

LICENSING (2003 ACT) SUB-COMMITTEE

WEDNESDAY, 28 SEPTEMBER 2005

DECISION

Set out below is the decision taken at the Licensing (2003 Act) Sub-Committee hearing held on Wednesday, 28 September 2005 regarding the application to vary existing licence conditions for The White Horse 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 WHITE HORSE PUBLIC HOUSE, MILTON

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|-------------------------------|---------------|---|---|
| Indoor Sporting Events | | Modify: Thursday hours as agreed by the Applicant | To minimise disturbance to neighbours and prevent public nuisance. In particular the hours at weekends were reduced to fall in line with the hours for Supply of Alcohol. |
| Monday | 11.00 – 00.00 | Approved | |
| Tuesday | 11.00 – 00.00 | Approved | |
| Wednesday | 11.00 – 00.00 | Approved | |
| Thursday | 11.00 – 01.00 | 11.00 – 00.00 | |
| Friday | 11.00 – 02.00 | 11.00 – 01.00 | |
| Saturday | 11.00 – 02.00 | 11.00 – 01.00 | |
| Sunday | 12.00 – 00.00 | Approved | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|---------------------------|---------------|--|---|
| Live Music Indoors | | Modify: Events limited to one per week on Fridays and Saturdays only, as agreed by the Applicant | This was agreed to prior to the hearing by the Applicant with the Environmental Health Officer. |
| Monday | 11.00 – 00.00 | Rejected | |
| Tuesday | 11.00 – 00.00 | Rejected | To minimise disturbance to neighbours and prevent public nuisance. |
| Wednesday | 11.00 – 00.00 | Rejected | |
| Thursday | 11.00 – 01.00 | Rejected | |
| Friday | 11.00 – 02.00 | 11.00 – 00.00 | |
| Saturday | 11.00 – 02.00 | 11.00 – 00.00 | |
| Sunday | 12.00 – 00.00 | Rejected | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|--------------------------------------|---------------|--|---|
| Performances of Dance Indoors | | Modify: Events limited to one per week on Fridays and Saturdays only, as agreed by the Applicant | This was agreed to prior to the hearing by the Applicant with the Environmental Health Officer. |
| Monday | 11.00 – 00.00 | Rejected | |
| Tuesday | 11.00 – 00.00 | Rejected | To minimise disturbance to neighbours and prevent public nuisance. |
| Wednesday | 11.00 – 00.00 | Rejected | |
| Thursday | 11.00 – 01.00 | Rejected | |
| Friday | 11.00 – 02.00 | 11.00 – 00.00 | |
| Saturday | 11.00 – 02.00 | 11.00 – 00.00 | |
| Sunday | 12.00 – 00.00 | Rejected | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|---|---------------|--|---|
| Provision of Facilities for Making Music Indoors | | Modify: Events limited to one per week on Fridays and Saturdays only, as agreed by the Applicant | This was agreed to prior to the hearing by the Applicant with the Environmental Health Officer. To minimise disturbance to neighbours and prevent public nuisance. |
| Monday | 11.00 – 00.00 | Rejected | |
| Tuesday | 11.00 – 00.00 | Rejected | |
| Wednesday | 11.00 – 00.00 | Rejected | |
| Thursday | 11.00 – 01.00 | Rejected | |
| Friday | 11.00 – 02.00 | 11.00 – 00.00 | |
| Saturday | 11.00 – 02.00 | 11.00 – 00.00 | |
| Sunday | 12.00 – 00.00 | Rejected | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|--|---------------|--|---|
| Provision of Facilities for Dancing Indoors | | Modify: Events limited to one per week on Fridays and Saturdays only, as agreed by the Applicant | This was agreed to prior to the hearing by the Applicant with the Environmental Health Officer. To minimise disturbance to neighbours and prevent public nuisance. |
| Monday | 11.00 – 00.00 | Rejected | |
| Tuesday | 11.00 – 00.00 | Rejected | |
| Wednesday | 11.00 – 00.00 | Rejected | |
| Thursday | 11.00 – 01.00 | Rejected | |
| Friday | 11.00 – 02.00 | 11.00 – 00.00 | |
| Saturday | 11.00 – 02.00 | 11.00 – 00.00 | |
| Sunday | 12.00 – 00.00 | Rejected | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|--|---------------|---|--|
| Late Night Refreshment Indoors and Outdoors | | Modify: Thursday hours as agreed by the Applicant | The hours at weekends were reduced to fall in line with the hours for Supply of Alcohol. |
| Monday | 11.00 – 00.00 | Approved | |
| Tuesday | 11.00 – 00.00 | Approved | |
| Wednesday | 11.00 – 00.00 | Approved | |
| Thursday | 11.00 – 01.00 | 23.00 – 00.00 Indoors only | |
| Friday | 11.00 – 02.00 | 23.00 – 01.00 Indoors only | |
| Saturday | 11.00 – 02.00 | 23.00 – 01.00 Indoors only | |
| Sunday | 12.00 – 00.00 | Approved | |

