

LICENSING (2003 ACT) SUB-COMMITTEE

TUESDAY, 27 SEPTEMBER 2005

DECISION

Set out below is the decision taken at the Licensing (2003 Act) Sub-Committee hearing held on Tuesday, 27 September 2005 regarding the application to vary existing licence conditions for The Waggon and Horses 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: WAGGON AND HORSES PUBLIC HOUSE, MILTON

Variation Sought		Decision (e.g. approve, modify or exclude)	Reason
Live Music Indoors		Modify: Indoors only:	As agreed by the Applicant at the hearing to minimise noise and disturbance to local residents.
Monday	10.00 – 00.00	Monday - Rejected	
Tuesday	10.00 – 00.00	Tuesday - Rejected	
Wednesday	10.00 – 00.00	Wednesday - Rejected	
Thursday	10.00 – 00.00	Thursday - Rejected	
Friday	10.00 – 01.00	Friday - 19.30 – 23.00	
Saturday	10.00 – 01.00	Saturday - 19.30 – 23.00	
Sunday	10.00 – 00.00	Sunday - Rejected	

Variation Sought		Decision (e.g. approve, modify or exclude)	Reason
Supply of Alcohol Both on and off Premises		Approved:	To minimise noise and disturbance to local residents as the pub is situated in a residential area. The applicant can apply for a temporary event notice for any events that require later opening.
Monday	10.00 – 00.00	Monday to Thursday 10.00 – 00.00	
Tuesday	10.00 – 00.00		
Wednesday	10.00 – 00.00		
Thursday	10.00 – 00.00	Modify:	
Friday	10.00 – 01.00	Friday and Saturday 10.00 – 00.00	
Saturday	10.00 – 01.00		
Sunday	10.00 – 00.00		

Variation Sought		Decision (e.g. approve, modify or exclude)	Reason
Hours premises are open to the public		Approved but please note premises to also close at 00.30 on Fridays and Saturdays	To minimise noise and disturbance to local residents as the pub is situated in a residential area. The applicant can apply for a temporary event notice for any events that require later opening.
Monday	Trading hours of		
Tuesday	Premises as set		
Wednesday	Out above but		
Thursday	To close no		
Friday	Later than 30		
Saturday	Minutes after		
Sunday	End of activities		

Variation Sought	Decision (e.g. approve, modify or exclude)	Reason
<p>Conditions, terms or restrictions currently imposed on the converted licence which the applicant believes could be removed:</p> <p>The embedded restrictions as regards permitted hours under Sections 59, 60, 63, 67A, 68, 70, 74, 76 of The Licensing Act 1964 can be removed to the extent they apply to these premises (if the variations mentioned above are granted).</p>	Approved	
<p>If there is a Children's Certificate in force for the premises, then embedded conditions therein can also be removed.</p>	Approved	

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 written objections of 12 local residents including Milton Parish Council and heard four oral representations from these residents and the Vice-Chairman of the Parish Council, which were on the grounds of the prevention of public nuisance.

We heard from the applicant's solicitor that the licensee was prepared to accept a condition restricting live music to no more than twice per month; all such music to be inside only. After hearing from local residents about their concerns the applicant also agreed at the hearing that all such music would finish at 23.00 hours and that live music would only take place on either Friday or Saturday night. He was also happy to accept a condition that no glass, open bottles or glass drinking vessels will be allowed to leave the premises. We heard from the local residents that these conditions were reassuring but that they would prefer a closing time of 00.30 during the week and at the weekend to minimise noise disturbance.

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.

We have decided to attach the following conditions to promote the prevention of public nuisance. The first three of these were agreed to by the Applicant. We have added the fourth and fifth conditions to minimise noise and disturbance to neighbours.

- 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.
- All doors and windows should be kept closed while regulated entertainment is taking place, except to allow access to and egress from the premises.
- The licensee should ensure that noise or vibration during regulated entertainment does not

emanate from the premises so as to cause a nuisance to nearby properties.

- The use of the beer garden shall be prohibited from 23.30 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 23.30 and closed until 08.00.

It should be noted that 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.

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 J Shepperson
Councillor Mrs SA Hatton
Councillor Mrs HF Kember
On 27 September 2005

