

NOTICE IS HEREBY GIVEN that a hearing of the **LICENSING SUB-COMMITTEE** will be held in **CIVIC SUITE 1A, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 13 FEBRUARY 2014** at **10:00 AM** and you are requested to attend for the transaction of the following business:-

A G E N D A

ITEM LED BY

APOLOGIES

1. ELECTION OF CHAIRMAN	
2. INTRODUCTION BY CHAIRMAN	
3. MEMBERS' INTERESTS To receive from Members, declarations as to disclosable pecuniary, non-disclosable pecuniary interests in relation to any Agenda item. See Notes below.	
4. LICENSING SUB-COMMITTEE PROCEDURE (Pages 1 - 6)	
5. APPLICATION (Pages 7 - 36) To consider an application to vary a premises licence under Section 35 (3) (a) of the Licensing Act 2003 made by the following:- Applicant: The Nelson's Head Premises: Merryland St Ives PE27 5ED	Mrs C Allison 01480 388010
6. EXCLUSION OF PRESS AND PUBLIC To resolve:- to exclude the press and public from the hearing during the determination of the application.	

<p>7. DETERMINATION</p> <p>To determine the application referred to in agenda item 5.</p>	
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Dated this 29 day of January 2014



Head of Paid Service

Notes

1. Disclosable Pecuniary Interests

(1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*

(2) *A Member has a disclosable pecuniary interest if it -*

- (a) relates to you, or*
- (b) is an interest of -*

- (i) your spouse or civil partner; or*
- (ii) a person with whom you are living as husband and wife; or*
- (iii) a person with whom you are living as if you were civil partners*

and you are aware that the other person has the interest.

(3) *Disclosable pecuniary interests includes -*

- (a) any employment or profession carried out for profit or gain;*
- (b) any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);*
- (c) any current contracts with the Council;*
- (d) any beneficial interest in land/property within the Council's area;*
- (e) any licence for a month or longer to occupy land in the Council's area;*
- (f) any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or*
- (g) a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.*

Other Interests

(4) *If a Member has a non-disclosable pecuniary interest or a non-pecuniary interest then you are required to declare that interest, but may remain to discuss and vote.*

(5) *A Member has a non-disclosable pecuniary interest or a non-pecuniary interest where -*

- (a) a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or*
- (b) it relates to or is likely to affect any of the descriptions referred to above, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association*

and that interest is not a disclosable pecuniary interest.

2. Filming, Photography and Recording at Council Meetings

The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening at meetings. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and available via the following link - [filming, photography and recording at council meetings.pdf](#) or on request from the Democratic Services Team. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected.

Please contact Mrs A Jerrom, Democratic Services, on Tel No. 01480 388009/e email: Amanda.Jerrom@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee/Panel.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

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Agenda Item 4

HUNTINGDONSHIRE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE PROCEDURE

1. Introduction

- 1.1 The following proceedings apply to the licensing sub-committees established by the Licensing Committee of the Huntingdonshire District Council acting as the Licensing Authority.

2. Membership

- 2.1 Each licensing sub-committee shall comprise three Members appointed by the Licensing Committee from amongst its membership. A sub-committee shall elect a Chairman from amongst its members at each meeting, for the purpose of that hearing or meeting.
- 2.2 The quorum for hearings and meetings of a sub-committee shall be three members.
- 2.3 Members shall endeavour to be present throughout an individual hearing by a sub-committee. If a member of a sub-committee is required to leave a hearing temporarily, the Chairman shall adjourn the hearing for the duration of the period whilst that member is unavailable. Any member who is absent from a hearing for any reason whilst that hearing is taking place shall be precluded from commencing or continuing to take part in the matter under debate upon his arrival/return and from voting upon the matter at the conclusion of that item of business.
- 2.4 Where the Sub-Committee undertakes a site visit prior to a hearing, a member shall be precluded from taking part in the hearing if he has not attended that site visit.
- 2.5 A member will not take part in a hearing or meeting at which a matter is being discussed which relates to a premises licence, club premises certificate, temporary events notice or personal licence where either the premises or the person is resident in the ward which he represents.

