed the Riverside Inn to provide unique accommodation (Visit Britain 5 stars, Gold Award) in a popular part of Ely. My guests have frequently used the adjoining restaurant for evening meals and the relationship between our two businesses has been mutually beneficial.

However, the proposed extension to the drinks licence now poses a serious threat to the Riverside Inn. The appeal of the accommodation I provide is not only the peaceful views along the river with its moored boats, but the relative quietness offered by the location. If this is jeopardised by Grand Central prolonging its licence to serve alcohol (and play live music) I am concerned that my business will suffer irreparable harm as a result. I do not think there is any soundproofing exists (even if they will soundproof it) which will completely stop the noise of live music to be heard in the property which shares single brick party wall).

Diners sitting out on the terrace peacefully enjoying a meal until 10 o'clock on a summer's evening provide a pleasing atmosphere to the area. If people are allowed to stay later with the principle intention of drinking alcohol then the whole aspect of the area is likely to change. The comparison with the Cutter Inn is relevant: the clientele is noisier and the immediate environs more untidy with the detritus one usually associates with a public house. Whilst residential housing is nearby, it is not in such close proximity as my property (attached) is to Grand Central. Also even if the hours of usage of outside tables are restricted until 11pm, I do not see realistically how if the sporting/music event is going on until late hours the people (coming outside to smoke usually with a drink in their hand) will be stopped from using them if they are always left outside overnight.

I notice also that the application presently before you for consideration requires extended hours for special occasions including sporting events. The intention, therefore, must be for the public to use the facilities beyond reasonable hours of good neighbourliness. As I have mentioned already, this could have serious repercussions on my business. I do not think Grand Central can control how quiet their customers should leave their premises after the event or how close the taxis (slamming doors) should be parked waiting for the people to collect (right now they are usually parked as close as 1-2 meters from our property).

Allied with this, the position of the restaurant is ill served by access roads. Frequently, delivery/rubbish collection vehicles block the roadway which hinders other road users from entering or exiting their homes. Of course, as long as a restaurant has been located here, there have been movements of delivery vehicles. However, a corollary of increasing the licensing hours will be an increase in delivery/collection (which are especially loud in the early hours) movements which quickly will change a tolerable situation into an intolerable one.

It is not my intention to prevent the continuance of a restaurant in this location. Infact, it can have a positive effect for my guests who can make use of these facilities for evening meals. However, the character of this immediate area needs to be carefully managed (The Grant Central is midterraced house!) and I believe the granting of an extension to the drinks licence will have a profound adverse effect upon Annesdale and those who live and work here.

Yours sincerely

Lilija Povedaiko-Tamosaitis



## APPENDIX 5

Licensing Objective	Representation	Relevance of Representation
The prevention of public nuisance	Noise after closing time from clearing tables, moving furniture, staff shouting and laughing until 01:30 hours	Not relevant for control by a licensing condition Management controls required in accordance with the Licensing Act 2003
The prevention of public nuisance	Noise from persons leaving the premises	General conditions offered in the premises operating scheduled deemed appropriate
The prevention of public nuisance	Traffic noise, taxi noise, car doors slamming	Not relevant for control by a licensing condition Management controls required in accordance with the Licensing Act 2003
The prevention of public nuisance	Noise at rear of property from kitchen area, clattering of pots and pans, emptying bins, extractor fans, music and loud voices	Not relevant for control by a licensing condition Management controls required in accordance with the Licensing Act 2003
The prevention of public nuisance	Victorian houses with families living either side of the restaurant with noise penetrating through walls that have not been sound proofed – music, loud voices, doors banging, air conditioning units operating continuously until early hours of the morning	Further monitoring and controls may be required if complaints received The matter should be controlled by licence condition 15 and through liaison with Grand Central management If situation is not satisfactorily controlled a premises licence review may be deemed relevant
The prevention of public nuisance	Increased airborne noise from outdoor seating including the first floor balcony	First floor and balcony use not agreed
The prevention of public nuisance	Increased noise from outside smoking – smokers will continue to use outside tables and chairs after 23:00 hours as outside furniture is left out overnight	Not relevant for control by a licensing condition Management controls required in accordance with the Licensing Act 2003
The prevention of public nuisance	Increased litter outside the premises	Not relevant for control by a licensing condition Management controls required in accordance with the Licensing Act 2003
The prevention of public nuisance	Limited parking, limited access roads	Not deemed as a relevant representation under the Licensing Act 2003
The prevention of public nuisance	Delivery/rubbish collection vehicles block the roadway hindering other road users from entering/exiting their homes which will worsen if longer licensing hours are granted for the premises	Not deemed as a relevant representation under the Licensing Act 2003

The prevention of public nuisance	Extension of Grand Central licensing hours poses a serious threat to other local business – relative quietness of the location would be jeopardised by longer licensing hours and regulated entertainment offered by Grand Central	Not deemed as a relevant representation under the Licensing Act 2003
The prevention of public nuisance	Extended hours for Superbowl event would have serious repercussions on other local businesses	Not deemed as a relevant representation under the Licensing Act 2003

**EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL**

**REVISED  
STATEMENT OF  
LICENSING POLICY**

## **PREFACE**

This is the third Statement of Licensing Policy produced by East Cambridgeshire District Council under the Licensing Act 2003, having been approved by the Council on 12 October 2010. It will be the basis for all licensing decisions taken by the Council as the Licensing Authority over the next three years commencing on 7 January 2011

The Statement of Licensing Policy sets out how the Council, as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that children, vulnerable persons and communities need and expect.

The Council recognises how important the entertainment industry is within the district and well-run businesses will get the support of the Council. New licensing related developments that are well planned and can demonstrate initiatives that uphold the four licensing objectives of the Licensing Act 2003 are welcomed. However, the Council will not hesitate in dealing firmly where problems relating to crime and disorder and anti social behaviour or nuisance exist.

The Statement of Licensing Policy will be kept under review and it will be amended when issues arise that make change necessary. The Council will seek through the licensing process and the decisions it takes, to make East Cambridgeshire a safe and welcoming place for both residents and visitors to enjoy.

In reviewing this policy statement, the Licensing Authority has taken account of new revised Guidance issued by the Secretary of State for the Department for Culture, Media and Sport.

