

LICENSING AND REGULATION COMMITTEE**8 June 2006****Attendance:**

Councillors:

Mather (Chairman) (P)

Baxter (P)

Berry (P)

Howell (P)

Hammerton (P)

Izard (P)

Johnston (P)

Love (P)

Pearce

Ruffell (P)

Sutton (P)

Wagner

Weston (P)

Wood

Wright (P)

73. **APOLOGIES**

Apologies were received from Councillors Pearce, Wagner and Wood

74. **MEMBERSHIP OF SUB COMMITTEES**

That Councillors Berry, Izard, Johnston, Mather and Sutton be appointed to the Taxi Review Working Party for the 2006/07 Municipal Year.

75. **PUBLIC PARTICIPATION**

There were no statements made or questions asked.

76. **MINUTES OF PREVIOUS MEETINGS**

The Committee considered the minutes of its previous meetings held on 22 September and 2 November 2005 and 17 May 2006.

RESOLVED

That the minutes of the previous meetings of the Committee held on 22 September and 2 November 2005 and 17 May 2006 be approved and adopted.

77. **MINUTES OF LICENSING SUB COMMITTEES**

The Committee received the minutes of the following meetings of the Licensing Sub Committee (appended as indicated):-

13 September 2005	(Appendix A)
14 September 2005	(Appendix B)
19 September 2005	(Appendix C)
20 September 2005	(Appendix D)
21 September 2005 (am)	(Appendix E)
21 September 2005 (pm)	(Appendix F)
22 September 2005	(Appendix G)
26 September 2005	(Appendix H)
29 September 2005 (am)	(Appendix I)
29 September 2005 (pm)	(Appendix J)
14 October 2005	(Appendix K)
20 October 2005	(Appendix L)
25 October 2005	(Appendix M)
2 November 2005	(Appendix N)
8 November 2005	(Appendix O)
13 December 2005	(Appendix P)
27 March 2006	(Appendix Q)

RESOLVED:

That the minutes of the meetings of the Licensing Sub-Committees, as set out above, be received and noted

78. **VOTE OF THANKS**

The Committee thanked the officers for their hard work and support during the past Municipal Year in implementing the Licensing Act 2003.

The meeting commenced at 6.30pm and concluded at 6.35pm

Chairman

LICENSING SUB-COMMITTEE13 September 2005Attendance:

Councillors:

Johnston (Chairman) (P)

Hammerton (P)

Sutton (P)

79. **THE BISHOP ON THE BRIDGE, HIGH STREET, WINCHESTER**
(Report LR146 refers)

The Licensing and Registration Manager advised that the application for The Bishop on the Bridge, Winchester had been withdrawn as the police were no longer submitting a representation. The Sub-Committee agreed that the item (which sought to vary the Premises Licence) be withdrawn and the application be determined by the City Secretary and Solicitor under delegated authority.

RESOLVED:

That the application be determined by the City Secretary and Solicitor under delegated authority.

80. **THE MEAD END, 22 MEAD END ROAD, DENMEAD**
(Report LR147 refers)

The Sub-Committee met to consider an application by Mr & Mrs Nicol for a variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7 (b) of the Licensing Act 2003, to extend the hours when the premises were open to the public, for the sale of alcohol, late night refreshment and regulated entertainment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr Joseph Nicol (Applicant), Mr K Beard (representing Mr and Mrs Jennings) and Mr & Mrs Collins as interested parties representing themselves. There were no representatives of the Responsible Authorities present.

The Licensing and Registration Manager explained that the application was for a variation of the Premises Licence, with the conversion of the existing licence being granted under delegated powers on 2 September 2005. There was no application to remove the embedded restrictions inherent in the Licensing Act 1964. He commented that letters from 23 interested parties had been received, but there had been no representations from any of the Responsible Authorities.

In response to Members' questions, the Licensing and Registration Manager confirmed that although the log set out in Mr & Mrs Collin's letter of representation was sent to the

Environment Division and himself, to his knowledge it was the first complaint received of that nature and that there had not been any previous complaints.

Mr Beard spoke as a representative of Mr & Mrs Jennings who had made a relevant representation regarding the application. He expressed their concerns that the premises were in the middle of a residential area, with houses on all sides of the pub. Residents had endured noise and overspill of people leaving the premises late at night and this would be made worse if an extension of the hours was granted, especially for Mr & Mrs Jennings whose back bedroom overlooked the pub.

In summary, Mr Beard outlined concerns that not only would house prices be affected in the long term, but also that an extension would be detrimental to the quality of life of those that lived in the area.

Mr Collins then spoke opposing the application, representing both himself and his wife, whose property was approximately 25 metres from the premises. He echoed Mr Beard's comments about the close proximity of the premises to the surrounding houses and the noise disturbances they experienced. Mr Collins also commented that he considered the function room, being of a timber construction, was not sufficiently soundproofed against the bass beats of the music played there and, as a result, they often could not get to sleep before 2300. This was shown on the noise log they included in their letter of representation.

In response to Members' questions, Mr Collins confirmed that he had contacted the Environmental Division several times to complain about the noise and, in December 2004, had advised the Environmental Protection Team Manager about the noise log they were keeping. He also added that when they bought the house in 2001, the pub was under the former management and they did not have any problems.

Mr Nicol spoke in support of the application, stating that he had run the premises for the last three years, during which time he had developed the business. He commented that he had allowed several charities to use the function room without charge. He agreed that since he bought the premises, the function room was in use far more frequently than before. However, he only applied for extensions at weekends and never during the week. Mr Nicol continued that everything possible was done to keep the noise levels down, with all doors shut by 2300, and the function room was insulated inside. He stated that there were notices displayed asking people to leave quietly and staff requested patrons to keep noise levels down when leaving. Mr Nicol also commented that when the police visited the premises they did not find any problems.

In response to Members' questions, Mr Nicol confirmed that the function room used to be an old barn, but that he constantly monitored noise levels emitting from the premises. He had consulted the immediate neighbours to the pub and had also been in touch with the Environment Protection Team Manager, who advised that an acoustic survey of the building was not necessary. He also stated that there was always a senior member of staff at the doors when customers were leaving, encouraging people to leave quietly.

Mr Nicol continued that, as part of his current Public Entertainment Licence, music was required to cease at 2300, with only background music allowed after that time. He confirmed that he was happy to continue with this condition.

The Licensing and Regulation Manager added that the Public Entertainment Licence only allowed regulated entertainment until 2300, although when an alcohol extension was obtained the hours permitted under the PEL were also extended. He stated that he had received an email from Mrs Nicol in August 2005 confirming that they were happy to keep music at an acceptable level.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the renewal license as set out in the report.

RESOLVED:

That the application be granted, subject to the following conditions:

Mandatory Conditions

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|----------------------------|--|
| (i) | Sunday to Thursday | 1100 to 2330 |
| (ii) | Friday and Saturday | 1100 to 0100 |
| (iii) | New Year's Eve | 1100 to 0030/0130
1 January |

2. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|------|----------------------------|---------------------|
| (i) | Sunday to Thursday | 1100 to 2300 |
| (ii) | Friday and Saturday | 1100 to 0030 |

- | | | |
|-------|------------------------------|--|
| (iii) | <i>New Year's Eve</i> | <i>1100 to 0000/ 0100
1 January</i> |
|-------|------------------------------|--|

3. The hours the premises may be used for regulated entertainment shall be:

- | | | |
|-------|-----------------------------------|--|
| (i) | <i>Sunday to Thursday</i> | <i>1100 to 2300</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1100 to 0030</i> |
| (iii) | <i>New Year's Eve</i> | <i>1100 to 0000/ 0100
1 January</i> |

4. The hours the premises may be used the provision of late night refreshment shall be:

- | | | |
|-------|-----------------------------------|--|
| (i) | <i>Sunday to Thursday</i> | <i>2300 to 2330</i> |
| (ii) | <i>Friday and Saturday</i> | <i>2300 to 0100</i> |
| (iii) | <i>New Year's Eve</i> | <i>2300 to 0000/ 0100
1 January</i> |

5. In respect of that part of the premises usually set apart for persons taking table meals, and for the consumption of alcohol in that part as ancillary to such meals, the following hours are permitted:-

- | | | |
|------|----------------------------------|----------------------------|
| (i) | <i>Monday to Saturday</i> | <i>1100 to 0000</i> |
| (ii) | <i>Sundays</i> | <i>1100 to 2330</i> |

All Licensing Objectives

These conditions reflect the operating schedule (as modified by the applicant following discussions with the Director of Communities). Some of these conditions were included in the Public Entertainment Licence. As the variation application did not include an application to remove the remaining PEL conditions, these other PEL conditions will remain and be included in the Premises Licence once it is issued.

Crime and Disorder

A CCTV system shall be maintained and in operation at all times that the premises are used for licensable activities. The tapes shall be retained for 30 days and be made available to the Police or Authorised Officers on request.

Public Safety

None

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check noise levels periodically. Such monitoring shall be carried out at the boundary and all noise from the premises shall be inaudible at the boundary of the premises after 2300.
2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. Regulated entertainment shall be restricted to the inside of the premises.
5. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.
6. All outside areas shall cease to be used after 2300 and shall be cleared at that time.

Protection of Children

None.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.

5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

The meeting commenced at 9.30am and concluded at 11.15am

Chairman

LICENSING SUB-COMMITTEE**14 September 2005****Attendance:**

Councillors:

Allgood (Chairman) (P)

Mather (P)

Nelmes (P)

81. KING CHARLES, LOVEDEN LANE, KINGS WORTHY

(Report LR141 refers)

The Sub-Committee met to consider an application by George Gale and Co Ltd for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the operating hours and the hours the premises may be used for the sale of alcohol, for regulated entertainment and the provision of late night refreshment. The details of the proposed variations were as set out in the report.

The Sub-Committee noted that the application had been deferred from the 6 September 2005 meeting, as the hearing notices had not been received by the interested parties

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Mr Makin (a representative of the applicant, George Gales and Co Ltd) Ms Figgins (the designated premises supervisor) and three local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the seven letters from Interested Parties as set out as the Appendices to the report. In summary, these referred to issues related to the potential harm to the disturbance, crime and disorder the extended hours might pose. The Sub-Committee also noted that no representations had been received from the Responsible Authorities.

At the conclusion of his presentation, the Licensing and Registration Manager advised that a correction was required to the proposed conditions on page 7 of the Report, which should read: "Operating Hours: 2(ii) Friday, Saturday and Sunday 1000 to 0100."

At the invitation of the Chairman, Mr Chainey spoke (as a neighbour to the premises) in objection to the application. In summary he stated that the proposals were contrary to the character of the area and that there was a potential for late night noise nuisance (through noise emanating from the premises and as its patrons left after its closure) if the

application was granted. He added that the area was predominately populated by young families and older people.

In response to Members' questions, Mr Chainey confirmed that although there had been little cause to complain against the noise from the premises, the later hours and potential for a future landlord to use the permissions to its fullest extent was a cause of concern.

At the invitation of the Chairman, Mr Wilson spoke as a neighbour to the premises in objection to the application. In addition to the issues raised by Mr Chainey, he reported that there had been a problem with young children using the premises' green unsupervised late into the evening.