3. Notice of Hearings

- 3.1 Upon the date of a hearing of a sub-committee being arranged, notice shall be given to the parties to the hearing in accordance with the requirements of the Hearings Regulations. For the purposes of this procedure, a party is defined as an applicant for a licence or certificate, a person who has given a temporary events notice, a responsible authority or a person or business that has submitted relevant representations in respect of an application or applied for a review of a licence or certificate and, in certain additional instances, the Chief Officer of Police.
- 3.2 The notice of the hearing shall be accompanied by a copy of this procedure which sets out
 - the right of attendance at a hearing by a party and the right to submit representations etc.

- the consequences if a party does not attend or is not represented at a hearing
 - the procedure to be followed at the hearing
- 3.3 The notice of the hearing will also be accompanied by copies of the documents required by the Hearings Regulations and any particular points upon which the Sub-Committee considers that it will want clarification from a party at the hearing.
- 3.4 Where a hearing is to be held on more than one day, the hearing will be arranged so that it takes place on consecutive working days.

4. Action Following Receipt of Notice of Hearing

- 4.1 Upon receipt of a notice of a hearing, a party is required to give notice to the licensing authority whether
- he intends to attend or be represented at the hearing,
 - he wishes to request permission for any other person to appear at the hearing, accompanied by the name of the person and a brief description of the point(s) to be made by the person, and
 - he considers the hearing to be necessary.
- 4.2 A party should notify the licensing authority within the following timescales-
- 1 working day of the hearing in the case of a cancellation of an interim authority notice following police objections or a counter notice following police objection to a temporary events notice;
 - 2 working days of the hearing in the case of a review of a premises licence following a closure order or the conversion of an existing licence or club premises certificate or an application by the holder of a justices' licence for a personal licence; or
 - 5 working days of the hearing in all other cases.
- 4.3 Notice may be given to licensing authority by electronic means to the address democratic.services@huntsdc.gov.uk but upon sending the notice by this means, a party must also give the notice to the licensing authority in writing.
- 4.4 A sub-committee may dispense with the holding of a hearing if all of the parties have given notice that they consider a hearing to be unnecessary. Where the parties have agreed that a hearing is unnecessary in such circumstances, the Council shall give notice to the parties that the hearing has been dispensed with.
- 4.5 Where a hearing has been dispensed with, the matter which was to have been the subject of the hearing shall be determined at a meeting of the Sub-Committee.

5. Withdrawal of Representations

- 5.1 A party may give notice to the licensing authority no later than 24 hours before the commencement of the hearing that he wishes to withdraw his representations or he may do so orally at the hearing.

6. Extension of Time

- 6.1 The Sub-Committee may extend any of the time limits specified in this procedure where it considers it necessary to do so in the public interest and shall give notice of the extension of time and the reason for it to the parties to the hearing.
- 6.2 The Sub-Committee may adjourn the hearing or arrange for it to be held on specified additional days, where it considers this to be necessary to consider any representations made by a party. The parties to the hearing will be notified of the adjournment or rearrangement.
- 6.3 In considering any extension of time or adjournment, the Sub-Committee will not exercise its powers so that an application is deemed as granted or rejected in accordance with the transitional arrangements specified in the Act.

7. The Hearing

- 7.1 The Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking place in public. The Sub-Committee will normally resolve to exclude the public from that part of the hearing during which the Sub-Committee determines the matter which is the subject of the hearing.
- 7.2 Subject to the above, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified
- 7.3 At the commencement of the hearing, the Chairman shall introduce the members of the Sub-Committee and any officers in attendance to support the Sub-Committee and shall ask the parties and any persons accompanying them to state their names and addresses or who they represent. The Chairman shall explain to the parties present that the hearing is subject to this procedure, copies of which will have been distributed to the parties with the notice of the hearing, and shall enquire of the persons present whether there are any questions of clarity or explanation about its contents.
- 7.4 The Sub-Committee shall consider any request from another person to appear at the hearing of which notice has been given but such permission shall not be unreasonably withheld.