This revised Statement of Licensing Policy was offered for consultation between 15 June 2010 and 31 August 2010 to statutory consultees, responsible authorities, interested parties and the public at large. Notice of the consultation process was advertised on the Council's website and copies were placed at the Council's Reception at The Grange, Nutholt Lane, Ely, CB6 4EE and in each of the libraries within the East Cambridgeshire district.

Formal responses to the process were requested to be made in writing to:

Licensing Section  
East Cambridgeshire District Council  
The Grange  
Nutholt Lane  
Ely  
CB6 4EE

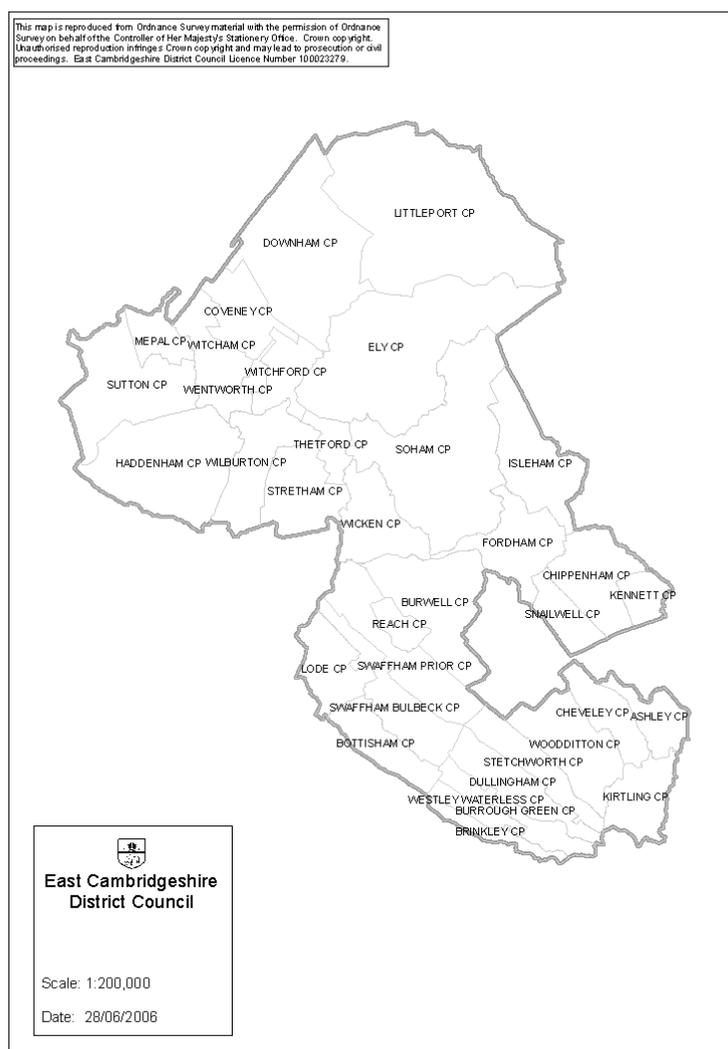
or by email to [licensing@eastcambbs.gov.uk](mailto:licensing@eastcambbs.gov.uk)

East Cambridgeshire District Council is one of five district authorities and one unitary authority that make up the County of Cambridgeshire. It has a population of approximately 76,500 and covers an area of almost 65,500 hectares.

The district is predominantly rural in character and stretches from the Norfolk border in the north to within a few miles of the city of Cambridge in the South; from the long straight stretch of the New Bedford River in the West to a long border with Suffolk to the East.

The district has an outstanding built and natural heritage, including the internationally recognised Ely Cathedral, the National Stud, July Racecourse, Wicken Fen and Anglesey Abbey. Close to Cambridge, the district enjoys excellent connections with regional road and rail networks, as well as London Stansted Airport.

East Cambridgeshire district offers a wide and developing variety of culture, history, businesses, recreation and dwellings with transport infrastructure provided by the mainline railway to London, Peterborough, Cambridge and Stansted Airport, and local bus services.



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## 1.0 INTRODUCTION

### Foreword

- 1.1 East Cambridgeshire District Council is the “Licensing Authority” under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, personal licences and authorising temporary event notices in the East Cambridgeshire district in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
- 1.2 The Licensing Authority is required to discharge its licensing function through a committee of between 10 and 15 members – the Licensing Committee. The Council has appointed a committee of 13 members, which operates on the basis of convening panels of 3 members drawn from the 13.
- 1.3 When assessing applications, the Licensing Authority must be satisfied that the measures proposed in the applicant’s operating schedule aim to achieve the four licensing objectives. Bold type in this policy refers to matters that the Licensing Authority expects to see addressed in the applicant’s operating schedule, where appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Licensing Authority is seeking to achieve, the factors that influence the achievement of the licensing objectives and the control measures that could be implemented by the applicant to achieve that outcome.
- 1.4 However, it should be recognised that this policy covers a wide variety of premises and activities undertaken therein, including theatres, cinemas, restaurants, pubs, nightclubs, private members’ clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 23:00 hours. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can it detail all the control measures that may be appropriate.

### Licensing Objectives

- 1.5 The 2003 Act requires the Licensing Authority to undertake its various licensing functions in a manner that promotes the four licensing objectives. These are
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm.

These objectives are the only matters to be taken into account in determining the application and any conditions to be attached must be necessary to achieve the licensing objectives.

- 1.6 In respect of each of the four licensing objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.**

### **Statement of Licensing Policy**

- 1.7 The 2003 Act further requires that the Licensing Authority publishes a 'Statement of Licensing Policy' which sets out the policies that the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.
- 1.8 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the Guidance issued under Section 182 of the Act and has been drafted in partnership with the Cambridgeshire Joint Licensing Officers' Forum.
- 1.9 The 2003 Act further requires the Licensing Authority to monitor, review, and, where appropriate, amend its Statement of Licensing Policy. The Licensing Authority will consult with those groups mentioned in paragraph 1.13 below prior to amending any part of the policy and in preparing its Statement of Licensing Policy for each future three-year period.
- 1.10 This Statement of Licensing Policy was reviewed in May 2010, circulated for consultation between June and August 2010 prior to being ratified by Council on 12 October 2010. It has an effect until 6 February 2014.

### **Disclaimer**

- 1.11 Advice and guidance contained in the Statement of Licensing Policy is intended only to assist readers and should not be interpreted as legal advice or as constituent of East Cambridgeshire District Council's Statement of Licensing Policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Licensing Act 2003 or of the Guidance or Regulations issued under the Act.