At the invitation of the Chairman, Mr Johnston spoke as a neighbour to the premises in objection to the application. He also supported the comments that were made by his neighbours and added that most residents did not complain at the current level of noise as they knew it would stop at a reasonable time. If granted, he suggested that the premises' neighbours would be kept awake by its noise until much later into the night which was unacceptable in a residential area.

At the invitation of the Chairman, Mr Makin (as a representative of George Gale and Co Ltd) spoke in support of the application. He explained that, because of its type of tenure, the premises supervisor had a much greater level of control than most other public houses. He also explained that the premises supervisor had a young child of her own and that as such she was unlikely to permit a level of noise from the premises that could nuisance neighbours. He confirmed that it was not her intention to change the character of the premises and convert it to a late night music venue.

Mr Makin also spoke in support of the applicant's request for an hour-long wind down period after the sale of alcohol ceased. This he suggested would mean patrons were more likely to leave the premises in a more dispersed, sober and neighbourly manner.

During their discussion, the Sub-Committee noted the distance between the source of noise in the premises, the car park and the residential properties. It further noted that most of its clientele was, and would remain, local people.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the report with the following amendments as set out below in bold below.

The Sub-Committee had agreed to reduce the requested hour-long wind down period to reflect the concerns of local residents and in regard to its duties to protect children under the 2003 Licensing Act, Members included an additional informative in bold below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|---|--------------------------------|
| (i) | <i>Monday to Thursday</i> | <i>0700 to 1230</i> |
| (ii) | <i>Friday, Saturday, Sunday</i> | <i>0700 to 0130</i> |
| (iii) | <i>New Years Eve</i> | <i>0700 – 0200 (2 January)</i> |
| (iv) | <i>Bank Holidays</i>
<i>Christmas Eve and Boxing Day</i> | <i>0700 to 0200</i> |

2. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|-------|---|--------------------------------|
| (i) | <i>Monday to Thursday</i> | <i>1000 to 0000</i> |
| (ii) | <i>Friday, Saturday and Sunday</i> | <i>1000 to 0100</i> |
| (iii) | <i>New Years Eve</i> | <i>1000 – 0100 (2 January)</i> |
| (iv) | <i>Bank Holidays</i>
<i>Christmas Eve and Boxing Day</i> | <i>1000 to 0100</i> |

3. The hours the premises may be used for regulated entertainment shall be:

- | | | |
|------|---------------------------------|---------------------|
| (i) | <i>Monday to Thursday</i> | <i>0700 to 1230</i> |
| (ii) | <i>Friday, Saturday, Sunday</i> | <i>0700 to 0130</i> |

- (iii) *New Years Eve* 0700 – 0200 (2 January)
- (iv) *Bank Holidays, Christmas Eve and Boxing Day* 0700 to 0200

Live music, amplified voice, until 0000 every day, Bank holidays until 0100.

4. The hours the premises may be used the provision of late night refreshment shall be:

- (i) *Monday to Thursday* 2300 to **0030**
- (ii) *Friday, Saturday, Sunday* 2300 to **0130**
- (iii) *New Years Eve* 2300 – 0200 (2 January)
- (iv) *Bank Holidays Christmas Eve and Boxing Day* 2300 to 0200

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

1. All staff shall be trained in the requirements of the Licensing Act 2003 and receive drugs awareness training as part of their induction.
2. There shall be a **30** minute “wind down period” after the end of alcohol sales.
3. The Designated Premises Supervisor shall be a member of the local Pubwatch scheme so long as it exists.
4. Any person who is drunk, violent or disorderly shall be refused admission to the premises.

Public Safety

1. The capacity of the premises, including staff and performers, shall not exceed 120 persons.
2. All staff shall be trained in fire drill and the procedure for notifying the fire service in the event of fire.

Public Nuisance

1. Live music, karaoke and live acts involving disc jockeys shall cease at 0000 except on New Year's Eve and New Year's Day.

2. The volume of recorded music shall be reduced to background level during the “wind down period”.
3. The manager shall inform the Licensing Authority of any intended promotional evenings involving karaoke and disc jockeys at least 10 days before the event is scheduled to take place.
4. Regulated entertainment shall be restricted to the inside of the premises.
5. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Removal of Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises. Maintained emergency lighting should be provided over exits.

6. **The licensee is reminded of her duties in regard to the health and safety of any children using the outside area of the premises, including the garden to the front the premises.**

82. **BRIDGE HOTEL, SHAWFORD**
(Report LR148 refers)

The Sub-Committee met to consider an application by Spirit Group Ltd for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the operating hours, the hours the premises may be used for the sale of alcohol, regulated entertainment and provision of late night refreshment. The details of the proposed variations were as set out in the report.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Mr Miller (a representative of the applicant), Mr Hussey (the premises' manager) and three local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the eleven letters from Interested Parties as set out as Appendices to the report. In summary these referred to issues related to the potential harm to the disturbance and crime and disorder issues the extended hours might pose. Other issues included concerns about parking, lack of suitable public transport, policing. The Sub-Committee also noted that no representations had been received from the Responsible Authorities.

At the invitation of the Chairman, Mr Miller (on behalf of the applicant) spoke in support of the application. He reported that following consultation with local residents and subsequent to the publication of the report, the applicant had agreed to all the public nuisance conditions and that all entertainment should cease at midnight, every day, with a half-hour wind down/drinking-up time. However he added that the applicant sought an hour extension on the following dates: St Patrick's Day, St George's Day, Easter Bank Holiday Sunday and Monday, August Bank Holiday Monday, May Day and Spring Bank Holiday Monday.

At the invitation of the Chairman, Mrs Caffyn spoke as a neighbour and representative of Shawford Parish Council. In summary she welcomed the compromise offered by the applicant and noted the Interested Parties' right of review. The Sub-Committee heard similar representations from Mr Streat and Mr Hadyn who spoke as Interested Parties.

Because of the agreement between the applicant and the Interested Parties the Sub-Committee agreed that it was unnecessary to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the report with the agreed amendments set out below in bold.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|------|------------------------------|--------------------------------------|
| (i) | <i>Sunday to Saturday</i> | <i>0900 to 0030</i> |
| (ii) | <i>New Year's Eve</i> | <i>0900 to 0030 2 January</i> |

The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|------|------------------------------|--------------------------------------|
| (i) | <i>Sunday to Saturday</i> | <i>1000 to 0000</i> |
| (ii) | <i>New Year's Eve</i> | <i>0900 to 0000 2 January</i> |

The hours the premises may be used for regulated entertainment shall be:

- | | | |
|-----|---------------------------|---------------------|
| (i) | <i>Sunday to Saturday</i> | <i>1000 to 0000</i> |
|-----|---------------------------|---------------------|

The hours the premises may be used the provision of late night refreshment shall be:

- | | | |
|-----|----------------------------------|----------------------------|
| (i) | <i>Sunday to Saturday</i> | <i>2300 to 0000</i> |
|-----|----------------------------------|----------------------------|

All the above hours may be extended by one hour on Easter Sunday, Easter Monday, May Day Bank Holiday, Spring Bank Holiday and August Bank Holiday, St Patrick's Day and St George's Day.

All Licensing Objectives

Crime and Disorder

All staff shall be trained and comply with the Spirit Group Approach to Sensible Drinking.

Public Safety

None.

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. Regulated entertainment shall be restricted to the inside of the premises.
5. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme or another recognized proof of age policy.

Removal of Embedded Restrictions

The provisions of Sections 63(1), 168 and 171 the Licensing Act 1964 shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.

2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

83. **ARLEBURY PARK SPORTS AND SOCIAL CLUB, THE AVENUE, ALRESFORD**
(Report LR149 refers)

The Sub-Committee met to consider an application by Mr Atkins for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the hours for the supply of alcohol and regulated entertainment for Arlebury Park Sports and Social Club. The details of the proposed variations were as set out in the report.

The application was also to remove the restriction on hours. It did not seek the removal of the conditions (other than the limitation of hours) attached to the Public Entertainment Licence, which were transferred to the new Club Premises Certificate, under the application for conversion.

The Assistant Licensing and Registration Officer advised Members that, given the applicant's status as a private club, Condition 1 limiting the operating hours should be deleted as the Club could be open to its Members at all times. The conditions of the application could only affect therefore the hours that alcohol could be supplied and the provision of entertainment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Mr Garton (a representative of the applicant) and three local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted to the eight letters from Interested Parties as set out as Appendices to the report. In summary these referred to issues related to the potential harm to the disturbance, crime and disorder, extended hours and that the notice of the application had not been advertised in a prominent position. The Sub-Committee also noted that no representations had been received from the Responsible Authorities, although the Police had made a representation against the original 24 hour proposal from the applicant. The Assistant Licensing and Registration Officer explained that the Police's representation had been withdrawn in the light of the Club's proposal to limit the 24 hour licence to a total of 24 occasions throughout the year (twelve related to sporting events and a further twelve occasions).

At the invitation of the Chairman, Mr Garton (as a representative of the applicant) spoke in support of the application. He explained that the 24 hour licences were required to offer the Club's members the opportunity to watch international sporting events from different time zones. The twelve sporting events and twelve other occasions that a 24 hour licence would be sought on the basis of the Club notifying the Local Authority and Police ten days before the event, over which the Police could exercise the power of veto.

During debate, Mr Garton confirmed that the Club was open to its members and guests only and that, other than during functions, the Club did not serve food beyond the provision of light snacks.

At the invitation of the Chairman, Mr O'Rorke spoke as local resident in objection to the application. In summary he stated that the application was poorly advertised and that there had been occasions when noise could be heard from the Club.

At the invitation of the Chairman, Mrs O'Callaghan spoke as a local resident against the application. The Sub-Committee noted that Mrs O'Callaghan had not been able to return her representation and intension to speak at the meeting because of her holiday. Her concerns about the application included the potential for late night public nuisance and noise during entertainment events at the Club as (contrary to the existing conditions) doors and windows had been left open.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the report with set out below in bold.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

The application to vary does not seek the variation of the conditions in the public entertainment licence (other than the limitation on hours). Accordingly, the Premises Licence will include the standard conditions attached to the public entertainment licence, which are set out as Schedule 1 to the PEL, included with the application in Appendix 1.

1. The hours the premises may be used for the **supply** of alcohol shall be:

- (i) Sunday to Thursday 1000 to 0000
- (ii) Friday and Saturday 1000 to 0100
- (iii) New Year's Eve 1000 to 0100 1 January

plus:

12 occasions per annum on a 24 hour basis for sporting events on live TV with a minimum of 10 days notice to the Police and Licensing Authority.

A further 12 occasions per annum on a 24 hour basis for other events with a minimum of 10 days notice to the Police and Licensing Authority.

No such event shall be permitted if the Police indicate their opposition to such extension.

2. The hours the premises may be used for regulated entertainment shall be:

- (i) Sunday to Thursday 1000 to 0000
- (ii) Friday and Saturday 1000 to 0100
- (iii) New Year's Eve 1000 to 0100 1 January

plus :

12 occasions per annum on a 24 hour basis for sporting events on live TV with a minimum of 10 days notice to the Police and Licensing Authority.