Procedure in all cases other than an application for a review of a premises licence or a club premises certificate or convictions coming to light after the grant or renewal of a personal licence

- 7.5 The Licensing Officer will present the application. The Chairman will then invite the applicant or his representative to address the Sub-Committee on his application, to respond to any point(s) upon which notice has been given that clarification is required by the licensing authority and to call any person(s) to whom permission has been granted to appear in support of his application.

The applicant will be allowed a maximum period of time of twenty minutes in which to address the Sub-Committee and call persons on his behalf.

- 7.6 The applicant or his representative or any person called on his behalf may then be asked any questions upon their presentation by any member of the Sub-Committee or by any of the other parties present at the hearing or their representatives.
- 7.7 The Chairman will then invite each of the parties at the hearing or their representative sequentially to address the Sub-Committee and call any person(s) to whom permission has been granted to appear. Each party will be allowed a maximum period of time of twenty minutes in which to address the Sub-Committee and call persons on his behalf. The sequence in which each of the parties will be invited to address the Sub-Committee will be at the discretion of the Chairman but will normally be in the order of the Chief Officer of Police, the Fire Authority, the health and safety at work enforcing authority, the local planning authority, the local environmental health authority, the local weights and measures authority, the authority responsible for the protection of children from harm, a navigation or other authority responsible for waterways and any other party that has submitted representations in respect of the application, certificate, notice or other matter appearing before the Sub-Committee.
- 7.8 The party or his representative or any of his witnesses may be asked any questions upon their presentation by any member of the Sub-Committee or by the applicant or his representative or any of the other parties present at the hearing or their representatives.
- 7.9 Where relevant written representations have been received and the party submitting those representations has given notice of his intention not to attend the hearing, the parties present will be invited by the Chairman to indicate whether they wish to comment on the representations submitted. The Sub-Committee may take into account documentary or other evidence submitted by a party either in support of their application, notice or representations either before the hearing or, with the consent of all of the other parties present, at the hearing.
- 7.10 Where appropriate, the Chairman shall remind the parties that their representations should be relevant to the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The Sub-Committee shall disregard any information given by a party or person permitted to appear which is not relevant to their application, notice or representations or to the licensing objectives. If, in his opinion, the Chairman feels that the representations being made are not relevant, he may, after first reminding the party of the need for relevance, advise the party that he will no longer be heard. Where in the opinion of the chairman, a party is being repetitious, vexatious or slanderous in his remarks, the Chairman may first warn the party and may then advise the party that he will no longer be heard. The ruling of the Chairman shall be final in such circumstances.
- 7.11 The Chairman may require any person who in his opinion is behaving in a disruptive manner at a hearing to leave the hearing and may refuse to permit that person to return or to return only upon complying with such conditions as the Chairman may specify. However any such person may submit any

evidence in writing that they proposed to give orally, provided that they do so before the end of the hearing.

- 7.13 After each party has addressed the Sub-Committee and after comments have been invited on written representations, the applicant or his representative will be invited by the Chairman to sum up his application for a time not exceeding two minutes but without introducing any new evidence to the proceedings.

Procedure in cases relating to an application for a review of a premises licence or a club premises certificate or convictions coming to light after the grant or renewal of a personal licence

- 7.14 In the case of such hearings, the above procedure shall be followed with the exception that the applicant for a review of a premises licence or a club premises certificate or the chief officer of police in the case of an objection notice where convictions have come light after the grant or renewal of a personal licence will be invited to address the Sub-Committee first and to call any person(s) to whom permission has been granted to appear.
- 7.15 After any questions have been dealt with the holder of the licence or certificate will be invited to address the Sub-Committee and to call any person(s) to whom permission has been granted to appear.
- 7.16 There shall be no right of reply for the applicant for a review of the licence or certificate or for the Chief Officer of Police.