### **Consultation**

- 1.12 There are a number of groups that have a stake in the leisure industry, including providers, customers, residents and enforcers, all of which have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.
- 1.13 In developing this policy statement, the Licensing Authority consulted widely. Along with the statutory consultees (the Responsible Authorities), the views of existing licence holders, businesses, voluntary groups and residents were

also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

### **Links to other Strategies**

- 1.14 In preparing this Statement of Licensing Policy, the Licensing Authority has had regard to and consulted with those involved in East Cambridgeshire District Council's local strategies on crime prevention, planning, transport, culture, tourism, community, eGovernment and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact upon this Statement of Licensing Policy.
- 1.15 Further, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in its considerations. The Licensing Committee will also be kept informed of the local employment situation and the need for new investment and employment, where appropriate.
- 1.16 Where appropriate, the Licensing Authority will co-ordinate and liaise with the Planning Authority and will provide information regarding licensed premises in the area, including evidenced alcohol related crime and disorder information, to enable the Planning Committee to have regard to such matters when making decisions. .
- 1.17 The Licensing Authority recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2000. The impact of this policy upon race relations will be monitored through East Cambridgeshire District Council's Corporate Equality and Action Plan.

### **Regulated Entertainment**

- 1.18 Having regard to East Cambridgeshire District Council's equality and diversity policies and the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified in 1976, a diverse provision of cultural activities is welcomed for the benefit of communities.
- 1.19 The Licensing Authority will monitor the licensing of regulated entertainment, especially with regard to live music and dancing, theatrical performances, circuses, etc. to ensure that such events are promoted without unreasonable restrictions being imposed, which would discourage such events.
- 1.20 The Licensing Authority will need to balance the natural concern to prevent disturbance in neighbourhoods with the wider cultural benefits, particularly the cultural benefits for children. Advice and guidance on this matter will be sought from East Cambridgeshire District Council's Culture and Tourism Officer.

## Applications

- 1.21 When considering applications, the Licensing Authority will have regard to:
- the Licensing Act 2003 and the licensing objectives
  - Government Guidance issued under Section 182 of the Licensing Act 2003
  - any supporting regulations
  - this Statement of Licensing Policy.
- 1.22 This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 1.23 The Licensing Authority recognises that, in some circumstances, longer licensing hours for the sale of alcohol may help to avoid concentrations of customers leaving premises simultaneously and to reduce the potential for disorder. It also recognises that overly restrictive hours may inhibit the development of nighttime economies that are important for investment, employment and tourism.
- 1.24 When determining applications by the Licensing Committee, the Licensing Authority will seek to balance those factors against its duty to promote the four licensing objectives and the rights of residents to peace and quiet.
- 1.25 When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation.
- 1.26 When one part of East Cambridgeshire District Council seeks a premises licence from the Licensing Authority, the Licensing Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the committee. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the Licensing Authority are entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.
- 1.27 In all cases, applicants and those making representation in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.
- 1.28 It should be noted that incomplete applications will not be accepted but will be returned with an explanation of why it is incomplete.
- 1.29 The Licensing Authority welcomes applications made via East Cambridgeshire District Council's electronic application facility.

## Planning and Building Control

- 1.30 The Licensing Authority will ensure that planning, building control and licensing regimes will be separated to avoid duplication and inefficiency.
- 1.31 **The Licensing Authority would normally expect that applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.** However, the Licensing Authority acknowledges that applications for premises licences or club premises certificates may be made prior to any relevant planning permission having been sought or granted by the planning authority. Applicants would be expected to ensure that all relevant permissions are obtained where necessary.
- 1.32 The Licensing Authority recognises that licensing applications should not be a re-run of a planning application nor should they cut across decisions taken by the planning committee or following appeals against decisions taken by the Council's planning committee. The Licensing Authority's licensing committee will not be bound by decisions made by the Council's planning committee and vice versa.
- 1.33 Where the granting of any variation to a premises licence or club premises certificate involves a material alteration to a premises, the Licensing Authority would expect the applicant to apply for relevant planning permission or building control consent where appropriate.
- 1.34 **The Licensing Authority recognises that when, as a condition of planning permission a terminal hour has been set for the use of the premises for commercial purposes, and where these hours are different from the licensing hours, the applicant must observe the earlier closing time.** Premises operating in breach of their planning permission would be liable to prosecution under planning law.

## New and Varied Premises Licences/Club Premises Certificates

- 1.35 Where no premises licence or club premises certificate exists in respect of a premises, an application for a new premises licence or club premises certificate must be made to enable the carrying out of licensable activities.
- 1.36 An application to vary an existing premises licence or club premises certificate should be made where the proposed variation is in respect of changes to the types of licensable activities that are to be undertaken and/or the hours that those activities are to take place, or where structural changes are to be made to the premises.
- 1.37 Where the proposed variation to a premises licence or club premises certificate is in respect of structural alterations, the application must always be accompanied by a plan of the proposed alterations in addition to the existing premises licence or club premises certificate and the plan to which it relates.

1.38 Where a premises licence holder or club premises wishes to amend a premises licence or club premises certificate, the Licensing Authority will allow for an application to vary to be made rather than requiring an application for a new premises licence or certificate. The process the applicant will undertake will depend on the nature of the variation and its potential impact on the licensing objectives and simplified processes will include:

- change of name and address of a person named in the licence;
- variation of the licence to specify a new individual as designated premises supervisor;
- request to be removed as designated premises supervisor;
- request of a community premises to disapply the mandatory condition concerning the supervision of alcohol sales by a personal licence holder and the need for a designated premises supervisor who holds a personal licence;
- an application for minor variation of a premises licence or club premises certificate.

1.39 In addition, when completing section 3 of the application form, it is important that applicants ensure they provide sufficient time for the alterations to be carried out when stating the date upon which the variation is to take effect. This is to ensure that when the premises licence or club premises certificate comes into force, the plan to which it relates reflects accurately the layout of the building.

1.40 If the actual date when the alterations have been completed differs from that requested, applicants must inform the Licensing Authority so that the premises licence or club premises certificate can be issued correctly. Failure to do so may result in an offence being committed under Section 136 of the Licensing Act 2003 of carrying on a licensable activity otherwise than under and in accordance with an authorisation.

### **Interested Parties**

1.41 Interested Parties can make representations about licensing applications or apply for a review of an existing licence or club premises certificate.

