

# South Cambridgeshire District Council Licensing (2003 Act)

## Sub-Committee

<b>Date of Hearing:</b>	16 November 2020
<b>Applicant:</b>	Greene King Ltd
<b>Premises Address:</b>	Waggon and Horses, High St, Linton, CB21 4JT
<b>Application:</b>	Variation of premises licence
<b>Those present at the hearing:</b>	
<b>Sub-Committee:</b>	Councillor Anna Bradnam (Chair)
	Councillor Eileen Wilson
	Councillor Deborah Roberts
<b>SCDC Officers:</b>	Jane Jackson, Licensing Officer
	Paul Weller, Legal Adviser
	Victoria Wallace, Democratic Services Officer
	Suzanne Christie, Environmental Health Officer
	Liam Martin, AV Support Officer
<b>Applicant:</b>	Piers Warne (Legal Representative)
	Andy Turner, Greene King
	Helen Head, (Landlady)
<b>Representees:</b>	Alison Butterworth
	Michael Malone
	Cllr John Bald, Linton Parish Council
	David Watts
	Simon Godsill

### The application

The application to vary a Premises Licence for the Waggon & Horses, 110 High Street, Linton CB21 4JT was received by the licensing department on 25 September 2020

The application was accompanied by:

- The required fee
- An operating schedule (included in the application form)
- A plan of the premises

The application is for a variation to the existing Premises Licence SDCPL0305. This is an application to vary the layout and design of the premises in accordance with the submitted plan. The changes include the addition of a marquee in the external area, an additional lawn area and conversion of a storeroom into a serving hatch.

### **Removal of Conditions**

- 3. No outside drinking shall take place between 23.00 and 08.00
- 9. The designated premises supervisor or nominated representative shall carry out an hourly noise assessment at the boundary of the premises whilst regulated entertainment events are taking place, in order to check that there is no noise nuisance arising from the regulated entertainment.

### **Conditions to be added**

To add the following conditions to the premises licence:

- No outside drinking shall take place between 00.00 and 08.00.
- When regulated entertainment is provided in the external areas of the premises, noise checks will be carried out at the nearest noise sensitive property. A noise check log ('the log') of these checks will be kept and maintained at the premises. As a minimum the log will record the date and time of the check, the name of the person making the check, the sound level and if required, any action taken. The log will be made available to an authorised officer upon request.

### **Background**

The premises are located on the High Street in Linton High Street which is a mixture of residential houses and shops. As required by the Licensing Act policy, the application was sent to all responsible authorities for consultation as part of the licensing application process.

Notification of the application was sent to 187 neighbouring properties.

The requirements for advertising and displaying relevant notices were carried out in accordance with the Licensing Act 2003. The Blue Notice correctly displayed, and a notice was placed in the Cambridge Evening News on 30 September 2020.

As part of the application process the applicant was made aware of the representations.

### **Relevant representations**

Representations were received from interested parties and Environmental Health. All representations were sent to the applicant's solicitor.

### **Observations:**

The panel heard representations from the applicant's legal representative who explained:

- The reasons for the application.

- The Covid-secure measures that had been implemented by the premises and the impact of these on the business.
- That the incidences of anti-social behaviour had reduced since the current management had been in place.
- The premises provided community activities and there was local support for the premises.
- The longer-term intention was to return music and entertainment to inside the premises as soon as this was possible.
- The intended use of the marquee was explained. The indoor, Covid-compliant capacity was 40 customers. The marquee would provide an additional 46 Covid-secure seats outdoors and would make the premises viable to open over the winter.
- The reasons for the proposal to vary condition 3 were explained. The panel was informed that this would assist with managing customers safely and quietly away from the premises during the Covid-19 pandemic, while maintaining the licensing objectives.

The panel heard from the Council's Environmental Health Officer who explained the proposed licence conditions. The panel was informed that two noise complaints had been received by the Council this year. There were no previous noise complaints on record.