8. Determination of Applications

- 8.1 At the conclusion of the hearing, the Sub-Committee will determine the application in accordance with the timescales specified in the Hearings Regulations but, in any event, will endeavour to do so as soon as practicable after the hearing has concluded.
- 8.2 Where a hearing has been dispensed with in accordance with paragraph 4.2 above, the application will be determined by the Sub-Committee within 10 working days of notice having been given to the parties that the hearing has been dispensed with.
- 8.3 The Licensing Authority will notify the applicant and parties of its decision forthwith upon the making of the decision.
- 8.4 A record shall be taken of the hearing by the licensing authority which shall be retained for six years after the date of the determination of the hearing or the disposal of an appeal against the determination.

9. Meetings of the Sub-Committee

- 9.1 Any meetings of the Sub-Committee, other than hearings described above, shall be subject to the proceedings adopted by the Licensing Committee for the conduct of its own business except where otherwise stated above.

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**LICENSING ACT 2003
APPLICATION TO VARY A PREMISES LICENCE
NELSONS HEAD 7 MERRYLAND ST IVES PE27 5ED
(Report by Head of Legal and Democratic Services)**

1. INTRODUCTION

- 1.1 To consider and determine this application for a variation to the premises licence for the Nelsons Head, taking into account the policy considerations detailed in paragraph 2 of the report and the representations detailed in paragraph 5.
- 1.2 Greene King Retailing Limited, the Premises Licence Holder is seeking to vary the licence as follows:

Activity	Existing Licence	Proposed Variation
Live Music (indoors)	Weds 20:00 – 23:00, Suns 14:00 – 20:00	Monday – Sunday 11:00 – 23:00
Recorded Music (indoors)	Mon – Sat 11:00 – 23:00, Sun 12:00 – 22:30	Monday - Sunday 11:00 – 23:00
Late Night Refreshment	Not currently Licensed	Thurs 23:00 – 23:30 Fri & Sat 23:00 – 00:00. 00:00 on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Sunday and Monday, any other Bank Holidays, the Thursday before Good Friday and Sundays before Bank Holidays
Supply of Alcohol	Mon Tues Wed 11:00 – 23:00 Thurs 11:00 – 23:30 Fri & Sat – 11:00 – 00:00 Sun 11:00 – 23:00	Mon Tues Wed 08:00 – 23:00 Thurs 08:00 – 23:30 Fri & Sat – 08:00 – 00:00 Sun 08:00 – 23:00
Opening Hours	Mon Tues Wed 11:00 – 23:30 Thurs 11:00 – 00:00 Fri & Sat 11:00 – 00:30 Sun 11:00 – 23:30	Mon Tues Wed 08:00 – 23:30 Thurs 08:00 – 00:00 Fri & Sat 08:00 – 00:30 Sun 08:00 – 23:30

- 1.3 A copy of the application and plan are attached at Appendix A.

2. GENERAL DUTY/ POLICY CONSIDERATIONS

- 2.1 The Sub-Committee's is reminded that the licensing authority must carry out its functions under the Act with a view to promoting the licensing objectives which are –

- (a) the prevention of crime and disorder,
- (b) public safety,
- (c) the prevention of public nuisance, and
- (d) the protection of children from harm.

2.2 The licensing authority must also have regard to –

- (a) its statement of licensing policy, and
- (b) any statutory guidance issued under Section 182 of the Licensing Act 2003.

3. BACKGROUND

3.1 The Nelsons Head is a public house consisting of one bar, an outside patio area and garden. Prior to the Licensing Act 2003, the PH held a Justices' on licence and public entertainment licence. The licences were transferred and varied to a Premises Licence under grandfather rights in 2005.

