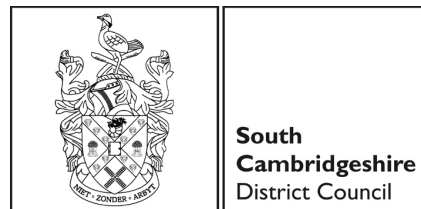


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12 September 2006

To: Chairman – Councillor A Riley
Members of the Licensing (2003 Act) Sub-Committee – Councillors Mrs A
Elsby and Mrs DSK Spink, MBE

Applicant: Greene King Retailing Limited

Representee(s): Mrs B White, 4B Green Street, Willingham, CB4 5JA
Cllr Manning, 130 Station Road, Willingham, CB4 5HG
TJF and JA Hill, Greenend Farmhouse, 62 Church Street, Willingham CB4
5HT
Kirsty Cornwell, 59 Church Street, Willingham CB4 5HS
Justin Meadows & Heidi Nolden, 66 Church Street, Willingham, CB4 5HT
Amanda Radford & Michael Tidball, 57 Church Street, Willingham, CB4 5HS
Drs P & J Leaver, 45 Church Street, Willingham
Willingham Parish Council, The Parish Office, Ploughman Hall, West Fen
Road, Willingham, CB4 5LP
Lyn Disley, 64 Church Streetm Willingham, CB4 5HT

Dear Sir/Madam

Please find below the agenda, and attached the relevant papers, for the hearing by the **LICENSING (2003 ACT) SUB-COMMITTEE** of the application to vary the existing licence for the Duke of Wellington Public House, 55 Church Street, Willingham. The hearing will be held in the **MEZZANINE, SECOND FLOOR** meeting room at South Cambridgeshire Hall on **WEDNESDAY, 20 SEPTEMBER 2006 at 10.00 a.m.**

Yours faithfully
GJ HARLOCK
Chief Executive

AGENDA

	PAGES
1. INTRODUCTION As per the attached Licensing (2003 Act) Committee Procedure	1 - 2
2. DECLARATIONS OF INTEREST	
3. APPLICATION TO VARY THE EXISTING LICENCE FOR THE DUKE OF WELLINGTON PUBLIC HOUSE, 55 CHURCH STREET, WILLINGHAM Appendices A, B, C and D are not available electronically.	3 - 8

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

Whilst the District Council endeavours to ensure that you come to no harm when visiting South Cambridgeshire Hall you also have a responsibility to ensure that you do not risk your own or others' safety.

Security

Visitors should report to the main reception desk where they will be asked to sign a register. Visitors will be given a visitor's pass that must be worn at all times whilst in the building. Please remember to sign out and return your pass before you leave. The visitors' book is used as a register in cases of emergency and building evacuation.

Emergency and Evacuation

In the event of a fire you will hear a continuous alarm. Evacuate the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park.

Do not use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.

Do not re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If someone feels unwell or needs first aid, please alert a member of staff.

Access for People with Disabilities

All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Hearing loops and earphones are available from reception and can be used in all meeting rooms.

Toilets

Public toilets are available on each floor of the building next to the lift.

Recording of Business

Unless specifically authorised by resolution, no audio and / or visual or photographic recording in any format is allowed at any meeting of the Council, the executive (Cabinet), or any committee or sub-committee of the Council or the executive.

Banners / Placards / Etc.

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

Smoking

The Council operates a NO SMOKING policy.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts. There shall be no food and drink in the Council Chamber.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**LICENSING ACT 2003 COMMITTEE****HEARING PROCEDURE****1. Introduction**

- The Chairman of the sub-committee will welcome and introduce everyone present, giving explanations of roles where necessary, and outline the procedure to be followed.
- The hearing will take the form of a discussion to be led by the sub-committee.
- Members of the sub-committee will be able to ask questions of any party, or the Licensing Officer, at the hearing. They will try, so far as possible, to ask their questions at the conclusion of each party's submission.
- The sub-committee will consider any requests for permission to ask questions of other parties. It will decide if questions are required in order for it to consider the case properly. If permission is given to one party, it will usually be given to all other parties.
- The Chairman may ask any person behaving in a disruptive manner to leave and may refuse to permit that person(s) to return or may permit them to return with specified conditions. Such a person may, before the end of the hearing, submit to the authority in writing any information which they would have been entitled to give orally had they not been required to leave.
- Members of the sub-committee will be asked to make any Declaration of Interests.

2. Witnesses

The sub-committee will consider any requests from any of the parties to call witnesses.

3. New evidence/information

The sub-committee will consider any requests for permission to present new evidence or information not previously disclosed to all the parties and the sub-committee prior to the hearing. The general rule is that such information or evidence must not be considered unless all parties at the hearing agree to it being considered on the day of the hearing. A request may be made for a short adjournment to allow time for everyone to receive copies of the extra information and time to read it.

4. Allocation of time

Each party will be asked for a time estimate for the presentation of their case. The sub-committee will hear all estimates and then allocate each party an equal amount of time to speak.