| Variation Sought | | Decision (e.g. approve, modify or exclude) | Reason |
|---|---------------|---|--|
| Supply of Alcohol Both on and off Premises | | Modify: Thursday hours as agreed by the Applicant | To minimise disturbance to neighbours and prevent public nuisance. We were satisfied that there were sufficient relevant representations from local residents to justify the amendment to hours at weekends. |
| Monday | 11.00 – 00.00 | Approved | |
| Tuesday | 11.00 – 00.00 | Approved | |
| Wednesday | 11.00 – 00.00 | Approved | |
| Thursday | 11.00 – 01.00 | 11.00 – 00.00 | |
| Friday | 11.00 – 02.00 | 11.00 – 01.00 | |
| Saturday | 11.00 – 02.00 | 11.00 – 01.00 | |
| Sunday | 12.00 – 00.00 | Approved | |

| Variation Sought | Decision (e.g. approve, modify or exclude) | Reason |
|--|---|--|
| Hours premises are open to the public | Modify: Thursday hours as agreed by the Applicant | To minimise disturbance to neighbours and prevent public nuisance. We were satisfied that there were sufficient relevant representations from local residents to justify the amendment to hours at weekends. |
| Monday | 11.00 – 00.30 Approved | |
| Tuesday | 11.00 – 00.30 Approved | |
| Wednesday | 11.00 – 00.30 Approved | |
| Thursday | 11.00 – 01.30 11.00 – 00.30 | |
| Friday | 11.00 – 02.30 11.00 – 01.30 | |
| Saturday | 11.00 – 02.30 11.00 – 01.30 | |
| Sunday | 12.00 – 00.30 Approved | |

| Variation Sought | Decision (e.g. approve, modify or exclude) | Reason |
|--|---|---|
| Non Standard Timings | Modify as below: | We felt that a reduced extension of opening hours was appropriate to acknowledge the holiday weekends but did not agree with the hours requested as it was felt that this would cause undue noise and disturbance to local residents. Equally it was felt that an extension to the hours live music can be played was not appropriate due to potential noise disturbance to neighbours. An exception was made for New Year's Eve. |
| Variation in hours on Bank Holidays and other days for the following activities: | For all days asked for except Bank Holiday Mondays (11.00 – 00.00) | |
| <ul style="list-style-type: none"> Indoor Sporting Events Live Music Performances of Dance Provision of Facilities for Making Music Provision of Facilities for Dancing Supply of Alcohol: 11.00 – 02.00 | <ul style="list-style-type: none"> Indoor Sporting Events Supply of Alcohol: 11.00 – 01.00 <p>For all days asked for except Bank Holiday Mondays when no music events shall be held (as agreed by the Applicant):</p> <ul style="list-style-type: none"> Live Music Performances of Dance Provision of Facilities for Making Music Provision of Facilities for Dancing <p>All to finish by 00.00</p> <p>Except for New Year's Eve when all the above music events to finish at 02.00.</p> | |
| Variation in hours on Bank Holidays and other days for the following activities: | Modify: | As above. |
| <ul style="list-style-type: none"> Late Night Refreshments (not Easter) Hours Premises Open to the Public: 11.00 – 02.30 | For all days asked for except for Bank Holiday Mondays (11.00 – 00.00): | |
| | <ul style="list-style-type: none"> Late Night Refreshments: 11.00 – 01.00 Hours Premises Open to the Public: 11.00 – 01.30. | |
| An additional hour on the day British Summer Time Commences: 11.00 – 03.00 (02.00 GMT) | This part of the application was rescinded by the Applicant at the hearing and therefore is disregarded. | |
| Variation in hours for a further Twelve occasions per year for the following activities: | | We feel that one music event per week is sufficient for the Licensee's requirements. At the hearing the applicant did not prove her need for more events than those covered by |
| <ul style="list-style-type: none"> Indoor Sporting Events Live Music | | |