3.2 This variation application is seeking the sale of alcohol and opening from 08:00 Monday to Sunday (previously 11:00), live and recorded music from 11:00 until 23:00 Monday to Sunday (previously live: Wed 20:00 until 23:00 and Sun 14:00 until 20:00, recorded: Mon-Sat 11:00 until 23:00, Sun 12:00 until 22:30) and late night refreshment from 23:00 until 23:30 on Thursdays and 23:00 until 00:00 on Fridays, Saturdays and specific stated non standard dates (new request). All other hours, licensable activities and conditions remain unchanged.

4. LICENSING OBJECTIVES ADDRESSED BY THE APPLICANT

4.1 The operating schedule submitted by the applicant in Part M of the application addresses the four licensing objectives. Paragraphs 8.34-8.41 and Section 10 of the government guidance refer to the operating schedule and licence conditions. The applicant has proposed no additional steps in support of the licensing objectives for the variation. The existing conditions on the licence will continue to apply. Conditions attached to the premises licence should be appropriate, proportionate and justifiable in meeting the licensing objectives, be readily understood and enforceable.

4.2 Following negotiations between the applicant and Environmental Health, it was agreed by both parties that two conditions be added to the licence as follows:

- All windows and doors to be kept closed during any performance of live or recorded music inside the premises.
- Recorded and live music noise should not be audible within noise sensitive premises with windows open in a typical manner for ventilation.

5. REPRESENTATIONS

5.1 During the period for the receipt of representations, successful negotiations took place between the applicant and Environmental Health and as a result, no representations were received from the Responsible Authorities.

5.2 One representation has been received by the licensing authority from other persons. The representation is attached in its entirety. Not all matters raised

within the representations may be relevant matters for consideration under the Licensing Act 2003.

- 5.3 A person who has submitted a relevant representation is entitled to address the Licensing Sub-Committee at the hearing and ask questions of any other party appearing at the hearing.

6. ACTION BY THE LICENSING AUTHORITY

- 6.1 The Licensing Authority has a duty under the Licensing Act 2003 by promoting the Licensing Objectives. Each objective has equal importance. In carrying out its licensing functions, the Licensing Authority must also have regard to its Statement of Licensing Policy, any Statutory Guidance under the Licensing Act 2003 and is bound by the Human Rights Act 1988. The Council must also fulfil its obligations under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in its district.

7. OPTIONS

- 7.1 Having regard to the representations and supporting documentation contained and attached to this report and any other information presented at the hearing, the Licensing Sub-Committee must take such steps as it considers necessary for the promotion of the licensing objectives. The steps are to modify the conditions of the licence or to reject the whole or part of the application. Conditions are modified if they are altered, omitted or any new condition added (Licensing Act 2003 section 35(4)).

8. RECOMMENDATION

- 8.1 That Members determine the application on its individual merits.

BACKGROUND INFORMATION

Licensing Act 2003.

Guidance issued under section 182 of the Licensing Act 2003.

The Council's Statement of Licensing Policy.

Contact Officer: Christine Allison, Licensing Manager

☎ 01480 388010

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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 Greene King Retailing Limited

(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 HDC/PRE00175

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Nelsons Head 7 Merryland			
Post town	St Ives	Postcode	PE27 5ED
Telephone number at premises (if any)	01480 463342		
Non-domestic rateable value of premises	£56,600		

Part 2 – Applicant details

Daytime contact telephone number	01284 763222		
E-mail address (optional)			
Current postal address if different from premises address	Abbot House Westgate Brewery		
Post town	Bury St Edmunds	Postcode	IP33 1QT

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)

This is an application to permit;

Sale of alcohol and opening hours of the premises from 8am Monday to Sunday.

Live and recorded music from 11am until 11pm Monday to Sunday.