1.42 A person or bodies are Interested Parties in relation to an application for or in respect of a premises licence or club premises certificate if, in the opinion of the Licensing Authority, the person/body:

- a) lives in the vicinity of the premises, i.e. lives sufficiently close to the premises that they are likely to be affected by the authorised activities;

- b) represents persons living in that vicinity, i.e. a residents' association or a parish or town council;
- c) is involved in a business in the vicinity of the premises, i.e. has business interests that might be affected by the authorised activities;
- d) represents persons involved in such businesses, i.e. a trade association;
- e) is a member of the relevant licensing authority, i.e. elected councillor of the licensing authority for the area in which the premises is situated.

1.43 The principles that the Licensing Authority will apply to determine whether a person is an Interested Party are that:

- each case will be decided upon its merits;
- the Licensing Authority will not apply a rigid rule to its decision-making and will consider the examples of considerations provided in the Guidance to the Act;
- the Licensing Authority will also consider the term 'involved in any business' in its widest possible context, which might include partnerships, charities, faith groups and medical practices;
- the Licensing Authority recognises that any individual or group may specifically request a representative to act on their behalf, i.e. legal representatives, ward, district or town/parish councillors and MPs.

1.44 The Licensing Authority acknowledges that local councillors can make representations as an Interested Party in their own right if they live, or are involved in a business in the vicinity of the premises in question or if they have concerns about any premises regardless of whether they live or are involved in a business in the vicinity of the premises.

1.45 The Licensing Authority considers that Trade Associations, Trade Unions and residents and Tenants' Associations qualify as Interested Parties where they can demonstrate that they represent persons in paragraph 1.42 (a) or (b).

1.46 The Licensing Authority will not generally view these bodies as Interested Parties unless they have a member who can be classed as an Interested Party.

1.47 The Licensing Authority will generally require written evidence that a person is authorised to represent an Interested Party in any case other than that mentioned in paragraph 1.44 above.

1.48 In determining if a person lives or has business interests sufficiently close to the premises that are likely to be affected by the authorised activities, the Licensing Authority will consider the following factors:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises, e.g. number of customers, routes likely to be taken by those visiting the establishment;
- the nature of the complaint. This does not mean the personal characteristics of the complainant but the interest of the complainant which may be relevant to the distance from the premises;
- the catchment area of the premises, i.e. how far people travel to visit;
- whether the person making the representation has business interests that might be affected in that catchment area.

## **Representations**

- 1.49 Any Responsible Authority or Interested Party may make relevant representations on applications for the grant of a premises licence or club premises certificate and request reviews of licences or certificates that have been granted.
- 1.50 A representation will only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation must not be frivolous or vexatious.
- 1.51 Only the Chief Officer of Police may make representations in respect of the grant of a personal licence or the issue of a temporary event notice, relating only to the crime prevention objective of the Act.
- 1.52 As the Licensing Authority must be satisfied that the representation is made by an Interested Party, which can generally only be determined by reference to the name and address of the person making it, this authority will not consider any representation that fails to provide those details.
- 1.53 Where relevant representations are made, the Licensing Authority must provide copies of those representations to the applicant or his/her representative. The Licensing Authority accepts that in exceptional circumstances an Interested Party may not wish for his/her personal details to be disclosed to the applicant.
- 1.54 Where the Licensing Authority considers that a relevant representation has been made and that exceptional circumstances exist, details of the name and address may be withheld from the copy of the representation that is provided to the applicant or his/her representative.

- 1.55 In all cases, applicants and those making representations that are genuinely aggrieved by a decision of the Licensing Committee are entitled to appeal to the Magistrates' Court against the decision of the committee.
- 1.56 Where the Responsible Authorities or Interested Parties do not raise any relevant representations about the application made to the Licensing Authority, the Licensing Authority will grant the premises licence or club premises certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Licensing Act 2003.

## **Conditions**

- 1.57 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act.
- 1.58 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of consideration of the representations.
- 1.59 The Licensing Authority actively promotes the benefits of partnership working between the Council and local businesses to enhance business operations and thereby achieves the community benefits of minimisation of waste, enhancement of the street scene, promotion of community safety, reduction of the fear of crime and the encouragement of tourism and inward investment.
- 1.60 To maximise the efficiency of administering licences and reduce the necessity for hearings, the Licensing Authority will actively encourage applicants and clubs to consult with Responsible Authorities and seek professional guidance from Council services, when operating schedules are being prepared to allow for proper liaison to take place in such areas as noise reduction, CCTV, refuse and litter, etc., to avoid representations being necessary. The Licensing Authority accepts that while some applicants may find it useful to contact the Responsible Authorities and Council services for advice and professional assistance, others will not need to do so, and that applications cannot be refused on the basis that such consultation has not taken place.
- 1.61 Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant authorisations, to secure achievement of the licensing objectives.
- 1.62 Any conditions arising from the operating schedule or as a result of representations will focus primarily upon the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity

in the area concerned and will cover matters that are within the control of individual licensees.

1.63 The Licensing Authority acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These could include

- planning controls
- positive measures by the Council to create a safe and clean town environment in partnership with local businesses, transport operators, etc.
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly
- police enforcement of the general law concerning disorder, anti-social behaviour and ASBOs, including the issuing of fixed penalty notices for disorder, making dispersal orders, etc.
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- the confiscation of alcohol from children and adults in designated areas
- police and/or local authority powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

1.64 If an applicant volunteers a prohibition or restriction in his/her operating schedule because his/her own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence or certificate and will be enforceable as such.

1.65 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions, other than mandatory conditions, will, therefore, be avoided and no condition will be imposed that cannot be shown to be necessary for promotion of the licensing objectives.

## **Delegation of Functions**

- 1.66 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. The Council has approved a scheme of delegation of functions under the Licensing Act 2003.

## **Need for Licensed Premises**

- 1.67 There can be confusion about the difference between “need” and the “cumulative impact” of premises on the licensing objectives. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a Licensing Authority in discharging its licensing functions or for its Statement of Licensing Policy.

## **Cumulative Impact of a Concentration of Licensed Premises**

- 1.68 “Cumulative impact” means the potential impact upon the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its Statement of Licensing Policy.
- 1.69 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases, the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises.
- 1.70 The Licensing Authority will only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are resulting, or are likely to result, in unacceptable levels of crime and disorder or public nuisance.
- 1.71 The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the district causing a cumulative impact on any of the licensing objectives.
- 1.72 However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspects as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be upon the objectors to provide evidence that additional licences or the variation of existing licences would produce the cumulative impact claimed.

