

LICENSING (2003 ACT) SUB-COMMITTEE

MONDAY, 26 SEPTEMBER 2005

DECISION

Set out below is the decision taken at the Licensing (2003 Act) Sub-Committee hearing held on Monday, 26 September 2005 regarding the application to vary existing licence conditions for The Lion and Lamb Public House, Milton. The wording used does not necessarily reflect the actual wording that will appear in the minutes but is an exact reproduction of the decision notice read out at the hearing and given to the Applicant and Objectors at the end of the hearing.

APPLICATION TO VARY EXISTING LICENCE CONDITIONS: THE LION AND LAMB PUBLIC HOUSE, MILTON

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|----------------------|---------------|--|--------|
| Films Indoors | | This section of the Application was deleted by the Applicant at the hearing. | |
| Monday | 11.30 – 00.00 | | |
| Tuesday | 11.30 – 00.00 | | |
| Wednesday | 11.30 – 00.00 | | |
| Thursday | 11.30 – 00.00 | | |
| Friday | 11.30 – 00.00 | | |
| Saturday | 11.30 – 00.00 | | |
| Sunday | 12.00 – 00.00 | | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|-------------------------------|---------------|--|--------|
| Indoor Sporting Events | | Approved | |
| Monday | 11.30 – 00.00 | | |
| Tuesday | 11.30 – 00.00 | | |
| Wednesday | 11.30 – 00.00 | | |
| Thursday | 11.30 – 00.00 | | |
| Friday | 11.30 – 00.00 | | |
| Saturday | 11.30 – 00.00 | | |
| Sunday | 12.00 – 00.00 | | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|--|---------------|--|--|
| Live Music Indoors and Outdoors | | Modify: Indoors only and amended hours as agreed by the Applicant: Rejected Rejected Rejected Rejected 19.30 – 23.00 19.30 – 23.00 Rejected | As agreed by the Applicant at the hearing. She indicated that she was happy to continue with the conditions that will be carried over from the Public Entertainment Licence (reflected in the column to the left). |
| Monday | 11.30 – 00.00 | | |
| Tuesday | 11.30 – 00.00 | | |
| Wednesday | 11.30 – 00.00 | | |
| Thursday | 11.30 – 00.00 | | |
| Friday | 11.30 – 00.00 | | |
| Saturday | 11.30 – 00.00 | | |
| Sunday | 12.00 – 00.00 | | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|--|---------------|--|--|
| Recorded Music Indoors and Outdoors | | Modify: Indoors only and amended hours as agreed by the Applicant: | As agreed by the Applicant at the hearing. She indicated that she was happy to continue with the conditions that will be carried over from the Public Entertainment Licence (reflected in the column to the left). |
| Monday | 11.30 – 00.00 | Rejected | |
| Tuesday | 11.30 – 00.00 | Rejected | |
| Wednesday | 11.30 – 00.00 | Rejected | |
| Thursday | 11.30 – 00.00 | Rejected | |
| Friday | 11.30 – 00.00 | 19.30 – 23.00 | |
| Saturday | 11.30 – 00.00 | 19.30 – 23.00 | |
| Sunday | 12.00 – 00.00 | Rejected | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|--|---------------|--|--|
| Provision of Facilities for Making Music Indoors and Outdoors | | Modify: Indoors only and amended hours as agreed by the Applicant: | As agreed by the Applicant at the hearing. She indicated that she was happy to continue with the conditions that will be carried over from the Public Entertainment Licence (reflected in the column to the left). |
| Monday | 11.30 – 00.00 | Rejected | |
| Tuesday | 11.30 – 00.00 | Rejected | |
| Wednesday | 11.30 – 00.00 | Rejected | |
| Thursday | 11.30 – 00.00 | Rejected | |
| Friday | 11.30 – 00.00 | 19.30 – 23.00 | |
| Saturday | 11.30 – 00.00 | 19.30 – 23.00 | |
| Sunday | 12.00 – 00.00 | Rejected | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|---|---------------|--|--|
| Provision of Facilities for Dancing Indoors and Outdoors | | Modify: Indoors only and amended hours as agreed by the Applicant: | As agreed by the Applicant at the hearing. She indicated that she was happy to continue with the conditions that will be carried over from the Public Entertainment Licence (reflected in the column to the left). |
| Monday | 11.30 – 00.00 | Rejected | |
| Tuesday | 11.30 – 00.00 | Rejected | |
| Wednesday | 11.30 – 00.00 | Rejected | |
| Thursday | 11.30 – 00.00 | Rejected | |
| Friday | 11.30 – 00.00 | 19.30 – 23.00 | |
| Saturday | 11.30 – 00.00 | 19.30 – 23.00 | |
| Sunday | 12.00 – 00.00 | Rejected | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|---|---------------|--|--------|
| Supply of Alcohol Both on and off Premises | | Approved | |
| Monday | 11.30 – 00.00 | | |
| Tuesday | 11.30 – 00.00 | | |
| Wednesday | 11.30 – 00.00 | | |
| Thursday | 11.30 – 00.00 | | |
| Friday | 11.30 – 00.00 | | |
| Saturday | 11.30 – 00.00 | | |
| Sunday | 12.00 – 00.00 | | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|--|---------------|--|--------|
| Hours premises are open to the public | | Approved | |
| Monday | 11.30 – 00.30 | | |
| Tuesday | 11.30 – 00.30 | | |
| Wednesday | 11.30 – 00.30 | | |
| Thursday | 11.30 – 00.30 | | |
| Friday | 11.30 – 00.30 | | |
| Saturday | 11.30 – 00.30 | | |
| Sunday | 12.00 – 00.30 | | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|---|--|---|---|
| Non Standard Timings | | Modify: Films were deleted from the application by the Applicant at the hearing. Hours approved and modified as in the table below. | Those dates where the variation is refused are either not a Bank Holiday or are followed by a working day. In order to minimise disturbance to neighbours and prevent public nuisance the request was refused. The Licensee may consider taking out a Temporary Event Notice for any of those dates where any additional hours are required and hours requested have been refused below. |
| Variation in hours for Bank Holidays and other days, as listed in the table below, for the following activities: <ul style="list-style-type: none"> • Films • Indoor Sporting Events • Live Music • Recorded Music • Provision of Facilities for Making Music • Provision of Facilities for Dancing • Supply of Alcohol Plus 30 mins drinking up time for: • Hours Premises are Open to the Public | | | |

