

LICENSING ACT 2003
APPLICATION FOR A NEW PREMISES LICENCE
THE S ONE CLUB, 12 ALL SAINTS PASSAGE, HUNTINGDON, PE29 3LE
(Report by Head of Legal and Democratic Services)

1. INTRODUCTION

1.1 To consider and determine this application for a new premises licence for The S One Club, 12 All Saints Passage, Huntingdon, PE29 3LE, taking into account the policy considerations detailed in paragraph 2 of the report and the representation detailed in paragraph 5.

1.2 The S One Club Limited, is seeking a new premises licence for The S One Club to permit:

Provision of Films (indoors)

Monday to Sunday - 08:00 to 20:00

Live Music, Recorded Music, Performances of Dance, Provision of anything similar to Live Music, Recorded Music or Dance, (indoors)

Sunday to Wednesday - 08:00 to 00:00

Thursday to Saturday – 08:00 to 04:00

Seasonal variations/Non Standard Timings –

- Christmas Eve until 04:00,
- St Patricks Day until 04:00,
- An additional 1 hour when the clocks go back,
- From end or permitted hours on New Year's Eve to start of permitted hours on New Year's Day.

Supply of alcohol (on the premises)

Sunday to Wednesday - 08:00 to 23:30

Thursday to Saturday – 08:00 to 03:30

Seasonal variations/Non Standard Timings –

- Christmas Eve until 04:00,
- St Patricks Day until 04:00,
- An additional 1 hour when the clocks go back,
- From end or permitted hours on New Year's Eve to start of permitted hours on New Year's Day.

Hours premises are open to the public

Sunday to Wednesday - 08:00 to 00:00

Thursday to Saturday – 08:00 to 04:00

Seasonal variations/Non Standard Timings -

- Christmas Eve until 04:00,
- St Patricks Day until 04:00,
- An additional 1 hour when the clocks go back,
- From end or permitted hours on New Year's Eve to start of permitted hours on New Year's Day.

- 1.3 A copy of the application and plan are attached to the summary of the application.
- 1.4 Following discussions with Cambridgeshire Constabulary, the applicant has requested that the application be amended and conditions added as follows:

Live Music (indoors)

Sunday to Wednesday - 08:00 to 23:59

Thursday to Saturday - 08:00 to 02:00

Seasonal variations/Non Standard Timings –

- Christmas Eve until 02:00
- St Patricks Day until 02:00
- When the clocks “go back” to have an additional hour.

Recorded Music (indoors)

Sunday to Wednesday - 08:00 to 23:59

Thursday to Saturday - 08:00 to 03:00

Seasonal variations/Non Standard Timings -

- Christmas Eve until 03:00
- St Patricks Day until 03:00
- When the clocks “go back” to have an additional hour.
- From end or permitted hours on New Year’s Eve to start of permitted hours on New Year’s Day

Performance of Dance (indoors)

Sunday to Wednesday - 08:00 to 23:59

Thursday to Saturday - 08:00 to 03:00.

Seasonal variations/Non Standard Timings -

- Christmas Eve until 03:00
- St Patricks Day until 03:00
- When the clocks “go back” to have an additional hour.
- From end or permitted hours on New Year’s Eve to start of permitted hours on New Year’s Day

Supply of Alcohol. (On premises only)

Sunday to Wednesday - 08:00 to 23:30

Thursday to Saturday - 08:00 to 02:30

Seasonal variations/Non Standard Timings:

- Christmas Eve until 02:30
- St Patricks Day until 02:30
- When the clocks “go back” to have an additional hour.
- From end or permitted hours on New Year’s Eve to start of permitted hours on New Year’s Day

Hours the premises are open to the public.

Sunday to Wednesday - 08:00 to 23:59

Thursday to Saturday - 08:00 to 03:00

Seasonal variations/Non Standard Timings:

- Christmas Eve until 03:00
- St Patricks Day until 03:00
- When the clocks “go back” to have an additional hour.
- From end or permitted hours on New Year’s Eve to start of permitted hours on New Year’s Day

Voluntary Conditions after meeting with the Police:

- a) The Management of S One Club will train and educate staff to observe the Licensing Objectives. The DPS or Deputy (a Personal Licence Holder) to be on duty at all times the premises is open. A record of the training given and to whom it was given will be kept and made available to the relevant authorities on request.
 - b) CCTV will be installed and maintained in operational order and monitored whilst the premises in operation. The system will be able to record images and store them for 31 days. CCTV will be made available to Police/Authorities within 24 hours upon request.
 - c) Door staff will be mandatory when the premises are open for Licensable activities from 21:00 hours Sunday to Wednesday. On a Thursday, Friday and Saturday a minimum of 8 door staff, all SIA Licensed to be on duty until 30 minutes after closing to aid customer dispersal. When the premises are open for Licensed Activities similar to a Night Club then the minimum number of door staff must be on duty.
 - d) Promote zero tolerance policy on drugs, violence and drunken behaviour.
 - e) Internal and external lighting will be maintained in working order and will be of sufficient quality to allow the CCTV system to record clear images.
 - f) Taxi Marshalls are to be deployed at the end of evening to aid door staff in crowd dispersal.
 - g) Prominent notices to be displayed at exits and staff to be proactive in getting people to leave in a quiet and orderly manner. The DJ will play "quieter" music for the last 30 minutes to calm people.
 - h) No one to be admitted or readmitted after 01:30 am on a Thursday, Friday or Saturday night.
 - i) "Challenge 25" policy will be used. No one under 18 will be admitted to any night club events. Only identity cards with a "Pass" accreditation, passports or photo ID driving Licences, or any future identification card as approved by central government will be accepted as a valid form of identification.
- 1.5 Following discussions with Environmental Health, the applicant has also requested that the application be amended to include the following conditions:
- a) All windows and doors to be kept closed during any performance of live or recorded music inside the premises.
 - b) The music noise level, measured as a 15 minute L(A)eq, 1 metre from the façade of noise sensitive properties, or within noise sensitive rooms with doors and windows open in a typical manner for ventilation, shall not exceed the representative background level L(A)90 (without entertainment noise). And, The L10 of the entertainment noise measured over 15 minute period 1 metre from the façade of noise sensitive properties, or within noise sensitive rooms with windows open in a typical manner for ventilation, shall not exceed the representative background noise level L90 (without entertainment noise), in any third octave band between 40 Hz and 160Hz.

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 application describes the premises as a three storey nightclub with an office on the ground floor, toilets and an office on the first floor and two bars and a dance floor on the second floor. In addition to its use as a nightclub, the applicant proposes to use the premises for community activities during the daytime.

3.2 The premises has been used as a nightclub in the past, although it does not currently have a premises licence under the Licensing Act 2003. Previous history shows that a licence was transferred under grandfather rights from the Magistrates' Court in 2005 upon the commencement of the Licensing Act. It was revoked on 8 May 2012 by the Licensing Sub-Committee upon review, following a Magistrates' closure order obtained by Cambridgeshire Constabulary.

3.3 The closure order followed a number of incidents directly associated with the premises and its management, culminating in an incident involving considerable police officer intervention to restore order. The property was vacated on 27 April 2012 and has remained empty since that date.

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 8.33-8.41 and Section 10 of the government guidance refer to the operating schedule and licence conditions. The applicant has proposed a number of measures in support of the licensing objectives, including CCTV, lighting, challenge 25, SIA registered door staff, taxi marshalls, no re-admittance and notices at exits asking patrons to leave in a quiet and orderly manner.

4.2 These proposals will be translated directly into conditions that will be attached to the premises licence, if granted, taking into account the mediation undertaken and conditions agreed between the applicant, Cambridgeshire Constabulary and Environmental Health as detailed in paragraphs 1.4 and 1.5 above. Conditions should be appropriate, proportionate and justifiable in meeting the licensing objectives, be readily understood and enforceable.

5. REPRESENTATIONS

- 5.1 During the period for the receipt of representations, no representations were received from the Responsible Authorities. Fifty six representations were received by the licensing authority from 'other persons'. Seventeen individual representations were received, fourteen being deemed relevant and three borderline. These representations are attached in their entirety as Appendix A. Not all matters raised within the representations are relevant matters for consideration under the Licensing Act 2003.
- 5.2 A further unsigned document, dated 31st May 2014, the closing date for receipt of representations, was received by the licensing team on 2nd June 2014. Attached to the document were thirty nine identical submissions, signed by individual residents of Dilleys Court, Hawkins Court, Keyworth Court and Temple Place. The document will be made available at the hearing.
- 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.
- 5.4 Paragraphs 9.3 – 9.9 of the Government Guidance covers determination where representations have been made. Paragraph 9.9 recommends that in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

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 appropriate for the promotion of the licensing objectives. The steps are to grant the licence subject to conditions, modified as necessary, to exclude a licensable activity, or to reject the application. Conditions are modified if they are altered, omitted or any new condition added (Licensing Act 2003 section 18(4) & (5)).

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.

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