## **Advice and Guidance**

- 1.73 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act 2003 provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority and the Responsible Authorities will offer as much advice and guidance to applicants as resources permit.
- 1.74 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that he/she discusses his/her proposal with the Licensing Section and those from who they think representations are likely prior to submitting an application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

## **Reviews of Licences**

- 1.75 Where possible and appropriate, the Licensing Authority and the Responsible Authorities will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.76 Any Responsible Authority or Interested Party may apply for a review of a premises licence or a club premises certificate by serving a notice containing details of the application on the holder of the licence or certificate and to each of the Responsible Authorities.
- 1.77 An application for review will only be 'relevant' if the grounds upon which it is made relate to the promotion of at least one of the four licensing objectives and is not frivolous, vexatious or repetitious. An evidentiary basis will be required to be presented to the Licensing Authority.
- 1.78 Where an Interested Party applies for a review, the Licensing Authority must be satisfied that the person making it qualifies as an Interested Party and that it is relevant. There is no appeal to the decision of the Licensing Authority other than by the way of Judicial Review.
- 1.79 As the Licensing Authority can generally only determine whether a person is an Interested Party by reference to the name and address of the person making the application, this Authority will not consider any application that fails to provide those details.
- 1.80 No more than one review of a premises licence or a club premises certificate from Interested Parties will be normally permitted within any 12 months period on similar grounds except in exceptional and compelling circumstances.

## Enforcement

- 1.81 East Cambridgeshire District Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can trade fairly. The administration and enforcement of the licensing regime is one of these services. The authority has adopted the Government's Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, East Cambridgeshire District Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.
- 1.82 The Enforcement Concordat is based upon the principles that businesses should:
- receive clear explanations from enforcers of what they need to do and by when
  - have opportunities to resolve differences before enforcement action is taken, unless immediate action is needed
  - receive an explanation of their rights of appeal.
- 1.83 The Licensing Authority recognises the interests of both citizens and businesses and will work closely with partners to assist licence holders to comply with the law and the four licensing objectives that it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or break the law consistently.
- 1.84 The Licensing Authority works in partnership with all of the Responsible Authorities under the Licensing Act 2003 on enforcement issues. This joint working provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are operated well.

## 2.0 LICENSING OBJECTIVES

- 2.1 The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives
- the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance
  - the protection of children from harm.
- 2.2 In each section relating to the objectives, the Licensing Authority has defined its intended outcome in bold type. Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and will be**

**expected to address all aspects relevant to the individual style and characteristics of their premises and events.**

- 2.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.
- 2.4 **The selection of control measures, referred to in 2.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.).** Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.
- 2.5 Additional measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended, or likely, to attract larger audiences and/or audiences of a different nature, and which can have a significant impact upon the achievement of the licensing objectives. **Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned to achieve the licensing objectives.**
- 2.6 The Licensing Authority considers the effective and responsible management of the premises, instruction, training/awareness and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. **For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**
- 2.7 In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in achieving the four licensing objectives (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). **The Licensing Authority will expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's premises risk assessment.**
- 2.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These could include
- the nature of the premises or event
  - the nature of the licensable activities being provided

- the provision or removal of such items as temporary structures, such as a stage, or furniture
- the number of staff available to supervise customers both ordinarily and in the event of an emergency
- the age of the customers
- the attendance by customers with disabilities or whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation
- provision of seating
- retention of room divisions to minimise the effect of any disorderly activity
- use of separate areas in single-room pubs to minimise the effect of any disorderly activity.

2.9 The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as doorstaff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge at the premises can often readily assess the occupancy level of the premises without resort to such measures. **However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to implement additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.**

### 3.0 PREVENTION OF CRIME AND DISORDER

3.1 East Cambridgeshire District Council is committed to improving further the quality of life for the people of the district by continuing to reduce crime and the fear of crime.

3.2 Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty upon East Cambridgeshire District Council, Cambridgeshire Police, Cambridgeshire County Council and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.

3.3 The promotion of the licensing objective to prevent crime and disorder places a responsibility on licence holders to become key partners in achieving this objective. **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.**

3.4 When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact upon crime and disorder have been considered. These could include

- under-age drinking
- drunkenness on premises
- public drunkenness
- drugs
- violent behaviour
- anti-social behaviour.

3.5 The following examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- training and supervision of staff
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' UK driving licences with photographic ID
- provision of effective CCTV in and around premises (e.g. CCTV systems may need to be checked to ensure they are fit for purpose, the evidential quality of the images provided may need to comply with the Home Office Scientific Development Branch Guidance on Public Space CCTV Systems, there may be a requirement for the system to be compatible to and connected to the Streetsafe East Cambridgeshire CCTV Control Room for the purposes of monitoring and recording if on the public highway)
- employment of Security Industry Authority licensed door supervisors
- provision of toughened or plastic drinking vessels
- provision of secure, deposit boxes for confiscated items ('sin bins')
- provision of security measures, such as lighting outside premises
- membership of local 'Pubwatch' schemes or similar organisations.

3.6 Within the operating schedule for premises from which alcohol will be sold, the premises licence holder must specify a personal licence holder as the 'Designated Premises Supervisor' (DPS). The Licensing Authority will normally expect the premises licence holder to give the DPS the day-to-day responsibility for running the premises. Although there is no legal obligation for the DPS to be on the premises at all times, the Licensing Authority acknowledges that the premises licence holder and the DPS, in particular with regard to the sale of alcohol, remain responsible at all times, including in their absence from the premises, for compliance with the terms of the Licensing Act 2003 and conditions attached to the premises licence to promote the licensing objectives. In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training and to have experience commensurate with the nature and style of entertainment provided and the capacity of the premises.

- 3.7 Whilst the Licensing Act 2003 requires each sale of alcohol to be made or authorised by a personal licence holder, there is no requirement for every sale to be made by a personal licence holder or for them to be personally present at every transaction. In determining whether real authorisation is given, the Guidance issued by the Secretary of State encourages the practice of an overt act of authorisation, such as a specific written statement being given by personal licence holders to persons not holding a personal licence to make sales of alcohol in their absence.
- 3.8 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending upon the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable, giving at least ten working days minimum statutory notice, to enable the police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder. The Licensing Authority acknowledges that 'ten working days notice' means ten working days exclusive of the day on which the event is to start and exclusive of the day on which the notice is given.