| Variation Sought | | Decision | Reason |
|-----------------------|-------------------------|------------------------|---|
| Easter Sat | 11.30 – 01.00 + 30 mins | Approved | |
| Easter Sun | 11.30 – 01.00 + 30 mins | Approved | |
| May Day | 11.30 – 01.00 + 30 mins | 11.30 – 00.00 +30 mins | To minimise disturbance to neighbours as the next day is a working day. |
| Spring Monday | 11.30 – 01.00 + 30 mins | 11.30 – 00.00 +30 mins | As above |
| Aug Monday | 11.30 – 01.00 + 30 mins | 11.30 – 00.00 +30 mins | As above |
| Xmas Eve | 11.30 – 01.00 + 30 mins | Approved | |
| Boxing Day | 11.30 – 01.00 + 30 mins | Approved | |
| 27 Dec | 11.30 – 01.00 + 30 mins | 11.30 – 00.00 +30 mins | This date will not always be a Bank Holiday |
| 28 Dec | 11.30 – 01.00 + 30 mins | 11.30 – 00.00 +30 mins | This date will not always be a Bank Holiday |
| New Year's Eve | 11.30 – 01.30 + 30 mins | Approved | |

| Variation Sought | Decision (e.g. approve, modify or exclude) | Reason |
|--|--|--|
| Conditions, terms or restrictions currently imposed on the converted licence which the applicant believes could be removed: | | |
| Any condition limiting the times alcohol can be sold, late night refreshment provided or regulated entertainment provided. | Approved | |
| Any restrictions which are placed on the Licence by virtue of Schedule 8 paragraph 6(8) of the Licensing Act 2003, except the extended permitted hours for the sale and consumption of alcohol on New Year's Eve / New Year's Day. | Approved | |
| The restriction on drinking up time is to be replaced with the finish time in Box O. | Approved | |
| The PEL special condition limiting Live Music and Dancing to two events per month. | Excluded | As agreed by the Applicant at the hearing. See decision below. |
| The PEL special condition limiting Live Music and Dancing to Friday and Saturday between 19.30 and 23.00. | Excluded | As agreed by the Applicant at the hearing. See decision below. |