| | | |
|---|----------|---|
| <ul style="list-style-type: none"> • Performances of Dance • Provision of Facilities for Making Music • Provision of Facilities for Dancing • Supply of Alcohol: 11.00 – 02.00 | Rejected | the specific request for bank holidays (above). Should however any additional events be required, the Applicant can apply for a temporary event notice. |
| <p>Variation in hours for a further Twelve occasions per year for the following activities:</p> <ul style="list-style-type: none"> • Late Night Refreshments • Hours Premises Open to the Public: 11.00 – 02.30 | Rejected | Reason as above |

| 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>Any condition under other legislation limiting the times alcohol can be sold, late night refreshment provided or regulated entertainment provided.</p> | Approved | |
| <p>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 and regulated entertainment on New Year's Eve / New Year's Day.</p> | Approved | |
| <p>The restriction on drinking up time is to be replaced with the finish time in Box O (30 minutes).</p> | Approved | |
| <p>To remove special conditions 5&6 (in relation to the permitted hours) and special condition 1 which states that "two events only shall be permitted per calendar month on a Friday and Saturday".</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 and personal representation of the Parish Council and the representations of 17 local residents in writing which related mainly to public nuisance. We gave due weight to those representations from

people living in the vicinity of the premises and less weight to any representations which came from residents who we considered lived further away from the premises when we felt that their complaints were non-specific to this premises.

We heard that some residents were unhappy with current levels of noise coming from the pub, the garden and car park and any extension of current hours would be unacceptable to those residents as it would adversely affect their quality of life.

The Sub-Committee has decided to **approve** the licence application to allow the licensable activities during the hours set out in the operating schedule subject to the restrictions detailed above where requested variations have been refused and subject to the conditions detailed below.

We have decided to attach the following conditions to promote the prevention of public nuisance. These were agreed to by the Applicant prior to the hearing. The fifth condition has been split and amended to aid clarification and we have added some modifications to the wording of all the conditions for clarity:

- No new customers shall be permitted into the pub after 23.30 to prevent potential disturbance from new customers entering the premises late in the evening.
- The use of the outside drinking areas shall be prohibited from 23.00 until 08.00 the following day, except for a licensed outdoor entertainment event under a Temporary Event Notice.
- The placing of bottles and other refuse into receptacles outside the premises shall only take place between 08.00 and 23.00 to minimise disturbance to nearby properties.
- Prominent, clear and legible notices shall be displayed at all exits, in lavatories and in the car park requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
- Licensed music entertainment events shall be limited to one per week on Friday or Saturday only.
- Licensed music entertainment events shall cease at midnight.
- All doors and windows shall be kept closed in the area where regulated entertainments are taking place, except to allow access to and egress from the premises.

It should be noted that under the Guidance, conditions relating to public nuisance caused by the antisocial 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.

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.

Any further noise issues arising from the new licence 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.

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 Mrs CAED Murfitt
Councillor Mrs A Elsby
Councillor R Hall
On 28 September 2005