Late night refreshment from 11pm until 11:30pm on Thursday and 11pm until midnight on Friday and Saturday.

All other hours, licensable activities and conditions are to remain unchanged.

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

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)		
Tue			Please give further details here (please read guidance note 4)		
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur			State any seasonal variations for performing plays (please read guidance note 5)		
Fri			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 (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Tue					
			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 (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			
Wed			
Thur			<u>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</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur					
Fri			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 (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Amplified and unamplified live music played in the premises.		
Mon	11:00	23:00			
Tue	11:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed	11:00	23:00			
Thur	11:00	23:00	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 (please read guidance note 6)		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Recorded music played in the premises.		
Mon	11:00	23:00			
Tue	11:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed	11:00	23:00			
Thur	11:00	23:00	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 (please read guidance note 6)		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	23:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Indoors <input type="checkbox"/>	Outdoors <input type="checkbox"/>	Both <input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		
Tue					
Wed			<u>Please give further details here</u> (please read guidance note 4)		
Thur					
Fri			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Sat					
Sun					
			<u>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</u> (please read guidance note 6)		

H

Anything of a similar description to that falling within (e), (f) or (g) 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	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>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</u> (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4) Hot food and drink served on the premises.		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur	23:00	23:30			
Fri	23:00	00:00	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 (please read guidance note 6) Until midnight on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Sunday and Monday, any other Bank Holidays, the Thursday before Good Friday and Sundays before Bank Holidays. Late night refreshment may be supplied during national and international events such as sporting events and weddings which are shown live on television, provided that the licensing authority and the Police are given 21 days notice. The licensing authority have the right to veto the event, with not less than 7 days notice from the advice of the Police.		
Sat	23:00	00:00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (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	State any seasonal variations for the supply of alcohol! (please read guidance note 5)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:30			
Fri	08:00	00:00			
Sat	08:00	00:00			
Sun	08:00	23:00			
			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 (please read guidance note 6)		
			As per the existing licence.		

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).

As per the existing licence.

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) 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) As per the existing licence.
Day	Start	Finish	
Mon	08:00	23:30	
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	00:00	
Fri	08:00		
Sat		00:30	
	08:00		
Sun		00:30	
	08:00	23:30	

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.

None.

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)

As per the existing premises licence save for those added/removed as part of this application.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

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	19/12/2013
Capacity	SOLICITOR TO THE APPLICANT

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	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14) Barry Richards TLT Solicitors One Redcliff Street			
Post town	Bristol	Post code	BS1 6TP
Telephone number (if any)	0117 917 7612		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) barry.richards@tltsolicitors.com			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.
2. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
4. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
7. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together.
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
14. This is the address which we shall use to correspond with you about this application.

Mardon, Sarah (Licensing)

From: Mardon, Sarah (Licensing)
Sent: 15 January 2014 11:43
To: 'macbrayne@onetel.com'
Subject: RE: 13/03021/LAPRE5 - Nelsons Head 7 Merryland St Ives Cambridgeshire PE27 5ED

Dear [REDACTED]

Many Thanks for your email.

I can accept your amended representation as relevant under the terms of the Licensing Act 2003. The procedure requires me to forward the representation to the applicant and their legal advisors.

This will give them the opportunity to mediate and perhaps amend the application, by volunteering conditions that will address your concerns.

If the applicant chooses not to change their application, then the application and your representation must be heard and the application decided by the Licensing Authority at a hearing of the Sub-Committee. However I must advise you of the limitations of the Licensing Authority.

The Licensing Committee can only make decisions regarding Licensable Activities. This does not include consumption of alcohol or smoking. Therefore the use of the outside area for these activities is not something the Licensing Authority can govern, equally the use of the rear entrance is not within the scope of the Sub-Committee to control.

In this case I am hopeful the applicant will volunteer a suitable condition that will satisfy your concerns. In which case I will ask you to formally withdraw your representation, and a hearing will not be required.