The panel heard from a representative of Linton Parish Council, which objected to the application to vary the premises licence. The following points were made:

- Linton Parish Council appreciated the improvements that had been made to the premises, by its current management.
- The parish council's concerns related to noise nuisance caused by live music being played outdoors. During the Covid-19 pandemic, music had been played outdoors which had caused discomfort and nuisance to residents. This noise had also caused disturbance to children trying to get to sleep, and to residents' pets. The sub-committee was informed that the local veterinary surgery, which accommodated animals overnight, was near the premises
- The parish council was concerned by the lack of evidence of noise monitoring by the applicant, which was a condition of the current licence.
- Construction of a marquee had removed car parking at the premises. For this reason the parish council opposed the erection of a permanent marquee.
- The parish council was concerned that if the marquee doubled the capacity of the pub under Covid restrictions, then when Covid restrictions were lifted it could accommodate a significantly larger number of customers, which in turn could create a potential influx of cars to the village but no longer offer any parking on the premises.

The panel heard from residents who lived near the premises. They made the following representations objecting to the application to vary the premises licence:

- Due to the noise nuisance caused by the premises, two neighbouring houses were being sold as this nuisance had become too much for the residents.
- Residents provided details of the negative impact the levels of noise from the premises had had on their quality of life. The loud live music and the bass of this music had caused significant stress to residents living nearby the pub. Noise levels were such that residents could not easily hear their televisions in their homes.

- Noise levels from the marquee had been very intrusive and difficult to live with, particularly during the summer months. Residents had to keep their windows closed and could not enjoy their gardens during the evening in the summer months.
- The noise levels from the marquee were also significant when live music was not being played. Disturbance occurred at weekends but also during the week when quiz nights were held, using a microphone and with participants shouting.
- The noise of the generator used to heat the marquee was also causing a nuisance to residents living on the boundary of the pub.
- Residents had met with the landladies of the pub to discuss the noise levels, but there was no noticeable reduction in volume.
- Since the marquee was installed there was no longer anywhere to park at the pub; customers were parking on Green Lane and on the High Street. This had caused a nuisance and made access to the High Street by buses and emergency service vehicles difficult.
- Customers leaving the pub had been noisy and disturbed residents.
- Residents acknowledged the need for the pub to generate a profit.

The applicant's legal representative emphasised that Greene King wanted to work with residents and apologised on behalf of their client for the negative impact that noise levels from the premises had had on residents. He informed the sub-committee that Greene King would be working with the landlady and all parties to ensure the noise levels were reduced significantly and that the issues that had been raised by residents were resolved.

## Decision

Taking all the above into account the Sub-Committee **refused** to grant the variation of the Premises Licence.

## Reasons:

- The sub-committee noted that many of the complaints received concerned aspects of operation unrelated to the matters this variation application sought to alter.
- The erection of the marquee is a matter for the South Cambridgeshire District Council as the Local Planning Authority.
- The sub-committee does not support the permanent changes to the licensable area layout and design of the premises as described in the plans submitted with the application. The sub-committee considers, and the evidence suggests, this could result in an increase in public nuisance.
- On the basis that the main aspect of the application is refused the sub-committee does not approve the removal of Condition 3 namely "No outside drinking shall take place between 23.00 and 08.00.
- The reason for this is that, considering the locality, the Condition is both appropriate and proportionate for this premises licence.
- Further, and on the same basis the sub-committee does not approve the proposed change to condition 9.
- The reason for this is that the sub-committee considers the measures already in place are both sufficient and appropriate and to impose this would represent an additional and disproportionate burden on the premises.

The applicant has a right of appeal against the decision to impose conditions on the licence to the Cambridge Magistrates' Court within 21 days of receiving notification of this decision.

Any objector has a right of appeal against the decision to grant the licence or that, on granting the licence, the licensing authority ought to have imposed different or additional condition on the licence to the Cambridge Magistrates' Court within 21 days of receiving notification of this decision.

Signed:

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Councillor Anna Bradnam (Chair)

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Councillor Deborah Roberts

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Councillor Eileen Wilson

Dated: 16 November 2020

Amended: 1 December 2020