A further 12 occasions per annum on a 24 hour basis for other events with a minimum of 10 days notice to the Police and Licensing Authority.

No such event shall be permitted if the Police indicate their opposition to such extension.

All Licensing Objectives

Crime and Disorder

A written policy for sensible consumption of alcohol shall be adopted and all staff shall be trained in the implementation of the policy before the premises are used for the purposes of this Licence.

CCTV behind the bar for staff to view people entering building and foyer.

Public Safety

1. All staff shall be trained in fire drill and the procedure for notifying the fire service in the event of fire.
2. The maximum number of persons permitted to be admitted to the premises whilst in use for the purpose of this licence shall not exceed 175.

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. Regulated entertainment shall be restricted to the inside of the premises.
5. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.
6. **All outside areas (including balconies) shall be cleared and not used after 2300.**

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Removal of Embedded Restrictions

The limitations on hours in the Club Registration Certificate and the Public Entertainment Licence will be superseded by the hours set out above.

The meeting commenced at 6.00pm and concluded at 8.25pm

Chairman

LICENSING SUB-COMMITTEE19 September 2005Attendance:

Councillors:

Pines (Chairman) (P)

Lipscomb (P)

Pearson (P)

Others in attendance who did not address the meeting

Councillor Bennetts

84. **THE GEORGE AND FALCON, ALTON ROAD, WARNFORD**
(Report LR152 refers)

The Sub-Committee met to consider an application by Eldridge Pope and Company Limited for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the operating hours and the hours the premises may be used for the sale of alcohol, for regulated entertainment and the provision of late night refreshment. The details of the proposed variations were as set out in the report.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933.

The only Interested Party (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing was Ms Winston who represented Miss Gibbs, an Interested Party. There were no representatives of the applicant at the meeting.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted that one letter had been received from Miss Gibbs as set out as the Appendices to the Report. In summary, the letter raised concerns regarding late night noise nuisance and that the application would be detrimental to the character for the village. The Sub-Committee also noted that no representations had been received from the Responsible Authorities.

The Sub-Committee noted a letter tabled by the Licensing and Registration Officer from the applicant's solicitors in support of the proposals.

Ms Winston spoke on behalf of Miss Gibbs as a neighbour to the premises against the application. She explained that whilst local residents supported the George and Falcon, they considered that the application for extended hours was likely to disturb local

residents and that the landlord should therefore take measures to reduce the noise nuisance from the premises.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the report with the following amendments as set out below in bold below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence: -

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|------|----------------------|---------------------------------|
| (i) | Every Day | <i>1000 to 0030</i> |
| (ii) | <i>New Years Eve</i> | <i>1000 to 0030 (2 January)</i> |

2. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|------|----------------------|---------------------------------|
| (i) | Every Day | <i>1000 to 0000</i> |
| (ii) | <i>New Years Eve</i> | <i>1000 to 0000 (1 January)</i> |

3. The hours the premises may be used for regulated entertainment shall be:

- (i) **Every Day** 1000 to 0000
- (ii) *New Years Eve* 1000 to 0000 (1 January)

4. The hours the premises may be used the provision of late night refreshment shall be:

- (i) **Every Day** 2300 to 0000
- (ii) *New Years Eve* 2300 to 0500 (**1 January**)

All Licensing Objectives

Crime and Disorder

There shall be a 30 minute 'cool down period' at the end of all licensable activities.

Public Safety

1. Adequate first aid equipment and facilities shall be provided.
2. No more than 300 persons shall be permitted on the premises whilst regulated entertainment is being provided.

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. Regulated entertainment shall be restricted to the inside of the premises.
5. **All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.**

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.
2. Children shall be allowed in designated areas, such areas to be non-smoking and exclude the areas around any hot catering equipment.
3. No children shall be allowed on the premises except when accompanied by an adult.

Removal of Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
2. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
3. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
4. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

85. **FULFLOOD ARMS, 28 CHERITON ROAD, WINCHESTER**
(Report LR153 refers)

The Sub-Committee met to consider an application by Greene King Brewing and Retailing Ltd for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the operating hours, the hours the premises may be used for the sale of alcohol, regulated entertainment and provision of late night refreshment. The details of the proposed variations were as set out in the report.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933 and the Local Government (Miscellaneous Provisions) Act 1982.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Miss Naqshbandi (a representative of the applicant), Mr Cooper (the designated premises supervisor) and Ms Barton (a licensee of the premises). As representatives of the Responsible Authorities, Mrs Blazdell (Environmental Health Officer) and PC Miller (Police) were in attendance along with approximately 30 local residents as Interested Parties.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted the 84 letters of representation from Interested Parties against the application as set out as Appendices to the Report. The Sub-Committee also noted the representations that had been received from the Responsible Authorities.

Miss Naqshbandi reported that approximately 13 letters in support of the application had been received by Greene King Brewing and Retailing Ltd from local residents, and asked that these be considered by the Sub-Committee. However, as these had not been forwarded to the Council within the procedural time limit, they could not be considered by the Sub-Committee without the consent of all parties. The Interested Parties at the meeting refused to give consent to the submission of these documents and the Sub-Committee therefore declined to accept them for consideration.

The Licensing and Registration Manager introduced the Report and agreed to clarify the hours permitted on Bank Holidays within the conditions below.

The Environmental Health Team Manager advised that the Council had received a number of complaints over a sustained period regarding noise nuisance emanating from the premises. In light of this, she recommended a condition that the applicant should employ an independent noise consultant to investigate what measures, if any, could be used to minimise noise. She advised that without the completion of this survey and any resultant works, no regulated entertainment should be permitted, beyond that authorised by the existing Public Entertainment Licence (as converted under the Grandfather Rights); namely two Sundays per month from 2000hrs-2230hrs.

During debate, the Environmental Health Team Manager confirmed that the applicant had submitted a list of forthcoming events as requested at the Licensing Sub-Committee hearing held on 20 July 2005. However, due to a shortage of available resources, the Environmental Health Team had not yet been able to conduct their own survey of the noise from the premises during an event.

PC Miller spoke as a representative of the Police against the application. He advised that the premises were located in a dense residential area with no customer parking. The Police had received a number of complaints from local residents regarding noise and criminal damage to vehicles. He recommended that the regulated entertainment should be restricted to Friday and Saturday nights only and that the premises should close at midnight.

Mr Taylor spoke as an interested party against the application. Mr Taylor was a local resident and spoke on behalf of the Fulflood Residents' Association. In summary, he stated that the application contravened the Council's Licensing Policy as the applicant would not be able to control noise from the premises, leading to disturbance of nearby residents. He stated that the premises were surrounded and adjoined by Victorian terraced housing and that the design of the building was unable to contain noise as it had single glazed windows, no lobby door and was located within the Conservation Area which restricted changes to the building. The premises did have thick curtains but, as the applicant had stated at the previous meeting, she was reluctant to pull these as they covered three ventilation fans in the front windows. He also stated that noise containment was further reduced as the male toilets were located in the back garden. As a consequence, Mr Taylor concluded that the applicant could not ensure that noise from the premises would be inaudible in surrounding noise sensitive properties.

Further disturbances came from patrons leaving the premises (worsened as few of the surrounding dwellings had front gardens) and the premises' exterior lighting which, Mr Taylor stated, shone into twelve properties opposite.

In his concluding remarks, Mr Taylor commented that the proposals underlined an undesirable change in the character of the premises and that the extended hours sought broke the balance between the needs of the local residents and those of the applicant.

Ms Hurley, Mrs Wilkinson and Mr Abell also spoke as local residents against the application. In addition to the points raised above, they advised Members that there were a number of young families that lived near the premises as well as commuters who needed to get up early. They also advised that there a number of unregulated events (such as quiz nights) that had been held, during which the doors had been jammed open for ventilation.

Miss Naqsbandi spoke in support of the application. During her presentation, she pointed out that the applicant lived at the premises with their young children and that the applicant had no intension to alter the character of the premises.

The applicant vetted live acts before they were booked to play and Miss Naqsbandi confirmed that the applicant would welcome a condition limiting the number of live performers to four persons. She anticipated that the number of regulated entertainment events to be no more than two per week. During the regulated entertainment, Ms Barton confirmed that she checked the sound levels outside the nearest residential properties and would turn the volume down if it was too loud.

Miss Naqshbandi also stated that the applicant agreed with the recommended condition to ensure all windows and doors should be kept shut during regulated entertainment. The applicant confirmed that if it was sufficiently hot in the premises that the doors and windows had to be opened, the regulated entertainment would stop during this period. She added that she welcomed a condition to close the outside area to patrons after 2300hrs.

With regard to proposed acoustic survey, Miss Naqsbandi explained that the applicants could not afford this and suggested that such a survey would be unnecessary, so long as the doors and windows were kept shut to contain the noise.

In response to comments about criminal damage to vehicles and late night disturbance, Ms Barton stated that, given the mostly middle-aged character of the Fulflood's patrons, it was unlikely that these problems were attributable to the premises. She added that her own vehicle had been damaged at a time significantly after the premises had closed and that she displayed a notice asking patrons to leave quietly which was reinforced by a verbal reminder during events.

With regard to the outside lighting, Members noted that the lights had been erected by the previous tenants for security purposes.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the report with the following amendments as set out below in bold below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|----------------------------|----------------------------|
| (i) | <i>Monday to Thursday</i> | <i>1100 to 2320</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1100 to 0030</i> |
| (iii) | <i>Sunday</i> | <i>1200 to 2320</i> |

- | | | |
|------|---|--------------|
| (iv) | <i>Christmas Eve, Christmas Day, Easter Saturday, Easter Sunday and Bank Holidays</i> | 1100 to 0120 |
|------|---|--------------|

2. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|-------|---|---------------------|
| (i) | <i>Monday to Thursday</i> | 1100 to 2300 |
| (ii) | <i>Friday and Saturday</i> | 1100 to 0000 |
| (iii) | <i>Sunday</i> | 1200 to 2300 |
| (iv) | <i>Christmas Eve, Christmas Day, Easter Saturday, Easter Sunday and Bank Holidays</i> | 1100 to 0100 |

In respect to 1 and 2 above, the hours might be extended by one hour before and after in respect of major TV sporting events, provided the applicant gives seven working days notice to the Licensing Authority and Police and no objection is raised.

3. The hours the premises may be used for regulated entertainment shall be:

- | | | |
|-------|----------------------------|---------------------|
| (i) | <i>Friday and Saturday</i> | 1900 to 2300 |
| (ii) | <i>Sunday</i> | 1900 to 2300 |
| (iii) | <i>Bank Holidays</i> | 1100 to 0100 |

All Licensing Objectives

Crime and Disorder

1. All staff shall be trained to monitor all trading areas and report any suspicious incidents, criminal activity or disorder.
2. The premises shall be a member of a local Pubwatch scheme if available

Public Safety

There shall be no consumption of drinks from bottles in the outside drinking areas.

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.

2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. Regulated entertainment shall be restricted to the inside of the premises.
5. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.
6. The outside seating areas shall be vacated no later than 2300.
7. The licence holder shall commission a noise impact assessment of the licensable activities. No live music events (**other than between 2000 and 2230 on two Sundays a month**) shall take place until this is carried out to the satisfaction of the Licensing Authority.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Removal of Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955, the Children and Young Persons Act 1933 and the Local Government (Miscellaneous Provisions) Act 1982 shall apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
2. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.

3. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
4. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

86. **THE RUNNING HORSE, 22 POUND HILL, ALRESFORD**
(Report LR151 refers)

The Sub-Committee met to consider an application by Greene King Retailing Ltd for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the operating hours, the hours the premises may be used for the sale of alcohol, regulated entertainment and provision of late night refreshment. The details of the proposed variations were as set out in the report.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933. The Licensing and Registration Officer advised that contrary to the written report, the Local Government (Miscellaneous Provisions) Act 1982 did not apply as the premises did not hold a Public Entertainment License.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Miss Naqshbandi (a representative of the applicant), Mr Mitchell (the designated premises supervisor) and with approximately five local residents as Interested Parties.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted the 11 letters of representation from Interested Parties against the application as set out as Appendices to the Report. In summary, these raised concerns regarding the ability of the listed building to retain noise, late night noise nuisance, noise from patrons outside the premises, car parking and that the application was contrary to the character of the area. The Sub-Committee also noted that no representations had been received from the Responsible Authorities.

Miss Naqshbandi reported that approximately six letters in support of the application had been received by Greene King Retailing Ltd from local residents, and asked that these be considered by the Sub-Committee. However, as these had not been forwarded to the Council within the procedural time limit, they could not be considered by the Sub-Committee without the consent of all parties. The Interested Parties at the meeting refused to give consent to the submission of these documents, and the Sub-Committee therefore declined to accept them for consideration.

During debate, the Sub-Committee agreed to attach a further condition requiring the applicant to contact the Local Authority prior to all regulated entertainment events at the premises.

Mr Rothman spoke as a local resident against the application. In summary, he commented on the premises' inability to contain noise because of their listed status. He also commented on the noise nuisance from the beer garden and car park and a problem relating to car parking to the front of the premises. Mr Rothman also suggested that notices should be placed at the premises asking patrons to leave quietly and to

respect the peace of neighbours. In response to Members' questions, Mr Rothman confirmed that he had not previously complained to the Council regarding the premises.

At the invitation of the Chairman, Mr Kimber and Mrs O'Rorke spoke as local residents and against the application. In addition to the issues raised above, the Sub-Committee noted that the application for a late night extension was contrary to the residential and peaceful character of the area, that it contravened residents' human rights, that there were other premises serving alcohol in the area and that the outside cooling unit should be insulated for noise.

Miss Naqshbandi explained that in the six months since Mr Mitchell's arrival as the premises' supervisor a number of improvements had been undertaken and that he lived on the premises with his wife and young children. She explained that Mr Mitchell had a long-term commitment to the area and that he would accept conditions limiting the number of regulated entertainment events to six per month and requiring that the doors and windows should remain shut (other than for patrons leaving and entering the premises). Members noted when the temperature inside the premises was too great and the doors and windows had to be opened, Mr Mitchell had stopped the regulated entertainment. Members also noted that Mr Mitchell checked the sound levels outside the premises. With regard to other comments raised, Miss Naqshbandi confirmed that the applicant was willing to erect notices asking patrons to leave quietly and that no-one entering the premises after 2300hrs would be served alcohol.

Miss Naqshbandi also stated that the premises had 17 car parking spaces for patrons to the rear and that the spaces to the front were usually kept clear for taxis etc.

The applicant had applied for an hour's calm-down/drinking-up time which Mr Mitchell suggested would better control the dispersal of his patrons into Alresford, given that other licensed premises in the area would close at 0100hrs.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the report with the following amendments as set out below in bold below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|---|--|
| (i) | <i>Monday to Thursday</i> | <i>1000 to 0000</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1000 to 0100</i> |
| (iii) | <i>Sunday</i> | <i>1200 to 2330</i> |
| (iv) | <i>Christmas Eve, Easter Sunday,
Easter Saturday, Bank Holidays,
New Year's Eve</i> | <i>1000 to 0200 (next day
following)</i> |

2. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|-------|---|--|
| (i) | <i>Monday to Thursday</i> | <i>1000 to 2330</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1000 to 0030</i> |
| (iii) | <i>Sunday</i> | <i>1200 to 2300</i> |
| (v) | <i>Christmas Eve, Easter Sunday,
Easter Saturday, Bank Holidays,
New Year's Eve</i> | <i>1000 to 0100 (next day
following)</i> |

3. The hours the premises may be used for regulated entertainment shall be:

- | | | |
|-------|---------------------------|---------------------------------|
| (i) | <i>Monday to Saturday</i> | <i>1900 to 2330</i> |
| (ii) | <i>Sunday</i> | <i>1900 to 2230</i> |
| (iii) | <i>New Year's Eve</i> | <i>1900 to 0200 (1 January)</i> |

Events comprising regulated entertainment may be held up to six occasions per month, provided seven working days' written notice is served on the Police and the Licensing Authority and the Licensing Authority does not raise any objection.

All Licensing ObjectivesCrime and Disorder

None.

Public Safety

None

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. Regulated entertainment shall be restricted to the inside of the premises.
5. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.
2. Children shall only be permitted in the Function Room and Saloon bar until 2000 and shall be accompanied by an adult.

Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955, the Children and Young Persons Act 1933 shall apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

The meeting commenced at 9.30am and concluded at 2.10pm

Chairman

LICENSING SUB-COMMITTEE20 September 2005Attendance:

Councillors:

Hammerton (Chairman) (P)

Mather (P)

Pearson (P)

Others in attendance who did not address the meeting:

Councillor Verney

87. THE SHIP INN, OWLESBURY
(Report LR125 refers)

The Sub-Committee met to consider an application by Greene King for a variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7 (b) of the Licensing Act 2003, to extend the hours when the premises were open to the public, for the sale of alcohol and regulated entertainment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mrs Sandra Juggins (Applicant) and Mr Ken Joyce (Area Manager for Greene King). There were no representatives of the Interested Parties or Responsible Authorities present.

The Licensing and Registration Manager explained that the application was for a variation of the Premises Licence, with the conversion of the existing licence being granted under delegated powers on 12 September 2005.

In response to Members' questions, the Licensing and Registration Manager confirmed that there was no set number of National recognised Events, such as sporting events, and that it was up to the licensee's discretion as to how many were held. He added that a condition could be imposed that required the applicant to notify the Council and the police in advance of any such event, in addition to the 12 already permitted per year.

Mr Joyce spoke in support of the application, stating that The Ship was a well established rural pub, catering for families and the local community. He commented that there had not been any incidents at the premises that involved the Police or the Environment Division, and that the premises were very well run. Mr Joyce continued that Mrs Juggins wanted to offer her customers more flexibility, especially at weekends, with the extended hours applied for.

In response to Members' questions, Mr Joyce confirmed that music would be played very occasionally at events such as weddings and BBQs and that there was no intention of this becoming regular. He also commented that all activities ceased in the garden area by 2330, but that the garden was large and did not adjoin any residential dwellings. Mr Joyce added that if a condition was imposed regulating the noise in the garden there would be no objection to this.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- (i) **Sunday to Thursday 1100 to 2320**
- (ii) **Friday and Saturday 1100 to 0020**

2. The hours the premises may be used for the sale of alcohol shall be:

- (i) **Sunday to Thursday 1100 to 2300**
- (ii) **Friday and Saturday 1100 to 0000**

The above times for the sale of alcohol and opening may be extended by one hour on Bank Holiday weekends and other notable days.

The above times for the sale of alcohol and opening may be extended by one hour before and after any Nationally recognised event or major TV sporting event.

The above extensions shall be notified to the Police and the Licensing Authority 10 working days before the event. If the police object to the event within three working days of being served with notice, the event may only take place with the consent of the licensing authority.

3. The hours the premises may be used for regulated entertainment shall be:

- (i) ***Special Events and Bank Holidays 1900 to 2300***
- (ii) ***Sundays 1100 to 1500***

The above events shall be notified to the Police and the Licensing Authority 10 working days before the event. If the police object to the event within three working days of being served with notice, the event may only take place with the consent of the licensing authority

All Licensing Objectives

Crime and Disorder

1. All external walkways and car parking areas shall be illuminated during the hours of darkness up to 30 minutes after the premises close.
2. All staff shall maintain a close watch on the trading area and behaviour of customers at all times and shall either a) take appropriate action where needed or b) report concerns to their manager (where they are not authorised to deal personally with an issue.

Public Safety

None

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. All live and recorded music shall cease at 2300.
3. No music or speech shall be relayed via external speakers other than for events with the prior approval of the Licensing Authority.

4. Any artificial lighting on the premises shall not cause nuisance due to glare unless it is considered necessary by the Police to prevent crime and disorder.
5. All activities in the garden shall cease at 2300.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

88. **THE TICHBORNE ARMS, ALRESFORD** (Report LR154 refers)

The Sub-Committee met to consider an application by Nigel and Sarah Burt for a variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7 (b) of the Licensing Act 2003, to extend the hours when the premises were open to the public, for the sale of alcohol and regulated entertainment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr and Mrs Burt (Applicants), and Mrs Salter (representing Tichborne Parish Council and residents). There were no representatives of the Responsible Authorities present.

The Licensing and Registration Manager explained that the application was for a variation of the Premises Licence, with the conversion of the existing licence being granted under delegated powers on 9 September 2005. He continued that the premises did not have a Public Entertainment Licence, although the applicants had the right to provide entertainment in the form of recorded music or two live performers.

In response to Members' questions, the Licensing and Registration Manager confirmed that the application did not include requests for holding a certain amount of 'special occasions' events each year.

Mrs Salter then spoke opposing the application, representing both Tichborne Parish Council and local residents. She reiterated the concerns of the Parish Council set out in their letter of representation (shown in Appendix 2 of the report) and added that the Parish Council had received complaints from local residents regarding the noise of patrons in the pub garden, as well as the sound of people leaving the premises late at night.

Mrs Salter continued that the Parish Council objected to the application as there was a concern that the extended hours would attract people from outside the area, causing more disturbances, and that hours of this nature were not appropriate for the surrounding environment.

Mr Burt spoke in support of the application, representing himself and his wife, stating that the application was aimed at providing more flexibility in service provision, because many customers arrived later in the evening due to work commitments. He commented that as the pub attracted an older clientele, they left the premises quietly and they had not received any complaints to contradict this. The applicant also confirmed that any customers arriving after 2300 hours would not be served alcohol. Mr Burt continued that, since they acquired the premises, there had not been any incidents that had occurred which required the police.

In response to Members' questions, Mr Burt confirmed that the garden was very rarely used by patrons, and that the busiest time for the use of the garden was at lunchtimes during the summer. He commented that there had not been any loud speakers in the garden to play music and that there was no intention of introducing this. Mr Burt added that The Tichborne Arms did not have attractions for younger customers, such as a jukebox or fruit machines.