However, please be assured any proposed changes to the application which take into account your concerns will have to be agreed by you. If you do not agree with any suggested changes the application and your representation will go before the Licensing Sub-Committee.

I will be in touch again once I have had a response from the applicant.

Kind regards

Sarah Mardon
Licensing Officer
Huntingdonshire District Council
Pathfinder House
St. Mary's Street
Huntingdonshire
PE29 3TN
Tel: 01480 387075

-----Original Message-----

From: macbrayne@onetel.com [mailto:macbrayne@onetel.com]
Sent: 15 January 2014 10:33
To: Mardon, Sarah (Licensing)
Subject: REF: 13/03021/LAPRE5 - Nelsons Head 7 Merryland St IvesCambridgeshire PE27 5ED

Dear Sarah Mardon

Thank you for your clarification on the subject of live/recorded music and the outline of the conditions agreed with the applicant - I assume that these apply throughout the year, irrespective of the weather, which may prove to be an issue as I do not believe that the premises have any ventilation beyond that provided by the existing doors/windows. I will follow up on any future noise issues with Environmental Services as required in light of your clarification for which I am grateful.

Having considered your reply and, in particular the revised policy together with the agreed conditions, regarding live and recorded music at the Nelson's Head, I will amend my original representation as below:

I wish to register a number of concerns and objections due to the adverse impact that the proposed variation will have on my home (██████████, Merryland, St Ives, PE27 5ED) - a property that is a direct neighbour with the primary living and bedroom accommodation some 20 to 30 metres from the outdoor area of the subject premises. With regard to the proposal to amend the opening hours to allow the sale of alcohol and the opening of the premises and consequently the use the outdoor area to the rear of the premises are being sought from 08:00 Monday to Sunday and additionally for Late Night Refreshments beyond 2300:

I have no issue with the extension of hours as requested provided that such activity is restricted to the internal areas of the premises with the 'noise suppression' measures applied as for music.

Any use of the outdoor area beyond the current hours and, in particular, the unrestricted use of the Emergency Exit from the outdoor area as an alternative entrance/exit by customers should be prevented.

Yours sincerely

██████████

On 13 Jan 2014, at 14:22, Mardon, Sarah (Licensing) <Sarah.Mardon@huntingdonshire.gov.uk> wrote:

Dear ██████████

Thank you for your email.

Firstly, please accept my apologies for the issues with you on-line contact form, our IT department are working to resolve this problem.

Secondly, again I must apologies, your email has brought to light some further issues with the Public Access section of HDC Website.

The details shown on the website are a reflection of the current licence for the Nelsons Head, not the variation application. However, references to any music OUTDOORS, is incorrect. The current Licence does not permit any music to be played or performed in the outside area. Neither does the variation application seek to change this.

I have attached a copy of the Current Premises Licence for your reference.

Below I have summarised the changes that are being sought through the variation application as advertised on the premises.

- To allow Sale of Alcohol from 08:00, and amend Opening hour to the same, Monday - Sunday
- To allow Live Music indoors 11:00 until 23:00 Monday to Sunday
- To allow Recorded Music indoors 11am - 23:00 Sundays (Existing Licence already allows these times for the rest of the week)

- To allow Late Night Refreshment 23:00 – 23:30 Thursday and 23:00 – 00:00 Fridays and Saturdays. (to clarify – Late night Refreshment is defined as – The sale or supply of HOT food or drink between the hours of 23:00 and 05:00).
- All other hours and Licensable activities will remain unchanged.

It is perhaps worth noting also, that although changes to the times of Live Music have been applied for, this is no longer a Licensable activity, in certain circumstances. The Live Music Act 2012 deregulated Live music, between the hours of 08:00 and 23:00, for an audience up to 200 people for amplified live music (including karaoke) in venues authorised to sell alcohol on the premises. Any conditions relating to Live Music do not have effect unless the licence is reviewed and conditions are added

In addition, since the application was made, discussions and negotiations have taken place between the applicant and Environmental Health resulting in the following conditions being added to the application

- All windows and doors to be kept closed during any performance of Live and Recorded music inside the premises.
- Live and Recorded music noise should not be audible within noise sensitive premises with windows open in a typical manner for ventilation.