## 4.0 PUBLIC SAFETY

- 4.1 East Cambridgeshire District Council is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. **To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.**
- 4.2 When addressing the issue of public safety, an applicant must demonstrate that those factors that impact upon the standards of public safety have been considered. These could include
- the occupancy capacity of the premises
  - the age, design and layout of the premises, including means of escape in the event of fire
  - the nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature
  - the hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
  - customer profile (e.g. age, disability)
  - the use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

4.3 The following examples of good management practice are given to assist applicants who may wish to take account of them when preparing their operating schedule, having regard to their particular type of premises and/or activities:

- suitable and sufficient risk assessments
- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- provision of effective CCTV in and around premises (e.g. CCTV systems may need to be checked to ensure they are fit for purpose, the evidential quality of the images provided may need to comply with the Home Office Scientific Development Branch Guidance on Public Space CCTV Systems, there may be a requirement for the system to be compatible to and connected to the Streetsafe East Cambridgeshire CCTV Control Room for the purposes of monitoring and recording if on the public highway)
- provision of toughened or plastic drinking vessels
- implementation of crowd management measures
- proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety.

## 5.0 PREVENTION OF PUBLIC NUISANCE

5.1 Licensed premises have a significant potential to impact adversely upon communities through public nuisances that arise from their operation. East Cambridgeshire District Council wishes to maintain and protect the amenity of residents and other businesses from the potential consequence of the operation of licensed premises, whilst recognising the valuable cultural, social and business importance that such premises provide.

**5.2 The Licensing Authority intends to interpret “public nuisance” in its widest sense and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact upon those living, working or otherwise engaged in normal activity in an area.**

5.3 Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance may be suitable for 24-hour opening.

- 5.4 In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours unless there are exceptional reasons relating to disturbance or disorder.
- 5.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.**
- 5.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include
- the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
  - the hours of opening, particularly between 23.00 and 07.00
  - the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises
  - the design and layout of premises and, in particular, the presence of noise-limiting features
  - the occupancy capacity of the premises
  - the availability of public transport
  - 'wind down period' between the end of the licensable activities and closure of the premises
  - last admission time.
- 5.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:
- effective and responsible management of premises
  - appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly
  - control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries
  - adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
  - installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices
  - management of people, including staff, and traffic (and resulting queues) arriving and leaving premises
  - liaison with public transport providers
  - siting of external lighting, including security lighting
  - management arrangements for collection and disposal of litter
  - effective ventilation systems to prevent nuisance from odour.

## 6.0 PROTECTION OF CHILDREN FROM HARM

- 6.1 The protection of children from harm is a most important issue. It is hoped that family-friendly premises will thrive but the risk of harm to children remains a paramount consideration when determining applications.
- 6.2 The general relaxation in the Licensing Act giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly, this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.
- 6.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm and in relation to the exhibition of films, or transmission of programmes or videos. This includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances, children are more vulnerable and their needs will require special consideration. Examples would include topless bar staff, striptease, lap, table or pole dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, unpredictability of their age and the lack of understanding of danger.
- 6.4 The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. The Licensing Authority has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a temporary event notice.
- 6.5 **Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.**
- 6.6 Whilst children may be protected adequately from harm by the action taken to protect adults, they may also need special consideration and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact upon harm to children have been considered. Areas that will give particular concern in respect of children include
- where entertainment or services of an adult or sexual nature are commonly provided

- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with evidence of under-age drinking
- with a known association with drug taking or dealing
- where there is a strong element of gambling on the premises, and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

6.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:

- effective and responsible management of premises
- provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- adoption of best practice guidance (e.g. licensing trade voluntary codes of practice, including those relating to drinks promotions)
- limitations on the hours when children may be present, in all or parts of the premises
- limitations or exclusions by age when certain activities are taking place
- imposition of requirements for children to be accompanied by an adult
- acceptance of PASS accredited 'proof of age' cards and/or 'new type' UK driving licences with photographic ID
- measures to ensure that children do not purchase, acquire or consume alcohol
- measures to ensure that children are not exposed to incidences of violence or disorder.

These examples can be adopted in any combination.

6.8 **In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or East Cambridgeshire District Council. In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.**

6.9 If considered appropriate, the Licensing Authority may require that adult supervisors be checked for suitability to work with children.

6.10 The Licensing Authority will rarely impose complete bans on access to children. In exceptional circumstances, conditions restricting access or excluding children completely may be considered necessary.



Home Office

# **Revised Guidance issued under section 182 of the Licensing Act 2003**

June 2014

## General principles

1.15 If an application for a premises licence or club premises certificate has been made lawfully and there have been no representations from responsible authorities or other persons, the licensing authority must grant the application, subject only to conditions that are consistent with the operating schedule and relevant mandatory conditions. It is recommended that licence applicants contact responsible authorities when preparing their operating schedules.

## Licence conditions – general principles

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and

- should be written in a prescriptive format.

## Each application on its own merits

- 1.17 Each application must be considered on its own merits and in accordance with the licensing authority's statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

## Additional guidance

- 1.18 From time to time, the Home Office may issue additional supporting guidance to licensing authorities and other persons on the GOV.UK website. This supporting guidance is good practice guidance and should be viewed as indicative and subject to change. Such supporting guidance will broadly reflect but will not be part of the statutory guidance issued by the Secretary of State under section 182 of the 2003 Act. Licensing authorities may wish to refer to, but are under no statutory duty to have regard to such supporting guidance issued by the Home Office.

## Other relevant legislation

- 1.19 Whilst licence conditions should not duplicate other statutory provisions, licensing authorities and licensees should be mindful of requirements and responsibilities placed on them by other legislation. Legislation which may be relevant includes:
- The Gambling Act 2005
  - The Environmental Protection Act 1990
  - The Noise Act 1996
  - The Clean Neighbourhoods and Environmental Act 2005

paragraphs 15.10 and 15.15 below), section 177 of that Act provides that any licence condition which relates to a performance of dance has no effect if certain conditions are met. In particular, the suspension of licence conditions can only occur if the permitted capacity of premises is not more than 200 persons. The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

- 2.16 Whilst the Cinematograph (Safety) Regulations 1955 (S.I. 1955/1129) – which contained a significant number of regulations in respect of fire safety provision at cinemas – no longer apply, authorisations granted under Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering applications for variations, minor variations, and the grant of new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1955 Regulations.
- 2.17 Public safety includes the safety of performers appearing at any premises.