Mr Burt continued that they did not have any notices up asking customers to leave the premises quietly, as they had not received any complaints to indicate that this was necessary. However, he agreed that this could be done if required.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the renewal license as set out in the report.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|-----------------------------------|--|
| (i) | <i>Sunday to Thursday</i> | <i>1100 to 0100</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1100 to 0130</i> |
| (iii) | <i>New Years Eve</i> | <i>1100 to closing on 2 January</i> |
| (iv) | <i>Christmas Eve</i> | <i>1100 to 0230 Christmas Day</i> |

2. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|-------|-----------------------------------|-------------------------------|
| (i) | <i>Sunday to Thursday</i> | <i>1100 to 0030</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1100 to 0100</i> |
| (iii) | <i>New Years Eve</i> | <i>1100 to closing</i> |
| | <i>on 2 January</i> | |

- (iv) **Christmas Eve** **1100 to 0200**
Christmas Day

3. The hours the premises may be used for regulated entertainment shall be:

- (i) **Monday to Thursday** **1100 to 0030**
(ii) **Friday and Saturday** **1100 to 0100**

All Licensing Objectives

Crime and Disorder

None

Public Safety

None

Public Nuisance

1. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
2. Background music only may be played outside between the months of May and September. All activities in the garden shall cease no later than 2300.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.
2. The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings

should be without the use of a key and without having to manipulate more than one mechanism.

3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

The meeting commenced at 9.30am and concluded at 10.40am

Chairman

LICENSING SUB-COMMITTEE**21 September 2005**Attendance:

Councillors:

Evans (Chairman) (P)

Lipscomb (P)

Wagner (P)

89. **THE OLD COACH HOUSE, HIGH STREET, WINCHESTER**
(Report LR156 refers)

The Licensing and Registration Manager advised that the application for the Old Coach House, Winchester, had been withdrawn as the police were no longer submitting a representation. The Sub-Committee agreed that the item (which sought to vary the Premises Licence) be withdrawn and the application be determined by the City Secretary and Solicitor under delegated authority.

RESOLVED:

That the application be determined by the City Secretary and Solicitor under delegated authority.

90. **THE OLD MARKET INN, THE SQUARE, WINCHESTER**
(Report LR172 refers)

The Licensing and Registration Manager advised that the application for the Old Market Inn, Winchester, had been withdrawn as the police and the Environmental Health Division were no longer submitting representations. The Sub-Committee agreed that the item (which sought to vary the Premises Licence) be withdrawn and the application be determined by the City Secretary and Solicitor under delegated authority.

RESOLVED:

That the application be determined by the City Secretary and Solicitor under delegated authority.

The meeting commenced at 9.40am and concluded at 9.45am

Chairman

LICENSING SUB-COMMITTEE**21 September 2005****Attendance:**

Councillors:

Allgood (Chairman) (P)

Lipscomb (P)

Sutton (P)

91. **WONDERFUL CHINESE TAKEAWAY, 6 BRIDGE STREET, WINCHESTER**
(Report LR.158 refers)

The Sub-Committee met to consider an application by Yukai Chen for the grant of a Premises Licence for late night refreshment. The details of the proposed Premises Licence were as set out in the report.

The Licensing and Registration Manager explained that under Section 17 of the Licensing Act 2003, takeaway premises selling hot food and drink after 11.00 pm now required a Premises Licence. An element of the application before the Sub-Committee was for the provision of late night refreshments up to 1.00 am.

No parties were present at the meeting, and in considering the proposals to vary the Premises Licence the Sub-Committee referred to a letter from an interested party (Ms. K Durham who could not be present at the meeting) as set out in the appendix to the report. In summary, this referred to issues related to the potential harm that could be caused through public nuisance and crime and disorder that the extended hours might pose. The Sub-Committee also noted that no representations had been received from the Responsible Authorities. The Sub-Committee also took into consideration the written response in reply to the letter of objection to the application from Mr Chen, the applicant.

In his closing remarks the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application as set out in the report. The Sub-Committee agreed to approve the application as set out in the report.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

There are no mandatory conditions which apply to this application.

Additional ConditionsOperating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- (i) **Sunday to Thursday** **1700 to 0000**
- (ii) **Friday and Saturday** **1700 to 0100**

(There is no restriction on hours within the requirements of the Planning Permission of the premises)

2. The hours the premises may be used the provision of late night refreshment shall be:

- (i) **Sunday to Thursday** **2300 to 0000**
- (ii) **Friday and Saturday** **2300 to 0100**

(There is no restriction on hours within the requirements of the Planning Permission of the premises)

All Licensing Objectives

(Dealt with in relevant sections below).

Crime and Disorder

No person who appears to be drunk and disorderly shall be permitted on the premises.

Public Safety

No more than fifteen customers shall be permitted within the premises at any one time.

Public Nuisance

1. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimise disturbance to local residents.
2. Rubbish bins shall be provided by the premises for the use of its customers.
3. Prominent clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

Protection of Children

Children shall not be permitted on the premises after 2300 except accompanied by an adult.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
2. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
3. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
4. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

92. **THE RAILWAY INN, 3 ST PAUL'S HILL, WINCHESTER**
(Report LR155 refers)

The Sub-Committee met to consider an application by Eldridge Pope & Co. Ltd for the variation of the Premises Licence during the transitional period under Schedule 8, paragraph 7(b) of the Licensing Act 2003 to extend the hours when the premises are open to the public, for the sale of alcohol, late night refreshment and regulated entertainment. The details of the proposed variations were set out in the report.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933.

The parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Mr F Eynon (one of the joint Licence Holders for the premise and representing the applicant, Eldridge Pope & Co. Ltd).

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to a letter from an interested party (Mr Hartley-Raven) as set out in the appendix to the report. In summary, this letter referred to issues related to the potential harm caused through public nuisance and crime and disorder that the extended hours might pose. The Sub-Committee also noted that no representations had been received from the Responsible Authorities.

At the conclusion of his presentation, the Licensing Registration Manager advised that correction was required to the proposed conditions on page nine and ten of the report, which referred to operating hours on Sundays and New Year's Eve and also

issues of public safety, which were taken into consideration by the Sub-Committee in its deliberation of the application.

Mr F Eynon spoke on the application. In summary he stated that the premise had made application to the Justices for a Special Hours Certificate until 1.00, pm but following refusal, a Special Hours Certificate until midnight had been granted, though this was not acknowledged within page five of the appendices referring to existing licences. The Licensing and Registration Manager accepted that this Special Hours Certificate was valid and should be taken into consideration by the Sub-Committee in its deliberations, and the applicant was asked that a copy of the Special Hours Certificate be submitted to the local licensing authority for its records.

In addition, Mr Eynon stated that he had discussed the application with Mrs S Blazdell from the Directorate of Communities and had agreed that live music would be limited till midnight, as was presently the case. He added, in response to comments raised by Mr Hartley-Raven's letter of objection, that the Hampshire Constabulary had no objection to the application; that the premises were soundproofed so as not to cause public nuisance, and that security staff were employed directly by the premises to prevent crime and disorder. Mr Eynon was agreeable to the deletion of New Year's Eve from the operating hours as these would not be used by the applicant.

The Sub-Committee also took into consideration written representation in objection to the application from Mr Hartley-Raven, who could not be present at the meeting.

In his closing remarks the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the report, with the following amendments as set out in bold below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional ConditionsOperating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

(i) **Sundays to Thursdays** 1000 to 0030

(ii) *Fridays and Saturdays* 1000 to 0130

2. The hours the premises may be used for the sale of alcohol shall be:

(i) **Sundays to Thursdays** 1000 to 0000

(ii) *Fridays and Saturdays* 1000 to 0100

3. The hours the premises may be used for regulated entertainment shall be:

(i) **Sundays to Saturdays** 1000 to 0000

4. The hours the premises may be used the provision of late night refreshment shall be:

(i) **Sundays to Thursdays** 2300 to 0000

(ii) *Fridays and Saturdays* 2300 to 0100

All Licensing Objectives

(Dealt with in relevant sections below).

Crime and Disorder

1. A CCTV system shall be installed to the satisfaction of the Police with recording facilities, maintained to an acceptable standard. The recordings shall be retained for a period of 30 days and be made available upon request by the Police.
2. No drinks in open containers shall be removed from the premises except for consumption in any exterior area provided for that purpose.

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.

2. All persons leaving the premises after 11.00 pm shall be directed to leave the premises via the exit from the Public Bar into St Paul's Hill. The exit doors from the Function Room into Railway Inn car park must remain available for use but shall only be used after 11.00 pm in the event of an emergency.
3. The Beer Garden shall close at 2300
4. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
5. The staff shall supervise bands loading out to minimise noise.
6. Regulated entertainment shall be restricted to the inside of the premises.
7. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.
2. Under 18s shall only allowed on the premises on designated nights in the music bar. Under 18s shall not be permitted in other areas.

Removal of Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955, the Children and Young Persons Act 1933 and the conditions included in the Premises Licence from the conversion of the former public entertainment licence (issued under the Local Government (Miscellaneous Provisions) Act 1982) shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.

3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

93. **PRINCE OF WALES, HIGH STREET, SHIRRELL HEATH**
(Report LR135 refers)

The Sub-Committee met to consider an application by Greene King Brewing & Retailing Ltd for the variation of the Premises Licence during the transitional period under Schedule 8, paragraph 7(b) of the Licensing Act 2003 by extending the hours when the premises are open to the public for the sale of alcohol, late night refreshment and regulated entertainment. The details of the proposed variations were as set out in the report.

The application was also to remove all embedded restrictions in the Licensing Act 1964, the Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933.

Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: A legal representative of the applicant (Greene King Brewing & Retailing Ltd), Ms L Castle (a joint licensee), Mr I Skinner (the premises' chef) and three local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to 22 letters from interested parties as set out in the appendices to the report. In summary, these referred to issues relating to the potential harm caused through public nuisance, crime and disorder that the extended hours might pose. The Sub-Committee also noted that no representations had been received from the Responsible Authorities.

The Chairman stated that the Sub-Committee had been e-mailed after the closing time for representations by Councillor Goodall, a Ward Member. Councillor Goodall had also written in objection to the application in a private capacity as a local resident and his letter was attached as an appendix to the report. The Chairman stated that the late representation in the e-mail would not be taken into consideration and had not influenced the Sub-Committee in any way. This statement was accepted by the legal representative on behalf of Greene King Brewing & Retailing Ltd.

The legal representative on behalf of Greene King Brewing & Retailing Ltd stated that he had a number of representations from local residents that were in support of the application, some of which were in response to points raised in the written objections received, but had been submitted after the closing date for representations. The City Secretary and Solicitor advised the Sub-Committee that these could only be taken into account if there were no objections from other interested parties. Following a request by the Chairman of the other interested parties present at the meeting whether the letters submitted by the applicant should be taken into consideration, there were objections from those present to this taking place and therefore they were not admitted.

At the conclusion of his presentation the Licensing and Registration Manager advised on a number of corrections to the report and these were taken into consideration by the Sub-Committee during its deliberations. These included a Supper Hours Certificate allowing alcohol to be served to patrons taking a table meal to 0030 (but did not include patrons drinking at the bar).