5. Licensing Officer's report

The Council's Licensing Officer will outline details of the application and representations received by the council. No recommendation to members will be made.

6. Applicant's case

The applicant will present their case first. They have a right to:

- address the sub-committee on any points of clarification the council has sought;
- address the committee generally; and
- call any witnesses that they have been given permission to call. Witnesses may be cross-examined if permission is granted. If this happens, the time taken for questions will count towards the allocated time of the party asking the questions, not the party answering them.

Members of the sub-committee may ask questions of the applicant.

7. Police representations

The Police will make any representations about the application, with the same rights as listed at s.6. Members of the sub-committee may ask questions of the police representative.

8. "Responsible authorities" representations

Other "responsible authorities" (Police/Fire/Environmental Health Officer/Social Services/Trading Standards/Planning Directorate) will then make representations, with the same rights as listed at s.6. Members of the sub-committee may ask questions of those authorities represented.

9. Any other representations

Anybody else making representations will go last, with the same rights listed at s.6.

Members of the sub-committee may ask questions of any person who has made a representation.

10. Legal advice

Once all parties have presented their cases to the sub-committee, and the members of the sub-committee have no more questions for any of the parties, the Council's Legal Officer will be asked to outline any relevant legal guidance.

11. Decision-making

The sub-committee will then retire to another room to make its decision. The Council's Legal Officer and Clerk will accompany members to advise where necessary and take notes of the decision.

12. Notification of decision

Depending on the nature of the application, a determination of the case will either be made at the conclusion of the hearing, or within 5 working days. In most cases, all parties will be notified of the decision in writing.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Sub-Committee (2003 Act) 20 September 2006
AUTHORS: Executive Director/Ast Licensing Officer

VARIATION FOR DUKE OF WELLINGTON PUBLIC HOUSE, WILLINGHAM

The Application

1. The application (**APPENDIX A**) to vary the existing licence for the Duke of Wellington Public House, 55 Church Street, Willingham was received in accordance with the Licensing Act 2003.
2. The premise licence currently permits the following activities within the times show below:

Retail Sale of Alcohol – on the premises only

Monday to Wednesday	11.00 to 23.00
Thursday to Sunday	11.00 to 23.30
Christmas Eve	11.00 to 00.30
Christmas Day	11.00 to 00.30
Boxing Day	11.00 to 00.30
New Years Eve	11.00 to 00.00
New Years Day	00.00 to 23.00
Thursday prior to Good Friday	11.00 to 00.30
Good Friday	11.00 to 00.30
Bank Holiday Sundays	11.00 to 00.30
Bank Holiday Mondays	11.00 to 00.30

Opening times – Opening times are in line with the sale of alcohol times outlined above. The Duke of Wellington is permitted to stay open 30 minutes after the sale of alcohol ceases.

Performance of Live Music

Friday	20.00 to 23.00
Sunday	20.00 to 23.00
Good Friday	20.00 to 23.30
Christmas Day	20.00 to 23.30
Boxing Day	20.00 to 23.30
New Years Eve	20.00 to 23.30
New Years Day	20.00 to 23.30
Bank Holiday Mondays	20.00 to 23.30

Background

3. The premise is located in a residential area and is surrounded by properties (**APPENDIX B**). The internal layout of the premise is detailed under (**APPENDIX C**).

The Variation

4. To extend opening hours, hours for the sale of alcohol and to gain permission for the provision of additional live music to patrons on Saturday evenings. (See Page 2 of the application under **APPENDIX A**)

Opening Hours

Monday to Wednesday	08.30 to 23.30
Thursday to Saturday	08.30 to 01.30
Sunday	08.30 to 00.00

5. Amendments also relate to 'Seasonal Variations' and for a full list of extensions please refer to **APPENDIX A**.

Supply of Alcohol

Monday to Wednesday	11.00 to 23.00
Thursday to Saturday	11.00 to 01.00
Sunday	11.00 to 23.30

6. Amendments also relate to 'Seasonal Variations' and for a full list of extensions please refer to **APPENDIX A**.

Live Music

Saturday	20.00 to 23.00
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7. Seasonal Variations for live music include Good Friday, Christmas Day, Boxing Day, New Years Eve, New Years Day and Bank Holiday Mondays, where an additional 30 minutes are requested to take finishing times to 23.30.

Relevant Representations

8. Relevant representations have been received from local residents. (**APPENDIX D**), these representations are linked to the Licensing Objectives stated in s.4(2) of the Licensing Act 2003. Representations have concerned the prevention of crime and disorder, public safety and the prevention of public nuisance. Some representees have referred to public safety issues, which members may wish to explore further should they feel appropriate.
9. A representation from Environmental Health was withdrawn after Greene King agreed to the following conditions;
- No outside drinking shall take place between 23.00 and 08.00 hours, except for a licensed outdoor entertainment event.
 - Bottles and other refuse shall not be placed in outside receptacles between 23.00 and 08.00 hours
 - 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.
 - All doors and windows shall be kept shut to the bar and seating area (except for ingress and egress) during licensed entertainment events.