## **Public nuisance**

- 2.18 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and

unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 2.19 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.20 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.21 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may

also prove appropriate to address any disturbance anticipated as customers enter and leave.

- 2.23 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.24 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## **Protection of children from harm**

- 2.25 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).
- 2.26 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.35 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct physical safety.

9.36 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.37 In the context of variations or minor variations, which may involve structural alteration to or change of use of a building, the decision of the licensing authority will not exempt an applicant from the need to apply for building control approval, planning permission or both of these where appropriate.

## **Determining actions that are appropriate for the promotion of the licensing objectives**

9.38 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and

representations made by the applicant or premises user as the case may be.

- 9.39 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
- 9.40 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. Whilst this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

### **Considering cases where licensing and planning applications are made simultaneously**

- 9.41 Where businesses have indicated, when applying for a licence under the 2003 Act, that they have also applied for planning permission or that they intend to do so, licensing committees and officers should consider discussion with their planning counterparts prior to determination with the aim of agreeing mutually acceptable operating hours and scheme designs.

## **Consistency with steps described in operating schedule**

- 10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.
- 10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

## **Imposed conditions**

- 10.8 The licensing authority may not impose any conditions unless its discretion has been engaged following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.
- 10.9 It is possible that, in certain cases, where there are other legislative provisions which are relevant and must be observed by the applicant, no additional conditions are appropriate to promote the licensing objectives.

## **Proportionality**

- 10.10 The 2003 Act requires that licensing conditions 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. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

## Hours of trading

- 10.11 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.
- 10.12 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.
- 10.13 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

## The performance of plays

- 10.14 The 2003 Act provides that other than for the purposes of public safety, conditions must not be attached to premises licences or club premises certificates authorising the performance of a play which attempt to censor or modify the content of plays in any way. Any such condition would be ultra vires the 2003 Act.

## Censorship

- 10.15 In general, other than in the context of film classification for film exhibitions, licensing authorities should not use their powers under the 2003 Act to seek to impose conditions which censor the content of any form of regulated entertainment. This is not a proper function of licensing law and cannot be properly related to the licensing objectives. The content of regulated entertainment is a matter which is addressed by existing laws governing indecency and obscenity. Where the concern is about protecting children, their

**GRAND CENTRAL 5-5A ANNESDALE ELY  
MEDIATION MEETING NOTES  
20 AUGUST 2014**

**Attendees**

Jacqueline Crick	4 Annesdale
Stephen Watkinson	9 Annesdale
Virginia Watkinson	9 Annesdale
Lilija Povedaiko-Tamosaitis	8 Annesdale
Ann Powell	13 Annesdale
Jo Haslam	Grand Central, TLC Inns Ltd
Steve Haslam	Grand Central, TLC Inns Ltd
David Norman	Architect/representative for Mrs Povedaiko-Tamosaitis
Councillor Elisabeth Every	Ward Councillor
Councillor Richard Hobbs	Ward Councillor
Claire Braybrook	ECDC Environmental Services Technical Officer
Lin Bagwell	ECDC Licensing Officer

**Introduction**

Lin Bagwell, Licensing Officer, welcomed attendees to the meeting and advised that the issues to be discussed would be based on representations received against the application to vary the premises licence for Grand Central during the statutory 28-day consultation period ending on 13 August 2014.

A table was circulated outlining the main representations received and the relevance of the representations under the Licensing Act 2003 as assessed by Lin Bagwell, Licensing Officer, and Karen See, Principal Environmental Health Officer dealing with noise and other public nuisance issues.

To assist in the discussion, the following information was advised:

The premises licence currently issued to Grand Central operates under 'grandfather rights' from the Licensing Act 1964. Sale of alcohol is permitted from Monday to Saturday 11:00 to 00:00 hours, Sundays, Good Friday and Christmas Day 12:30 to 23:30 hours and from the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

Although consumption of alcohol is not a licensable activity, it is a requirement for all alcohol consumption areas to be marked on the premises licence plan.

Regulated entertainment is not permitted on the current premises licence but as the premises operates as a restaurant it is possible for 'themed' background music to be played during opening times as this is deemed ancillary to the main use of the premises as a restaurant.

## **Application details**

Attendees were advised that the current application seeks to vary the existing premises licence to remove all embedded conditions under the Licensing Act 1964 and replace them with workable and enforceable operating schedule conditions, to include the outside seating area on the premises plan and to make provision for regulated entertainment, late night refreshment and the sale of alcohol Monday to Sunday 09:00 to 00:30 hours and the annual date of Superbowl 09:00 to 05:00 hours.

The proposed variation application conditions, timings, activities (apart from Superbowl) are in line with those of The Cutter another licensed premises on the waterfront owned and managed by TLC Inns Ltd.

The variation application is for the downstairs area of the premises and regulated entertainment is proposed for inside the premises only.

Under the Licensing Act 2003, late night refreshment means any sale of hot food and/or drink in any premises taking place any time from 23:00 to 05:00 hours daily.

Proposed operating schedule conditions for both inside the premises and the outside eating/drinking area were circulated to attendees.

## **Live Music Act 2012**

Lin Bagwell, Licensing Officer, circulated a factsheet regarding the Live Music Act 2012 and the deregulation of Schedule 1 of the Licensing Act 2003.

The Act allows amplified live music (including karaoke), performance of dance/theatrical performances and indoor sporting events to be held in venues authorised to sell alcohol on the premises between 08:00 and 23:00 hours without the requirement of a premises licence. Conditions relating to these regulated entertainment activities would only have effect if the licence is reviewed and conditions added.

## **Main areas of discussion**

Jo and Steve Haslam confirmed it is their intention for the premises to remain as a restaurant and not become a public house. They intend the outside area to be used by customers consuming alcohol with a meal but advised there may be the odd occasion where customers may wish to sit outside and consume alcohol without a meal.

Jo and Steve Haslam advised they included regulated entertainment on the variation application to cover any event, such as a wedding, they may wish to hold during the year rather than apply for temporary event notices (TENs) for up to twelve events a year. They advised it is not their intention to carry out events on a regular basis and there would be no events held outside the premises.

Attendees discussed the proposed Superbowl event and Jo and Steve Haslam confirmed it would be a ticket only event and would only go ahead if there was enough interest from customers.