The Sub-Committee has considered your application very carefully and has had due regard to the Licensing Act 2003, the accompanying Guidance and Regulations and the SCDC Licensing Policy. We have heard the evidence of the Applicant and considered the 30 written representations of local residents and four oral representations of the Parish Council and local residents which related to the four licensing objectives in varying degrees, the main thrust of them relating to public nuisance.

It was noted that the application submitted on her behalf did not accurately reflect the Applicant's wishes. Therefore, amendments were made to the application at the hearing and these are listed below.

We heard specific evidence regarding noise nuisance, in particular with regard to loud music on nights when events are currently held. Many of the local residents' concerns were allayed by the deletion of outdoor music events from the application. However, we noted the particular disturbance caused by the level of bass used in some of the music events and highlight that this is an issue that should be dealt with initially by the Environmental Health Department under different legislation and any complaints should be made directly to officers of that Department.

We have also heard evidence of noise disturbance generated by people outside the pub premises but the Sub-Committee are unable to address this as it falls outside the Licensing Authority's power, and that of the Licensee, to control. Under the Guidance, conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the

control of the licence holder cannot be justified. Beyond the vicinity of the premises any individual engaging in anti-social behaviour is accountable in his own right. Any problems that local residents should experience with regard to anti-social behaviour, noise nuisance and public nuisance should be referred to the appropriate authorities.

The Sub-Committee has decided to **approve** the licence variation application as amended to allow the licensable activities during the hours set out in the operating schedule subject to the changes confirmed in the hearing and to the conditions detailed below. The changes were as follows:

1. In connection with section B of the operating schedule, this section of the application was withdrawn by the Applicant.
2. In connection with sections E, F, I and J, Live Music, Recorded Music, Provision of facilities for making music and Provision of facilities for dancing, reference to Outdoors events is deleted, so that these activities will be Indoors only.

The Sub-Committee noted that the Licensee was content to continue to adhere to the conditions set in the Public Entertainment Licence where regulated entertainments will be restricted to no more than two events per month on either Friday or Saturday night only, indoors only and to cease at 23.00. The condition regarding keeping windows and doors closed during regulated entertainment events is also transferred to the new licence.

We have decided to attach the following conditions to promote the prevention of public nuisance. The first two of these were agreed to by the Applicant prior to the hearing. We have amended the third and fifth conditions from the wording agreed by the Applicant. We have added the fourth condition. We have added some modifications to the wording for clarity:

- Clear and legible notices shall be posted prominently on the premises at all exits, in the lavatories, in the beer garden and in the car park requesting patrons to respect the needs of local residents and to leave the premises quickly and quietly.
- The windows in Bar 1, that part of the premises adjacent to the High Street, shall be insulated against noise before the first regulated entertainment event under the new licence takes place.
- The use of the beer garden shall be prohibited from 23.00 until 08.00 the following day.
- Clear notices shall be posted at exits and in the beer garden to notify patrons that the beer garden will be cleared of customers each night at 23.00 and closed until 08.00.
- No new customers will be supplied with alcohol for consumption on or off the premises after 23.30.

Local residents may apply for a review of the licence on a ground relating to one or more of the licensing objectives should there be any relevant issues arising from the operation of the new premises licence at any stage after 24 November 2005. We hope that local residents will feel able to bring any future concerns directly to the attention of the licensees in an effort to reach an amicable solution to any future problems. The four licensing objectives are: the Prevention of Crime and Disorder; Prevention of Public Nuisance; Public Safety; and Protection of Children from Harm.

The Applicant and objectors have a right of appeal to the Cambridge Magistrates' Court within 21 days of receiving notification of this decision.

The Decision was signed by:

Councillor Dr JR Williamson (Chairman)
Councillor Mrs A Elsby
Councillor DALG Wherrell
On 26 September 2005