Mrs Shotlander (a neighbour to the premises) spoke in objection to the application. In summary, she referred to excessive noise emanating from the premises due to loud music. The objection to the noise included a live band using an outside marquee on 23 July 2005 and noise caused by patrons leaving the premises up to 1.30 am. The behaviour of patrons using foul language and using neighbouring gardens as toilets, traffic and parking in the High Street impacting public safety, and the unwillingness of the licensee to accept responsibility for the behaviour of patrons either on or off the premises also caused concern. She added that issues over noise had been reported to the City Council and the premises had been visited by the Director of Communities and the City Secretary and Solicitor, who had spoken with the licensee, but no measurement of noise from the premises had been undertaken by the City Council.

Mr Paice spoke as a neighbour to the premises in objection to the application. He stated that his premises were only twelve feet away from the public house. He had complained on three occasions about noise emanating from the premises and the foul language of patrons. He also referred to the occasion of the outside marquee and live music on 23rd July 2005 and the public nuisance that this had caused. The music from inside the premises caused vibration, which was increased in the summer months when doors and windows were kept open. His garden had been used as a toilet by patrons and when he had approached one of the joint licensees they had paid no attention to his complaints.

Mr Longcroft spoke as a neighbour to the premises in objection to the application. He reiterated the points on noise levels, which were overbearing. He too referred to the foul language of patrons and inconsiderate actions by patrons leaving the premises at closing time, which could be as late as 1.00 am. He had complained to the City Council's Director of Communities about noise levels after the occasion of the live group and the marquee in the garden of the public house on 23rd July 2005. He commented that he had lived in the village for twenty-nine years and there had been no problems with behaviour or noise from the public house until the last six months.

Mr Donnan spoke as a neighbour to the premises in objection to the application. He commented that in the last six months neighbours had been plagued with loud music, loutish behaviour of patrons and problems caused by the parking of cars. The peace and quiet of the village had been disturbed and there was little respect for people living nearby. The thumping vibration from the base of the music was particularly irritating.

The legal representative of Greene King Brewing & Retailing Ltd spoke in support of the application. In summary he stated that it was not the applicant's objective to create a night club type venue which would cause disturbance. Over the last few weeks music had been played inside the premises only and it had been accepted by objectors that the situation had improved. It was the objective of the applicant to be a community public house and not a destination venue. The emphasis would be on food-based activity to enjoy quality food. Mrs Castle, a joint licensee, stated she was not aware of the anti-social behaviour of patrons as action would have been taken to control their behaviour. Notices would be put up in the public house advising patrons

to respect local residents and verbal announcements would be made to the same effect. The applicant was willing for a condition to be placed on the garden area that it be closed at a certain time to reduce disturbance to neighbours. The incident referred to of parking in the road was isolated as there was usually sufficient capacity within the car park for patrons. The incident on 23rd July 2005 had been properly licensed and could have been objected to by neighbours if they had chosen to do so.

In response to points raised, the Licensing and Registration Manager clarified that under the Operating Hours Condition – Recorded Music (III), wording could be added that if the Hampshire Constabulary objected to the licence, the local authority shall have the power to veto an event. However, from 24th November 2005, twelve events could be held per annum for a ninety-six hour period to which the Police could only object under crime and disorder grounds. The applicant could also apply for a temporary licence for an outside event, for example in a marquee, but the Police did have the powers to veto such an event.

During questions of the applicant, the Sub-Committee noted that the premises were taking steps to install air conditioning and smoke filters in order that doors and windows could be kept closed.

The Sub-Committee retired to deliberate in camera.

In his closing remarks the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the report, with the following amendments as set out in bold below.

The Sub-Committee agreed to include an additional condition under public nuisance that activity in the premise's garden should stop after 9.30 pm and that the licensee should take more responsibility to monitor behaviour of patrons on the premises and at the site's boundary to have regard to people leaving the premises, including written and verbal informatives to patrons on their behaviour.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- (i) *Sunday to Saturday* *1100 to 0030*

The premises shall only remain open after 2330 hours for persons taking a table meal except on Friday and Saturday and **Christmas Eve**.

2. The hours the premises may be used for the sale of alcohol shall be:

- (i) *Sunday to Thursday* *1100 to 2300*
 (ii) *Friday and Saturday* *1100 to 0000*

Alcohol shall only be sold after 2300 except to persons taking a table meal and the alcohol is ancillary to that meal **except on Friday and Saturday and Christmas Eve**.

3. The hours the premises may be used for regulated entertainment shall be:

Live Music

- (i) *Thursday to Saturday* *2000 to 2300*

Recorded Music

(i) *Recorded music may be played on an Ad Hoc basis on Bank Holidays within the times specified above, and occasionally during the day on Bank Holidays.*

(ii) *Recorded music may also be played on no more than 12 occasions per year for special occasions.*

(iii) *The Licence Holder or his nominee shall notify the Police and the Licensing authority not less than 10 working days before the event. **If the Police object the Licensing Authority shall have the power to veto the event.***

(iv) **The Licensee shall install a noise limiter for prerecorded music to be approved by the Director of Community Services.**

4. The hours the premises may be used the provision of late night refreshment shall be:

- (i) *Sunday to Saturday* *2300 to 0000*

All Licensing Objectives

(Dealt with in relevant sections below).

Crime and Disorder

1. All external walkways and car parking areas shall be illuminated during the hours of darkness up to 30 minutes after the premises close.
2. All staff shall maintain a close watch on the trading area and behaviour of customers at all times and shall either a) take appropriate action where needed or b) report concerns to their manager (where they are not authorised to deal personally with an issue).

Public Safety

None.

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, one of the licensees shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly **and the Licensee shall exercise personal responsibility to ensure that this is carried out.**
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimise disturbance to local residents and the **Licensee shall take a positive role in this process.**
4. Regulated entertainment shall be restricted to the inside of the premises.
5. All external doors and windows must be kept closed other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
6. **No activity shall take place in the garden after 2130.**

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

The meeting commenced at 1.00 pm and concluded at 3.40 pm.

Chairman

LICENSING SUB-COMMITTEE**22 September 2005**Attendance:

Councillors:

Macmillan (P) Evans (Chairman) (P) Sutton (P)

Others in attendance who did not address the meeting:

Councillor Pearson

94. **WINE BAR AND BISTRO, HIGH STREET, BISHOPS WALTHAM**
 (Report LR173 refers)

The Sub-Committee met to consider an application by Stephen Brookwell for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the hours for the sale of alcohol and regulated entertainment for the Wine Bar and Bistro, High Street, Bishops Waltham. The details of the proposed variations were as set out in the report subject to the amendments set out by the Licensing and Registration Manager below.

The application was also to remove certain restrictions inherent in the Supper Hours Certificate, although the Licensing and Registration Manager clarified that the converted licence did not refer to this as the Certificate was not attached with the application. However, if the Committee agreed to the extended hours sought, there would be no need for the Certificate to be submitted. The application was also to remove the restrictions in the Public Entertainment Licence relating to adult entertainment.

The parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were the applicant, Mr S Brookwell and two local residents, Mrs A Green and Mr S Fowler.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted that no representations had been made by Responsible Authorities. Two representations had been received from interested parties as set out in the Appendices to the Report.

The Licensing and Registration Manager stated that the possible conditions relating to operating hours (as outlined on page 9, paragraph 3 of the above Report) should be corrected to specify that the hours the premises could be used for all regulated entertainment should be as follows:

- | | | |
|-------|------------------------------|------------------------|
| (i) | Sunday, Monday and Wednesday | 0730 to 2330 |
| (ii) | Tuesday <i>and</i> Thursday | 0730 to 0000 |
| (iii) | Friday and Saturday | 0730 to 0100 |
| (iv) | New Years Eve | 0730 to 2330 1 January |

or 0000/0100 2 January

The paragraphs specifying different hours for different types of entertainment should be disregarded.

The Sub-Committee heard from those Interested Parties who wished to speak in support of their representations as appended to the Report. In summary, Mr Fowler stated that he had lived in the flat above the Wine Bar for the past six years and experienced problems with noise from live music as the sound resonated through the building. He also mentioned noise caused by people leaving the premises late at night. Further to questions, Mr Fowler advised that he had contacted the Environmental Division, the licensee and Police on a number of occasions.

In summary, Mrs Green explained that she lived in Brook Street, close to the Wine Bar, and her bedrooms were opposite some car parking and the rear doors to the premises. In addition, she also highlighted the problems she experienced because of the noise from the kitchen extractor fan, which operated from when the premises opened until after it closed. Mrs Green mentioned noise caused by staff leaving after the premises shut and also when there was live entertainment because the rear door was not kept closed.

Mr Brookwell gave a presentation in support of his application and answered questions from Members. He stated that he had contacted the Police at Bishops Waltham who had advised that there had been no recordable incidents at the premises since 1978. He confirmed that there was a notice displayed at the Bar asking customers to leave quietly and he would take steps to remind his staff of this too. In addition, taxis advertising from the premises were advised that they must collect their customers from the High Street and not Brook Street.

Mr Brookwell advised that he did not wish to alter the current operations of the Wine Bar, in particular attracting an older clientele and normally only selling alcohol with meals. However, on various themed evenings, where tickets would be sold in advance, there would be entertainment and more use of the bar for alcohol sales only, as opposed to the restaurant.

In response to questions, Mr Brookwell explained that there was a small outside seating area at the rear of the premises which could be accessed from a corridor at the rear of the Bar, which also led to the toilets. He confirmed that this door, which was also a fire exit, was closed at 11.00pm, and consequently the outside seating area was not used after this time. It was not possible to access the premises via this door once closed. He mentioned that the new requirements regarding disabled access might necessitate some alterations.

The Licensing and Registration Manager reminded Members that one of the proposed conditions stipulated that all doors and windows should remain closed when the premises were used for the purposes of regulated entertainment, and this would include the rear door.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the Report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the Report and amended below. The Chairman also stated the rights to an appeal by interested parties granted by the 2003 Licensing Act.

RESOLVED:

That the application be granted subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|---------------------------|-------------------------------|
| (i) | Monday to Saturday | 0730 to 0130 |
| (ii) | Sunday | 0730 to 0000 |
| (iii) | New Years Eve | 0730 to 0130 2 January |

2. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|-------|---------------------------|-------------------------------|
| (i) | Monday to Saturday | 1000 to 0100 |
| (ii) | Sunday | 1000 to 2330 |
| (iii) | New Years Eve | 1000 to 0100 2 January |

3. The hours the premises may be used for regulated entertainment shall be:

- | | | |
|-------|-------------------------------------|--|
| (i) | Sunday, Monday and Wednesday | 0730 to 2330 |
| (ii) | Tuesday and Thursday | 0730 to 0000 |
| (iii) | Friday and Saturday | 0730 to 0100 |
| (iv) | New Years Eve | 0730 to 2330 1 January
or 0000/0100 2 January |

4. The hours the premises may be used the provision of late night refreshment shall be:

- | | | |
|------|---------------------------|---------------------|
| (i) | Monday to Saturday | 2300 to 0130 |
| (ii) | Sunday | 2300 to 0000 |

(iii) New Years Eve**2300 to 0130 1 January**

No drink or hot food shall be served on any outside tables connected with the premises after 2300.

