

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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

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### 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.

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