Your email implies there is currently a problem with noise from music at the premises. In which case, this should be reported to Environmental Health for a noise investigation to be carried out, with a view to improving the situation.

Given the clarification and new information provided above, you now have 3 options.

1. To withdraw your representation, if you feel these changes and additional information have sufficiently addressed your concerns.
2. Submit an addendum to the original representation, taking into account the changes.
3. Continue with the original representation

If you follow option 1, advising us that you wish to withdraw your representation, then the application will be approved as applied for but subsequently amended as detailed above. If you follow options 2 or 3, the application process requires the Licensing Subcommittee to hear any applications and representations that have not been resolved through mediation and you will be invited to attend a hearing to amplify the points you have raised in your representation.

I would be grateful if you could consider your position, and let me know as soon as possible, or before 17 January, the final day for consultation on the application, the way in which you decide to proceed.

With regard to the use of the rear exit of the premises, I can find no previous Licensing restrictions that prohibit or limit its use in relation to the Nelsons Head. My colleagues in Planning also can find no conditions relating to its use.

We would not be able to add any condition regarding its use, through this variation application.

If you have any queries regarding this any of these matters please do not hesitate to get in touch

Kind regards

Sarah Mardon
Licensing Officer
Huntingdonshire District Council
Pathfinder House
St. Mary's Street
Huntingdonshire
PE29 3TN
Tel: 01480 387075

-----Original Message-----

From: ~~Maureen [mailto:maureen@comtel.com]~~
Sent: 13 January 2014 11:38
To: Licensing
Subject: REF: 13/03021/LAPRE5 - Nelsons Head 7 Merryland St Ives Cambridgeshire PE27 5ED

Having considered a noticed displayed at the subject premise I wish to register a number of concerns and objections due to the adverse impact that the proposed variation will have on my home (, Merryland, St Ives, PE27 5ED) - a property that is a direct neighbour with the primary living and bedroom accommodation some 20 to 30 metres from the subject premises.

Opening Hours - The displayed summary of the change states that 'the sale of alcohol and the opening of the premises are being sought from 8pm Monday to Sunday - this appears to be at odds with the HDC website details and seeks to allow a significant change that would have a direct detrimental impact on neighbouring residential properties, most notably in the consequential extension of use of the outdoor area of the premises which are in direct sight and closest to my home.

Live and Recorded Music - This is seemingly requested from 11am to 11pm from Monday to Sunday; whilst I have no issue with indoor recorded music and the current practice of indoor live music on Sunday 2pm to 5pm, the amplified live music is extremely intrusive and can be heard clearly within my home (depute double glazing) and precludes me enjoying the garden for its duration. Any extension of live music would blight this residential area off Merryland.

Equally, and for the same reason, I object to the playing of outdoor music at any time as this creates an ongoing disturbance at my property.

Although not related to the subject variation I have an additional point of concern relating to the use of the Emergency Exit gate into the yard at the rear of the premises - an area adjacent to my property. My understanding has always been that, consequent to the acquisition of the area by the Nelson's Head and its conversion into an outdoor area, that the exit in question would not be used as a general entrance/exit to the premises which has become the case. Whilst I can recognise the desirability for it to be used for the licensee's residential and direct business uses and can accept the same, I find that its use beyond its design purpose is detrimental (most notably when I have had cause to remonstrate with customers urinating adjacent to the exit). I have raised this point with the staff but it is clearly difficult to manage and would be grateful if any condition could be reinstated, or added, to see the door secured in some manner to limit such use.

~~Maureen Ma Brayne~~

~~01480 464197~~

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