10. In addition to the conditions suggested by Environmental Health Greene King have suggested the following additions;
- All doors and windows shall be kept shut except for ingress and egress from 22.30 hours Monday – Sunday
 - Lighting, except for a safety light, will be turned off at the front of the premises after
 - Sunday – Thursday 23.00 hours
 - Friday – Saturday 23.30 hours
11. Those making representations were informed of the conditions, however did not feel it resolved the points they had raised and wished their representations to stand.
12. No representations have been received from any other Relevant Authorities. I have contacted the police over an incident mentioned in one of the representations prior to the implementation of the Licensing Act 2003 and have received comments that the police were unable to corroborate or substantiate that the incident was related to the Duke of Wellington Public House.

Officer's Views

13. Members have the right under the Licensing Act 2003 to determine this application after considering any representations. Members may accept the application as submitted, reject the application for variation or impose conditions that promote the relevant Licensing Objectives. The representations made are based on the public nuisance, Public Safety and the prevention of crime and disorder and therefore any decisions imposed must relate to these objectives only. Guidance in the South Cambridgeshire District Council Licensing Policy in relation to such issues states conditions maybe considered and examples are listed under the relevant sections below.

Policy Considerations

14. Conditions referred to within the South Cambridgeshire Licensing Policy relating to the prevention of Public Nuisance.

Conditions relating to the prevention of public nuisance

a) Consideration may be given to conditions that ensure that:

- 1) Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties
- 2) Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
- 3) The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in the surrounding areas are restricted.
- 4) The placing of refuse - such as bottles- into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.
- 5) Noxious smells from the licensed premises are not permitted (subject to existing legislation not providing adequate measures) so as to cause a nuisance to nearby properties and the premises are properly vented.

- 6) Flashing or particularly bright lights on or outside licensed premises (any such condition must be balanced against the benefits of providing lighting to promote the prevention of crime and disorder).

b) **Hours**

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or club premises certificate for the prevention of public nuisance:

- 1) Conditions may be placed on premises restricting (other than where they are protected by the transitional provisions of the Act) the hours during which premises are permitted to be open to the public or to members and their guests.
- 2) Restrictions may be necessary on the times when certain licensable activities take place even though the premises may be open to the public at such times
- 3) Restrictions may be necessary on parts of a premise used for certain licensable activities at certain times.

Conditions Relating to Public Safety (including fire safety)

15. Conditions relating to public safety will be those that are necessary to promote the objective of public safety for individual premises or clubs. They should not duplicate other legal requirements. Equally the attachment of conditions to a premises licence or club premises certificate will not relieve employers of the statutory duty to comply with the requirements of Health and Safety legislation and the requirements under the management of Health and Safety at Work regulations 1999 and the Fire Precautions (Workplace) regulations 1997 to undertake risk assessments.

Conditions relating to Crime and Disorder

a) **Door Supervisors** (registered with the Security Industries Authority)

The Local Authority recognises that in applications where door supervisors are referred to in the operating schedule conditions relating to door supervisors are mandatory. Where conditions are attached relating to the provision of door supervisors and security they may be valuable in:

- 1) preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- 2) keeping out excluded individuals (subject to court bans or bans imposed by licence holder);
- 3) Searching and excluding those suspected of carrying illegal drugs or carrying offensive weapons and;
- 4) maintaining orderly queuing outside venues

Where door supervisors are to be a condition of a licence they are required to be licensed through the Security Industries Authority in line with the Securities Industry Act 2000.

b) **Bottle bans**

It is recognised that glass vessels (ie bottles and glasses) may be used as weapons inflicting serious harm during incidents of disorder. Conditions may include:

1. No bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar
2. No customer carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public.

In appropriate circumstances conditions may exempt bottles containing wine or similar sold for consumption with a table meal by customers who are seated in a separate area from the bar.

c) **CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions may include:

1. The need to have CCTV cameras on the premises
2. The precise positioning of each camera
3. The requirement to maintain cameras in good working order
4. The requirement to retain recordings for an appropriate period.

Other conditions that may be considered relevant to promote the reduction of crime and disorder may include:

1. Restriction on drinking areas
2. Capacity limits
3. Proof of age cards
4. Crime prevention notices
5. Signage at or immediately outside the premises
6. Use of plastic containers and toughened glass

16. Members should be aware that at page 5 of the Councils Licensing Policy it stresses that every application will be dealt with impartially and on its individual merits. It also points out in the same paragraph that it is aware of its new powers under the Anti Social Behaviour Act (s.40, 41 noise causing a public nuisance) and is also aware that the use of conditions and the application of Licensing Law should be used as a tool in the control of anti – social behaviour either by groups or individuals once these groups or individuals are beyond the direct control of a person or organisation responsible for licensed premises.

Legal Implications

17. Both parties will maintain a right of appeal to a Magistrate's Court after the determination of this committee.

Contact Officer: Tara King – Assistant Licensing Officer
Telephone: (01954) 713144

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