All Licensing ObjectivesCrime and Disorder

The premises shall have a CCTV system installed covering the entrances and exits, the bar area and any dance floor or other area where crowds congregate in a standing position. The CCTV system shall be maintained to an acceptable level and records available to the Police on request.

Public Safety

None

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. Regulated entertainment shall be restricted to the inside of the premises.
5. All doors and windows that are capable of being opened directly to the outside of the premises (including the rear fire door) shall not be kept open, except for access and egress, whilst the premises are in use for the purposes of regulated entertainment. During regulated entertainment, the rear fire door should not be used as a means of access or egress except in an emergency.
6. The noise of the rear extractor fan to be at a level acceptable to the Director of Communities.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.
2. Children shall be accompanied by an adult at all times.

3. Any adult entertainment on the premises shall be a ticket-only private event and block out blinds or curtains shall be fitted on all windows whilst these events are taking place

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

95. **THE GUILDHALL TAVERN, COLEBROOK STREET, WINCHESTER**
(Report LR174 refers)

The Sub-Committee met to consider an application by Eldridge Pope and Company Limited for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the hours for the sale of alcohol and regulated entertainment for The Guildhall Tavern, Colebrook Street, Winchester. The details of the proposed variations were as set out in the report subject to the changes outlined by Mr J. Taylor (one of the current Licensees) below.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955, the Children and Young Persons Act 1933, and the Local Government (Miscellaneous Provisions) Act 1982.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the representations made by Responsible Authorities as set out in the Appendices to the Report. In summary these referred to issues raised by Hampshire Constabulary relating to ensuring door staff were employed when the premises were open for later opening hours. There was also one representation received from an interested party.

The parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were Mr J Taylor, one of the existing licensees of the premises and PC G Miller, Hampshire Constabulary. There were no interested parties present.

The Licensing and Registration Manager advised that since the Report was prepared, a Supper Hour Certificate had been received. In response to questions, he confirmed that the proposed condition relating to ad-hoc extensions required rewording to reflect the fact that it was the Council and not the Police that had the power of veto (amended wording set out in the resolution below).

Mr Taylor stated that he wished to alter the operating hours contained in the application from those included within the Report. The amended hours he wished to apply for were:

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

(i) **Monday to Wednesday 1100 to 0030** (not 0300 as stated)

(remainder of Section 1 as set out on page 9 of the Report)

2. The hours the premises may be used for the sale of alcohol:

(insert new section for Sundays as set out below, remainder of Section 2 as set out, subject to renumbering)

(v) **Sunday 1200 to 2300**

3. *Section 3 to remain unaltered.*

4. The hours the premises may be used for the provision of late night refreshment shall be:

(insert new section for Sundays as set out below, remainder of Section 2 as set out, subject to renumbering)

5. *Section 5 regarding Bank Holidays to be deleted.*

6. *Section 6 to remain unaltered, subject to renumbering.*

7. *Section 7 regarding private parties to be deleted.*

8. *Section 8 to remain unaltered, subject to renumbering.*

PC Miller stated that Hampshire Constabulary would request that at least two door staff were present on Friday and Saturday nights and any other night the premises were open after 1.00am. In response to questions, he reported that there had been less recorded incidents relating to the premises since the new licensee had taken over.

Mr Taylor advised that he had taken over as a licensee of the premises in March 2005 and as part of a plan to change its image, had undertaken a major refurbishment which included removing the dance floor. The premises were no longer a "student-only" venue and were seeking to attract an older clientele by

offering live music on a Saturday night and an open-mike session one evening in the week. He confirmed that the door staff were SIA trained. The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the Report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the Report and amended below.

RESOLVED:

That the application be granted subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

(i)	Monday to Wednesday	1100 to 0030
(ii)	Thursday	1100 to 0130
(iii)	Friday	1100 to 0230
(iv)	Saturday	1100 to 0130
(v)	Sunday	1200 to 2330
(vi)	New Years Eve	1100 to 0030/0130/0230 2 January

2. The hours the premises may be used for the sale of alcohol shall be:

(i)	Monday to Wednesday	1100 to 0000
(ii)	Thursday	1100 to 0100
(iii)	Friday	1100 to 0200
(iv)	Saturday	1100 to 0100
(v)	Sunday	1200 to 2300

(vi) **New Years Eve** **1100 to 0000/0100/0200 on
2 January**

3. The hours the premises may be used for regulated entertainment shall be:

(i) **Monday to Wednesday** **1100 to 0000**
(ii) **Thursday** **1100 to 0100**
(iii) **Friday** **1100 to 0200**
(iv) **Saturday** **1100 to 0100**
(v) **Sunday** **1200 to 2300**
(vi) **New Years Eve** **1100 to 0000/0100/0200 on
2 January**

4. The hours the premises may be used the provision of late night refreshment shall be:

(i) **Monday to Wednesday** **2300 to 0000**
(ii) **Thursday** **2300 to 0100**
(iii) **Friday** **2300 to 0200**
(iv) **Saturday** **2300 to 0100**
(v) **Sunday** **2300 to 2330**
(vi) **New Years Eve** **2300 to 0000/0100 on
2 January**

5. The above times may be extended for the sale of alcohol and, the late night refreshment by 30 minutes before and 1 hour after, any live international sporting event which is to be broadcast on TV.

6. Any extensions at 5. above shall be notified to the Police not less than 10 working days before the event. If the Police object to the event within three working days of being served with notice, the event may only take place with the consent of the licensing authority.

All Licensing Objectives

Crime and Disorder

1. There shall be at least two SIA registered Door Staff on duty on Fridays and Saturdays or when the premises are open after 0100. All Door Staff shall wear reflective jackets and name badges.
2. During televised sporting events the licence holder shall ensure that table service is provided for patrons

Public Safety

None

Public Nuisance

1. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

2. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
3. The applicant shall ensure that music is turned down to background level at least 30 minutes before closing time.
4. All external door and windows shall be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place, after 2300.
5. Soft drinks and/or hot drinks such as coffee shall be available during cooling down period.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955, the Children and Young Persons Act 1933 and Local Government (Miscellaneous Provisions) Act 1982 shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

96. **APPLICATION FOR A TRANSFER OF THE PUBLIC ENTERTAINMENT LICENCE IN RESPECT OF MOLOKO BAR, WINCHESTER**
(Report LR171 refers)

Members considered the above licensing application in accordance with the procedure note approved by the Licensing Sub Committee on 18th September 1995 (minute 95 refers).

The applicants were not present at the meeting.

The Licensing and Registration Manager reported that he had met the applicants, Margaret and Charles Collymore, and considered that they were suitable persons to hold the public entertainments licence. Margaret Collymore had been involved in the licensing trade for a number of years.

In response to questions, PC Miller advised that he had also met the applicants and considered that they were suitable persons to hold the licence. He confirmed that the applicants were aware of the problems associated with the premises under its previous management. He also stated that the Police had not experienced any difficulties with the premises since the new licensees had taken over.

In response to questions, the Environmental Health Team Manager confirmed that she had not received any complaints regarding noise since the new licensees had taken over. She confirmed that the previous installation of a sound lobby had also helped reduce noise levels. The Committee therefore agreed that an informative be added that the sound lobby be retained.

In her closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had considered the application, the case presented by the applicant together with the observations of officers and members of the public. They also had regard to the Council's responsibilities under the Human Rights Act and Crime and Disorder Act.

RESOLVED:

1. That in respect of the application to transfer the Public Entertainment licence for the Moloko Bar, Winchester to Margaret Allison Collymore and Charles Alexir Collymore:-

- (a) the application be accepted notwithstanding the fact that less than 28 days notice was given;
- (b) the application be granted.

2. That the City Secretary and Solicitor be authorised to make submissions to the Magistrates' Court in terms that the appeal be allowed, and the public entertainment licence be renewed and varied so as to include the standard conditions and the following additional conditions: -

- (i) The hours during which the premises may be used for the purposes of this Licence shall be as follows:-

Public entertainment may be provided under this Licence during the hours specified in the schedule hereto any day except Christmas Day and Good Friday.

Monday to Wednesday	1100 to 0000
Thursday	1100 to 0100
Friday	1100 to 0200
Saturday	1100 to 0100

Sunday**1200 to 2300**

- (ii) The number of persons permitted to be in the whole premises whilst in use for the purposes of this Licence shall not exceed 330. The maximum number of persons in the Upstairs Bar shall not exceed 120 at any time (or 200 at any one time provided that improvements to the first floor fire escape have been completed to the written satisfaction of City Secretary and Solicitor in consultation with the Head of Building Control and the Hampshire Fire and Rescue Service).
- (iii) A written plan of evacuation of the premises in the event of an emergency shall be maintained. All staff shall be made aware of the plan, which should include the role of each individual member of staff in the event of an emergency evacuation. All staff should be trained in implementation of the plan.
- (iv) All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open, wedged open, or maintained open by a mechanical or other device whilst the premises are in use for the purposes of this Licence. Both sets of doors at the front of the premises shall be kept shut as far as possible whilst music is being played and one set of doors shall be kept shut while people are entering and leaving the premises.

3. That the applicants be reminded that if the premises are refurbished at any time, the existing sound lobby should be retained.

The meeting commenced at 1.00pm and concluded at 3.40pm

Chairman

LICENSING SUB-COMMITTEE**26 September 2005****Attendance:**

Councillors:

Hammerton (Chairman) (P)

Cook (P)

Pearson (P)

97. **WINCHESTER KEBAB HOUSE, STOCKBRIDGE ROAD, WINCHESTER**

(Report LR175 refers)

The Sub-Committee met to consider an application by for a new Premises Licence during the Transitional Period under Schedule 8 paragraph 7 (b) of the Licensing Act 2003, to permit the hours when the premises are open to the public and late night refreshment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr Hanifi Edeballi (Applicant), Mr David Atwell (speaking on behalf of the applicant) and PC Gary Miller from the Police. No other representative of the Interested Parties attended..

The Assistant Licensing and Registration Officer explained that the Premises had not previously held a late night licence as this was not necessary under the old Licensing Act. She commented that a representation had been received from the Police, but that the Police had negotiated with the applicant a new set of conditions and the Police had withdrawn their representation.

In response to Members' questions, the Assistant Licensing and Registration Officer confirmed that no formal complaints relating to the premises had been made to the Council.

Mr Atwell spoke on behalf of the applicant, stating that he had been a near neighbour of the premises for many years. In that time the applicant had refurbished the premises and was applying for the new licence in response to market forces. He commented that as pubs in the area closed later than before, customers leaving those premises wanted food and on finding the Kebab House shut would bang on the doors and windows, shouting and swearing. Mr Atwell stated that if the premises were allowed to open longer, it could reduce the amount of Public Order Offences being committed.

