

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing (2003 Act) Sub Committee

16 May 2012

AUTHOR/S: Corporate Manager, Health & Environmental Services

APPLICATION TO VARY THE PREMISE LICENCE JOLLY BREWERS PUBLIC HOUSE MILTON

Purpose

1. To refer the application under the Licensing Act 2003 to vary the licence of the Jolly Brewers Public House, Fen Road, Milton for decision following the receipt of representations.
2. This is not a key decision because it is an appeal heard under the statutory duties placed upon South Cambridgeshire District Council under the Licensing Act 2003.

Background

3. The Jolly Brewers Public House currently hold a premises licence under the Licensing Act 2003, as shown at **APPENDIX A**.
4. An application to vary the premises licence was made in accordance with the Licensing Act 2003, as shown at **APPENDIX B**.
5. The premise is a public house set in a village location with residential properties in close proximity.
6. The premise has been closed in excess of 2 years and has new owners who are undergoing a refurbishment of the property which will include bed and breakfast chalets within the grounds of the public house.
7. The existing permissions for the premise are as follows:-
 - Opening Hours
 - Monday to Saturday 11.00 to 23.20
 - Sunday 12.00 to 22.50
 - Christmas Day 12.00 to 15.30
 - Christmas Day 19.00 to 22.50
 - New Years Eve 11.00 to 00.00
 - New Years Day 00.00 to 23.20
 - Recorded Music – as background music only
 - Monday to Saturday 11.00 to 23.00
 - Sunday 12.00 to 22.30
 - Christmas Day 12.00 to 15.00
 - Christmas Day 19.00 to 22.30
 - New Years Eve 11.00 to 00.00
 - New Years Day 00.00 to 23.00

- Sale of alcohol on and off the premises
 - Monday to Saturday 11.00 to 23.00
 - Sunday 12.00 to 22.30
 - Christmas Day 12.00 to 15.00
 - Christmas Day 19.00 to 22.30
 - New Years Eve 11.00 to 00.00
 - New Years Day 00.00 to 23.00
8. The variation application seeks to add the following activities
Performance of live music (indoors only)
- Monday to Saturday from 08.00 to 00.00
 - Bank Hol Fri/Sat/Sun/Mon from 08.00 to 02.00
 - Sunday from 08.00 to 00.00
9. Provision of Facilities for dancing
- Monday to Thursday From 08.00 to 00.00
 - Fri/Sat From 08.00 to 02.00
 - Bank Hol Fri/Sat/Sun/Mon from 08.00 to 02.00
 - Sunday from 08.00 to 00.00
10. The application also seeks to extend the hours for existing permissions as follows:-
Opening hours to the public
- Monday to Sunday from 11.00 to 08.00
 - Monday to Thursday from 23.20 to 00.30
 - Friday & Saturday from 23.20 to 02.30
 - Bank Hol Fri/Sat/Sun/Mon from 23.20 (22.50 on Sun) to 02.30
 - Sundays (Non Bank Hol) from 22.50 to 00.30
11. Recorded Music
- Monday to Saturday from 11.00 to 08.00
 - Monday to Thursday from 23.00 to 00.00
 - Friday & Saturday from 23.00 to 02.00
 - Bank Hol Fri/Sat/Sun/Mon from 23.20 (22.50 on Sun) to 02.00
 - Sundays (Non Bank Hol) from 12.00 to 08.00
 - Sundays (Non Bank Hol) from 22.30 to 00.00
 - And to remove the condition that recorded music should be background music only
12. Supply of alcohol – on and off the premises
- Monday to Sunday from 12.00 to 08.00
 - Monday to Thursday from 23.00 to 00.00
 - Friday & Saturday from 23.00 to 02.00
 - Bank Hol Fri/Sat/Sun/Mon from 23.20 (22.50 on Sun) to 02.00
 - Sundays (Non Bank Hol) from 22.30 to 00.00
13. In addition to the request for Bank Holidays a request for extended times detailed above is also included for any other officially recognised national holiday, these are holidays as declared by the Secretary of State, for example the Queens Diamond Jubilee or the Royal wedding in April 2011.
14. Existing permissions granted by the Secretary of State in respect of activities over the New Year period are not affected by this application

Considerations

15. A number of relevant representations were made in respect of the variation application from both interested parties and responsible authorities; these are shown in **APPENDIX C**.
16. In considering the application members must have regard to both the South Cambridgeshire District Council Licensing Policy and guidance issued by the Secretary of State under S.182 of the Licensing Act 2003, key considerations are:-
- Each application must be considered on its individual merits
 - Reasons should be given for any decision reached and should be evidenced-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve
 - Only the 4 Licensing Objectives may be taken into consideration when reaching a decision
 - The Licensing Sub Committee must not be used as a method of re hearing objections raised in other areas ie, planning issues
 - Guidance in the South Cambridgeshire District Council Licensing Policy in relation to such issues states that conditions may be considered and examples are listed as shown in **APPENDIX D**.

Options

17. The Sub-Committee has the right under the Licensing Act 2003 to determine the application, after considering the representations, in one of the following ways:
- accept the application as submitted
 - reject the application, or
 - impose conditions that promote the relevant Licensing objectives.

Implications

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| 18. Financial | N/A |
| Legal | Both applicant and representees will have a right of appeal to a Magistrates court following any decision made by the Licensing Sub-Committee |
| Staffing | N/A |
| Risk Management | N/A |
| Equality and Diversity | N/A |
| Equality Impact Assessment completed | No This hearing is by way of a specific appeal and does not affect any policy adopted by SCDC |
| Climate Change | N/A |

Consultations

19. The Licensing Act 2003 has a specific procedure for consultation which is in the form of a blue notice being displayed on or at the premises and an advert in a local newspaper circulating in the area. This procedure was followed by the applicant.

Conclusions / Summary

20. The application before the Sub-Committee is for a variation to an existing licence for the Jolly Brewers Public House, Fen Road, Milton, Cambridgeshire, following sale of the premises and closure for refurbishment.
21. The application is to both add additional licensable activities and extend the permitted hours for existing licensable activities.
22. Representations have been received by both interested parties and responsible authorities.
23. The matter is now referred to the Licensing (2203 Act) Sub Committee for decision.

Background Papers: the following background papers were used in the preparation of this report:

Licensing Act 2003
Amended Guidance Issued under S.182 of the Licensing Act 2003
South Cambridgeshire District Council Licensing Policy

Contact Officer: Myles Bebbington – Licensing Manager
Telephone: (01954) 713132