

## Licensing (2003 Act) Sub-Committee

Wednesday, 20 September 2006

### DECISION

Set out below is the decision taken at the Licensing (2003 Act) Sub-Committee hearing held on Wednesday, 20 September 2006 regarding the application to vary existing licence conditions for GREENE KING RETAILING LIMITED (DUKE OF WELLINGTON), 55 CHURCH STREET, WILLINGHAM. 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 THE EXISTING LICENCE FOR THE DUKE OF WELLINGTON PUBLIC HOUSE, 55 CHURCH STREET, WILLINGHAM

<b>Date of Hearing:</b>	20 September 2006
<b>Members of Panel:</b>	Councillor A Riley – Chairman Councillor Mrs A Elsby Councillor Mrs DSK Spink, MBE
<b>Applicant(s) Name:</b>	Greene King Retailing Limited (Duke of Wellington)
<b>Premises Address:</b>	55 Church Street Willingham Cambridge CB4 5HS
<b>Date of Application:</b>	25 July 2006
<b>Application for:</b>	To vary the existing licence

Hours Sought		Decision (e.g. approve, modify or exclude)	Reason
<b>Live Music – Indoors only</b>		Approved	
<b>Monday</b>			
<b>Tuesday</b>			
<b>Wednesday</b>			
<b>Thursday</b>			
<b>Friday</b>	20:00 – 23:00		
<b>Saturday</b>	20:00 – 23:00		
<b>Sunday</b>	20:00 – 23:00		

Seasonal Variations for Live music Sought	Decision (e.g. approve, modify or exclude)	Reason
Good Friday, Christmas Day, Boxing Day, New Years Eve, New Years Day, Bank Holiday Mondays 20:00 – 23:30	Approved	

Hours Sought	Decision (e.g. approve, modify or exclude)	Reason
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		<b>modify or exclude)</b>	
<b>Supply of Alcohol On and Off the premises</b>		Approve Sunday to Wednesday. Modify Thursday 11:00 – 23:30 Modify Friday and Saturday 11:00 – 00:30	Please see below
<b>Monday</b>	11:00 – 23:00		
<b>Tuesday</b>	11:00 – 23:00		
<b>Wednesday</b>	11:00 – 23:00		
<b>Thursday</b>	11:00 – 01:00		
<b>Friday</b>	11:00 – 01:00		
<b>Saturday</b>	11:00 – 01:00		
<b>Sunday</b>	11:00 – 23:30		

<b>Seasonal Variations for supply of alcohol Sought</b>	<b>Decision (e.g. approve, modify or exclude)</b>	<b>Reason</b>
Xmas Eve, Xmas Day, Boxing Day, New Years Day, Spring & August Bank Holidays, Good Friday, Easter Saturday, Sunday & Monday, Thursday prior to Good Friday, Sundays before Bank Holiday Mondays 11:00 – 01:00 New Years Eve from the beginning of normal licensed hours to the beginning of normal licensed hours New Years Day.	Modify timing 11:00 – 00:30. New Year's Eve agreed as requested	Please see below

<b>Hours Sought</b>	<b>Decision (e.g. approve, modify or exclude)</b>	<b>Reason</b>	
<b>Hours premises are open to the public</b>	Approve Sunday to Wednesday. Modify Thursday 08:30 – 00:00 Modify Friday and Saturday 08:30 – 01:00	Please see below	
<b>Monday</b>			08:30 – 23:00
<b>Tuesday</b>			08:30 – 23:00
<b>Wednesday</b>			08:30 – 23:00
<b>Thursday</b>			08:30 – 01:30
<b>Friday</b>			08:30 – 01:30
<b>Saturday</b>			08:30 – 01:30
<b>Sunday</b>	08:30 – 00:00		
<b>Seasonal Variations for Hours premises are open to the public Sought</b>	<b>Decision (e.g. approve, modify or exclude)</b>	<b>Reason</b>	

<p>Xmas Eve, Xmas Day, Boxing Day, New Years Day, Spring &amp; August Bank Holidays, Good Friday, Easter Saturday, Sunday &amp; Monday, Thursday prior to Good Friday, Sundays before Bank Holiday Mondays 08:30 – 01:30 New Years Eve from the beginning of normal licensed hours to the beginning of normal licensed hours New Years Day.</p>	<p>01:00</p>	
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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 legal representative of Greene King Retailing Limited who appeared with Fran Gilgallan and Barry Todd who are the current tenants at the Duke of Wellington. We also heard from the following representees: Justin Meadows, Amanda Radford, Janet Hill and Lyn Disley and we considered their submissions in respect of the application and had regard to the four written submissions of the other representees. The representations related to public nuisance and crime and disorder. We did not have regard to the representation from Councillor RMA Manning, which was invalid.

We have set out our decision in the above table and the reasons for which are given below.

We acknowledge the very positive steps taken by the new tenants who have been in place since May 2006, which include their own investment in the refurbishment of the premises, which we note is ongoing and their commitment to the pub and the desire to have good relations with their neighbours. Particular notice was also taken of the evidence that the current tenants have barred a number of known troublemakers.

We have not approved the extension of hours on Thursday evenings because of the potential for noise nuisance being caused to the occupiers of the adjacent properties during the working week. We have decided to grant a limited extension to the hours for supply of alcohol and the opening hours on a Friday and Saturday. However we have decided to impose several conditions listed below which address the potential for public nuisance.

We recognise that the pub has had a troubled history, however no police representation has been received as part of the application process. The representations from local residents about Crime and Disorder relate to historical events or speculation about what may happen in the future. Should any problems arise in the future there are provisions in the legislation enabling interested parties and responsible authorities to apply for a review of the licence on a ground relating to one or more of the licensing objectives.

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.

Problems with on-street parking mentioned by some of the representees are matters for the Highways Authority and cannot be addressed through this application process.

We have decided to attach the following conditions to promote the prevention of public nuisance; some of these conditions were proposed or agreed by the applicant at the hearing, we have modified some of them to strengthen their impact:

1. No outside drinking shall take place between 22:30 and 08:30 hours, except when a licensed outdoor entertainment event is taking place.
2. Lighting illuminating the garden and patio areas shall be turned off from 22:30, except when a licensed outdoor entertainment event is taking place.
3. Bottles and other refuse shall not be placed in outside receptacles between 22:00 and 08:00
4. A clear, prominent and legible notice shall be placed adjacent to all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly
5. All external doors and windows in the premises shall be kept shut except for ingress and egress during licensed indoor entertainment events
6. All external doors and windows in the premises shall be kept shut except for ingress and egress from 21:00 each evening.
7. Lighting, except for a safety light, will be turned off at the front of the premises at 23:00 Sunday to Thursday and 23:30 Friday and Saturday
8. All external doors at the premises shall be fitted with automatic closing mechanisms to prevent them slamming.
9. Notices shall be put in prominent places on the premises requesting patrons to park in the car park
10. The coach light at the front of the building shall be removed by 31 October 2006
11. A complaints procedure shall be developed and a complaints book shall be kept to record concerns of local residents and actions taken by the staff of the premises to address those concerns. This book shall be made available to officers from the Council when requested

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

Signed:

Councillor A Riley.....

Councillor Mrs A Elsby.....

Councillor Mrs DSK Spink, MBE .....

Dated: 20 September 2006