

LICENSING ACT 2003
APPLICATION FOR A NEW PREMISES LICENCE
THE OCTAGON, MARKET HILL CAR PARK, ST IVES
(Report by Head of Community)

1. INTRODUCTION

1.1 To consider and determine this application for a new premises licence for The Octagon, Market Hill Car Park, St Ives, taking into account the policy considerations detailed in paragraph 2 of the report and the representations detailed in paragraph 5.

1.2 Jason Tyers, of JPT Design Consultants, acting as agent for Sam Boreham, the applicant, is seeking a new premises licence for The Octagon, St Ives, to permit:

Live Music (indoors)

Monday to Sunday 18:00 to 24:00

Recorded Music (indoors)

Monday to Sunday 10:00 to 01:00

Late night refreshment (indoors)

Monday to Sunday 23:00 to 01:00

Supply of alcohol (on the premises)

Monday to Sunday 10:00 to 01:00

Hours premises are open to the public

Monday to Sunday 08:00 to 01:00

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

1.4 Following discussions with Cambridgeshire Constabulary, the applicant has requested that the application be amended and conditions added as follows:

Supply of alcohol (on the premises)

Sunday to Wednesday 10:00 to 00:00

Thursday, Friday & Saturday 10:00 to 01:00

Hours the premises are open to the public

Monday to Wednesday 08:00 to 00:00

Thursday, Friday & Saturday 08:00 to 01:00

Sunday 10:00 to 01:00

Volunteered Conditions following meeting with the Police:

1. All staff shall be trained in the requirements of the Challenge 25 policies.
2. Any person managing or supervising staff in the sale of alcohol or other licensable activity in the absence of the DPS shall be the holder of a personal licence.

3. A written incident book shall be maintained to record any activity of a violent, criminal or antisocial nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.
 4. The incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority. The records will be retained for at least 12 months.
 5. All door staff shall be trained in the requirements of the Challenge 25 policies, and the correct procedures to be followed when refusing entry. (Refusals log)
 6. A minimum of two SIA Registered door supervisors will be employed on Friday and Saturday evenings from 22:00 hours until the premises are closed.
 7. The Premises Licence Holder and/or Designated Premises Supervisor shall ensure staff and door supervisors do not allow any drinking vessel, glass or bottle to be taken from the premises.
 8. CCTV equipment shall be installed and maintained in good working order and continually record when licensable activity takes place. The system shall cover all areas of the premises to which the public have access including any outside areas. The images shall be retained for a minimum of 31 days and be made available to the Police or any authorised officer. At all times the premises are open for business a member of staff shall be present who is capable of operating the CCTV system and downloading images at the request of police or other authorised officer.
 9. If the CCTV equipment breaks down the Premises Licence Holder shall ensure the Designated Premises Supervisor, or in his/her absence other responsible person, informs the Licensing Authority and the Police as soon as is reasonably practicable and within 24 hours. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.
 10. The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that any outside area included in the licence will be controlled in a safe and effective manner to the same standard operated within the premises building and will pay special attention to the impact that the use of the outside area has on the surrounding community.
 11. All chairs and tables outside the premises shall be cleared and stacked away by 22:00 hours.
- 1.5 Following discussions with Environmental Health, the applicant has also requested that the application be amended to include the following conditions:
1. All windows and doors to be kept closed during any performance of live or recorded music inside the premises.
 2. 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.

3. For events continuing after 23:00, the music noise should not be audible within noise sensitive premises with windows open in a typical manner for ventilation.

2. GENERAL DUTY/ POLICY CONSIDERATIONS

- 2.1 The Sub-Committee 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 coffee shop/ Bar/ Dining establishment and is situated within the Market Hill Car Park. The application includes 3D images of a proposed conversion for the building and the plan indicates there will be seating areas on the ground and first floor.

- 3.2 The building is currently being used as a store by Huntingdonshire District Council. There is no previous history of a licence being granted under the Licensing Act 2003. This application therefore seeks the grant of a new premises licence.

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 and door supervision.

- 4.2 These proposals will be translated directly into conditions that will be attached to the premises licence, if granted, also 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 for the promotion of the licensing objectives, be readily understood and enforceable. Conditions that are imprecise or difficult for the licence holder to observe should be avoided.

5. REPRESENTATIONS

- 5.1 During the period for the receipt of representations, no representations were received from the Responsible Authorities. Thirty Four (34) representations were received by the licensing authority from 'other persons'. The representations are attached in their entirety as Appendix B. Not all matters

raised within the representations are relevant matters for consideration under the Licensing Act 2003.

- 5.2 A further representation was received after the close of the representation period from St Ives Town Council and is attached as Appendix C.
- 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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