Lin Bagwell, Licensing Officer, explained the TEN procedure which allows a notice to be served on the licensing authority to hold an event without the need for a premises licence. Conditions could only be added to the TEN if the Police and/or the Council's Environmental Services felt it appropriate to do so. Local residents would not be advised of a TEN notice and could not raise representations against it.

Jo and Steve Haslam advised they were happy to include regulated entertainment on the premises licence and abide by licensing conditions imposed including advising neighbours of all forthcoming events.

Discussion took place regarding the use of the upstairs area of the premises for events. Residents believed a change of use to business usage is required as they understood the upstairs area had been used for residential purposes. As this is a planning matter, residents were advised to speak to a Council Planning Officer regarding current usage of the upstairs area and were reminded that the current premises variation application only relates to the downstairs area.

As there have been no representations raised by the Police or Council's Environmental Services, it appears that Responsible Authorities believe that suitable management measures and licensing conditions will be in place to deal with resident's concerns.

### **Relevant representations**

Discussion took place regarding the two representations considered relevant with regards to the prevention of public nuisance objective of the Licensing Act 2003.

In dealing with noise from persons leaving the premises, Jo and Steve Haslam advised that current management provisions undertaken at their other premises The Cutter would also be undertaken at Grand Central to ensure minimal disturbance to customers. Steve Haslam provided statistics of the usage (some 160,000 guests per year) of The Cutter and of the 8 year unblemished management record for this premises. Jo and Steve advised that in the last 3 years there had only been a 'handful of events' at their current 3 (soon to be 4) premises and the aim of their businesses were firstly food then sale of alcohol and finally occasional events

It was also confirmed to the meeting that no complaints were held on record to evidence any problems regarding noise/disturbance from customers on leaving the premises.

Discussion took place regarding the issues concerning Victorian houses with families living either side of the restaurant with noise penetrating through walls that have not been sound proofed – music, loud voices, doors banging, air conditioning units operating continuously until early hours of the morning.

Mrs Crick outlined her concerns regarding a number of problems she had experienced since the opening of Grand Central, such as music noise, noise from moving furniture, clearing up noise after hours, etc.

Jo and Steve Haslam advised they have been listening to and working with Mrs Crick to resolve the problems. Insulation has been added to the party walls to Mrs Crick's property to minimise internal noise, rubber feet have been put on chairs to minimise furniture noise, and no cleaning/clearing up is carried out at night after customers have left as a morning cleaner has now been employed.

Mrs Crick advised that lately there had been an improvement in noise disturbance and that she felt she had a good relationship with the premises owners and was able to approach them if there was a problem.

Mrs Povedaiko-Tamosaitis advised that she was not troubled by the music noise from the restaurant at the moment and was happy for music to continue but only until 23:00 hours as she believed that any music played after 23:00 hours would have a detrimental effect on her business as a guest house.

Mrs Povedaiko-Tamosaitis advised that she could hear the flushing of the Grand Central toilets through the walls to the rear of her property. Jo and Steve Haslam advised that the toilets had not been moved and were still in the same place as when the premises had been known as The Boathouse. Although music is played in the toilets, Mrs Povedaiko-Tamosaitis was not able to hear this through the adjoining wall, but could hear the music when toilet windows are left open.

Mrs Povedaiko-Tamosaitis raised a number of concerns, including building refurbishment noise, unsocial delivery times, collection of waste and refuse problems, staff sweeping the area outside the premises late at night, noise from extractor fans and air conditioning units, after hours staff noise, staff smoking in communal area at the rear of the premises, etc.

Jo and Steve Haslam advised that delivery times and waste and refuse problems have now been addressed to Mrs Povedaiko-Tamosaitis' satisfaction.

Both the extractor fans and air conditioning units have been replaced and updated to a high specification and should be quieter than previous units.

The premises closes and staff leave as soon as possible after the last customer leaves.

Management have advised staff not to make unnecessary noise inside or outside the premises or turn music up after premises has closed for the night or louder than background music during the daytime.

Claire Braybrook, Environmental Services Technical Officer, advised that the problems regarding building refurbishment had only been reported to her after the premises had opened and she thought they had been dealt with satisfactorily.

Although each of the issues raised by Mrs Povedaiko-Tamosaitis were addressed at the meeting, she was advised that many of the issues she raised are outside the scope of the Licensing Act 2003 and would need to be addressed under statutory noise nuisance legislation.

As there have been no representations raised by the Police or Council's Environmental Services, attendees were advised that it was felt that suitable management measures and licensing conditions were in place to deal with resident's concerns.

Mr Norman raised a concern regarding licensing conditions as he felt that conditions proposed may not be enforceable.

It was explained that there are no standard conditions to be added by the Licensing Authority to a premises licence. The Licensing Act 2003 allows premises licence holders to suggest conditions for the premises operating schedule they believe will enable them to effectively manage the premises. Conditions need to be both suitable and reasonable in order for licensees to monitor and check compliance. If there are no representations received, those conditions will be added to a premises licence.

The premises licence review procedure was explained that if a premises licence holder continuously breached licence conditions or caused problems to neighbouring premises, the licence could be called into review and more effective conditions added to the premises licence or timings and/or activities could be removed from the licence.

Claire Braybrook, Environmental Services Technical Officer, advised residents to keep records or report incidents to the Council to evidence any possible future problems. Claire advised that currently no evidence of any noise or disturbance problems have been obtained by Council officers and the Council's Environmental Services view the measures proposed by the premises licence holder suitable and sufficient to manage the proposed variation to the premises licence. Other than the initial construction works complaint received in May 2014, the Council has not received any complaints regarding noise emanating from the Grand Central premises.

Discussion took place regarding the lack of evidential proof of noise and disturbance issues, the fact that there have been no representations raised by any of the Responsible Authorities against the variation application and conjecture that longer licensing hours would cause noise and disturbance issues affecting local residents and businesses. Under these circumstances, Mrs Crick and Mrs Povedaiko-Tamosaitis were asked to consider the action they wished to take regarding a Licensing Sub-Committee hearing to determine the variation application and to advise Lin Bagwell, Licensing Officer, on Tuesday 26 August 2014 if they wished to withdraw their representations.

Lin Bagwell thanked Mrs Powell and Mr and Mrs Watkinson for their input to the meeting but advised that their representations were not deemed relevant under the Licensing Act 2003 and she would officially write to them to confirm this.