

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Licensing Sub-Committee (2003 Act) 24 July 2008
AUTHOR/S: Corporate Manager, Health & Environmental Services / Assistant
Licensing Officer

WHITE SWAN, STOW CUM QUY, VARIATION OF PREMISES LICENCE

The Application

1. The application (**Appendix A**) is for a variation of the existing premises licence (**Appendix B**) at The White Swan, Main Street, Stow-Cum-Quy, Cambridge, CB25 9AB. The application was received on 29 May 2008 in accordance with the Licensing Act 2003.
2. Summary of Variation - to permit live and recorded music including karaoke and to extend the hours for opening and retail sale of alcohol, to extend bank holiday provisions and to remove any embedded restrictions of Licensing Act 1964 and Children's and Young Persons Act 1933. For the full variation please refer to Appendix A.

Background

3. The public house is situated in a residential area within the village (**Appendix C**), where homes are situated opposite the premises and to either side. Following mediation on the application, the applicant has agreed to the following conditions as suggested by the Environmental Health Officer (**Appendix D**):
 - Members of the Public shall not be allowed access to the Public House after 23.00 hours.
 - No outside drinking shall take place between 23.00 – 08.00 hours, except for a licensed outdoor entertainment event.
 - Bottles and other refuse shall not be placed in outside receptacles between 23.00 – 08.00.
 - 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 Event Room (Except for ingress and egress) during licensed entertainment events.
4. These conditions if considered appropriate will need to be included in any decision made by this Committee.

Relevant Representations

5. A relevant representation was received from a member of the public and focused on issues of public nuisance (**Appendix E**). In relation to the complaint, on 24 June 2008 the applicant verbally agreed to withdraw the request for outside musical entertainment.

Officer's Views

6. 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 objective and

therefore any decisions imposed must relate to this objective only. Guidance in the South Cambridgeshire District council Licensing Policy in relation to such issues states that conditions may be considered and examples are listed under the relevant section below.

Policy Considerations

7. Detail of relevant licensing objectives in relation to 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.**

Legal Implications

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

Background Papers: Appendix A – Application for Variation, Appendix B – Existing Licence
Appendix C – Location Map, Appendix D – EHO Conditions, Appendix E – Representation

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