Mr Atwell continued that the applicant had agreed in conjunction with the police to install CCTV inside the premises, and outside subject to planning permission being granted. He acknowledged Mr Hartley-Raven's letter of representation and agreed that there was a litter problem in the vicinity. He stated however, that this could not be solely attributable to the Kebab House, as there were other fast food premises nearby, and that the applicant was happy to improve the frequency of cleaning up litter outside the Kebab House. Mr Atwell also commented that the concern over anti-social behaviour was, in his opinion, related more to alcohol than the serving of food, but that the applicant had agreed with the Police to encourage customers to disperse from the area more frequently.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

None

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|-----------------------------------|----------------------------|
| (i) | <i>Sunday to Wednesday</i> | <i>1100 to 0000</i> |
| (ii) | <i>Thursday</i> | <i>1100 to 0100</i> |
| (iii) | <i>Friday and Saturday</i> | <i>1100 to 0200</i> |

On recognised Public Holidays the opening hours to be 1100 to 0000 daily

2. The hours the premises may be used the provision of late night refreshment shall be:

- | | | |
|-------|-----------------------------------|----------------------------|
| (i) | <i>Sunday to Wednesday</i> | <i>2300 to 0000</i> |
| (ii) | <i>Thursday</i> | <i>2300 to 0100</i> |
| (iii) | <i>Friday and Saturday</i> | <i>2300 to 0200</i> |

On recognised Public Holidays the hours during which premises may be used for late night refreshment shall be 1100 to 0000 daily

The above hours are in line with the Planning Permission granted to the premises under the Town and Country Planning 1990 which expires on 31 January 2007.

All Licensing Objectives

Crime and Disorder

Subject to planning permission being granted but not otherwise, a CCTV system shall be maintained and in operation outside the premises during the busiest trading periods when the premises are used for licensable activities. The tapes shall be retained for 30 days and be made available to the Police or Authorised Officers on request. In addition, a CCTV system shall be maintained and in operation inside the premises during the busiest trading periods when the premises are used for licensable activities

Public Safety

None

Public Nuisance

1. Prominent, clear notices shall be displayed at all exits and leaflets made available requesting customers to respect the needs of local residents, to leave the premises and the area quietly and to dispose of litter responsibly.
2. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
3. Litter bins should be provided for the use of customers.

Protection of Children

None.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
2. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
3. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
4. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

98. **THE WHITE SWAN, HYDE STREET, WINCHESTER**
(Report LR176 refers)

The Sub-Committee met to consider an application by Greene King Brewing & Retailing Limited for a variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7 (b) of the Licensing Act 2003, to extend the hours when the premises were open to the public, for the sale of alcohol and regulated entertainment. The application is also to remove all embedded restrictions inherent in S168 of the Licensing Act 1964.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Ms Jo Trotter (Assistant Premises Manager), Mr Mike Gore (Greene King Health Officer) and Mr Nick Hunter (Area Manager for Greene King). There were no representatives of the Responsible Authorities present. There were also four members of the public present.

The Assistant Licensing and Registration Officer explained that the application was to extend the hours as set out in the report, with the conversion of the existing licence being granted under delegated powers on 14 September 2005. She stated that the premises had a Public Entertainment Licence, the hours and conditions of which would remain the same and be carried across as part of the new licence. She continued that no representations had been received from any Responsible Authorities, but that 14 representations from Interested Parties had been received, although none wished to address the sub-committee.

In response to Members' questions, the Assistant Licensing and Registration Officer confirmed that, in the past, Good Friday had been subject to Sunday opening hours but that this would change under the new licensing laws.

Mr Gore (representing Greene King) spoke in support of the application, stating that the premises did not attract a young customer base, despite being situated on a busy crossroads near the centre of town. He commented that the pub sold food until 2000hrs, but were not seeking to extend the hours for the Public Entertainment Licence. Mr Gore explained that the reason for the application was so that the premises could sell tea and coffee to its patrons, once they stopped serving alcohol. He continued that in response to the representations received objecting to the application, they would withdraw their application for the extra hour on a Thursday, leaving an application of an extra 2.5 hours per week.

In response to concerns raised by local residents regarding the noise of taxis outside the premises, Mr Gore stated that they were in the process of arranging a deal with a local taxi firm to provide a considerate service to and from the pub. This would mean that no patrons would need to stand outside calling taxi firms. He continued that they would clear the garden area by 2300hrs so that no noise would emanate from there, and that all doors and windows would be closed to reduce the noise emissions from the premises themselves. He added that there were also notices up requesting patrons to leave quietly.

In response to Members' questions, Mr Gore confirmed that they had not had any problems with complaints being made to either the Police or the Environment Division. Ms Trotter explained that she had only had one instance where a local resident called to complain about the noise and she dealt with the problem straight away. She added that a representative from Homerise House had also come to see her when the notice for the variation was displayed, but that she was not aware of any other complaints.

Mr Gore continued that The White Swan had a stringent proof of age scheme and that they had adopted the Hampshire Constabulary's Challenge 21 scheme. Ms Trotter confirmed that they were also in the process of applying for membership of the Pubwatch Scheme.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the renewal license as set out in the report.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- (i) **Sunday to Thursday** **1100 to 2330**
- (ii) **Friday and Saturday** **1100 to 0030**
- (iii) **One extra hour before and one extra hour after those times on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and Easter Monday, St. George's Day, St. Patrick's Day and any other publicly declared holiday.**

2. The hours the premises may be used for the sale of alcohol shall be:

- (i) **Sunday to Thursday** **1100 to 2300**
- (ii) **Friday and Saturday** **1100 to 0000**
- (iii) **Extra seasonal timings as above in 1 (iii)**

3. The hours the premises may be used for regulated entertainment shall be:

- (i) **Every Day** **1800 to 2300**
- (ii) **One extra hour before and one extra hour after those times on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and Easter Monday, St. George's Day, St. Patrick's Day and any other publicly declared holiday.**

4. The hours the premises may be used the provision of late night refreshment shall be:

- (i) **Friday and Saturday** **2300 to 0000**
- (ii) **One extra hour before and one extra hour after those times on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and Easter Monday, St. George's Day, St. Patrick's Day and any other publicly declared holiday.**

All Licensing Objectives

Crime and Disorder

1. A written policy for sensible consumption of alcohol shall be adopted and all staff shall be trained in the implementation of the policy before the premises are used for the purposes of this Licence.
1. The premises shall be a member of a local Pubwatch scheme if available.
2. Adequate and sufficient training for staff and managers on dealing with illegal activities and aggressive customers shall be provided, together with training in communication with customers when service is refused for drunkenness.

Public Safety

None

Public Nuisance

1. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
2. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
3. Regulated entertainment shall be restricted to the inside of the premises.

4. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.
5. No customers shall be allowed to drink in the outside section of the premises after 2300.
6. External background music shall be turned off at 2100.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955, the Local Government (Miscellaneous Provisions) Act 1982 and the Children and Young Persons Act 1933 shall apply with the exception of S168 of the Licensing Act 1964.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

The meeting commenced at 9.30am and concluded at 10.45am

Chairman

LICENSING SUB-COMMITTEE29 September 2005Attendance:

Councillors:

Pines (Chairman) (P)

Lipscomb (P)

Wagner (P)

Others in attendance who did not address the meeting:

Councillor Davies

99. **THE MASH TUN, 60 EASTGATE STREET, WINCHESTER**
(Report LR177 refers)

It was noted that consideration of the above premises had been deferred to a further meeting of the Sub Committee to be held later in the day.

100. **THE STANMORE HOTEL, STANMORE LANE, WINCHESTER**
(Report LR178 refers)

The Sub-Committee met to consider an application by Eldridge Pope and Company Limited for a variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7 (b) of the Licensing Act 2003, to extend the hours when the premises were open to the public, for the sale of alcohol, late night refreshment and regulated entertainment. The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr Aitchley (Counsel for the Applicants) and Mr Ward (Area Manager for Eldridge Pope). Also in attendance were Mrs Hull, Mr Russell and Mrs Wood as Interested Parties. There were no Responsible Authorities represented at the meeting.

The Licensing and Registration Manager explained that the application was for a variation of the Premises Licence, with the conversion of the existing licence being granted under delegated powers on 16 September 2005.

In response to a Members' question about the lack of a submitted Children's Certificate, the Assistant Solicitor explained that the applicant had opted to comply with the Licensing Act 2003 in that respect, which in fact had more stringent conditions than the Licensing Act 1964.

Mrs Wood, resident of Olivers Battery Road North, spoke against the application and drew particular attention to the noise and vandalism which she believed was caused by some customers from the Stanmore Hotel, who left the premises in an inebriated condition at or near closing time. Although she could not be absolutely certain that

such persons had been drinking at the Stanmore Hotel, it was very likely, given that the next nearest public house was some distance away and that there was no logic in terms of pedestrian routes to customers from those premises using her road to get home. In summary, Mrs Wood asserted that extending the hours of operation could only exacerbate the current problems.

Mrs Hull, another resident of Olivers Battery Road North, also spoke against the application. She recalled that the problems commenced about two years ago and, since that time, she had experienced regular disturbances through very loud music emanating from the premises, fights in the road and car park, abusive language, vandalism, vomit and litter. Particularly disruptive events held by the pub included a motor cycle 'meet' in the pub car park on a Sunday, which attracted over 100 bikers, and a charity 'bungee jump' from a mobile crane on a May Bank Holiday Sunday. Both events had been very intrusive in terms of noise, abusive language and general disturbance which lasted for most of the day. In fact, her family had been forced to leave their house for the day once the bungee jumping commenced, but she knew that the above problems had continued after they left because this was confirmed by her neighbours.

Mrs Hull continued that interior changes to the Stanmore Hotel meant that the main bar had been moved from facing Stanmore Lane, to facing the residential properties at the rear of the site. As the windows and doors of the bar were often left open, the loud music at the premises on Friday and Saturday nights in particular was almost unbearable; there was also considerable noise generated from customers watching 'big screen' sporting events. Mrs Hull had contacted the pub manager by telephone on such occasions, but he was generally unhelpful and the music level was rarely reduced. She had also contacted the Environment Division and now maintained a log sheet of such incidents, but that was in the early stages of completion and would be submitted in due course. Mrs Hull had also approached the Police about certain incidents.

Mr Russell, a resident of Monmouth Square, spoke as Chairman of the Monmouth Square Residents Association, which was opposed to the application. He considered that the comments of Mrs Hull accurately represented the concerns of his Association about the Stanmore Hotel. He emphasised that many residents of the Square were elderly and needed undisturbed sleep; therefore he asked that the pub's activities conclude at 11pm. Mr Russell also had tried to contact the manager of the pub about various concerns, but he was often unavailable and any remedial action taken was not especially effective.

On behalf of the applicant, Mr Aitchley responded that the new owners of Eldridge Pope breweries assumed control last year and they had appointed the current manager in May 2005. This meant that the bikers event was under the previous management. The bungee jumping was organised by the current manager but it was a one-off event which ended before 6pm.

Mr Aitchley continued that the current application represented a relatively small increase in trading hours, which was designed to provide flexibility, to cater for particular occasions – for example the screening of World Cup matches. It was certainly not intended to use the maximum hours every week throughout the year. With regard to dealing with any complaints, a telephone contact number for the pub manager would be circulated to local residents. The manager would be required to maintain a log of any complaints received from the public and how they were dealt with. Doors and windows would be closed when entertainment was in progress and notices would be placed at exit points, asking customers to leave quietly.

Mr Ward added that his company took seriously the good management of its premises and any substantiated problems, such as serving customers who already appeared inebriated, would be dealt with appropriately. The company encouraged a 30 minute 'chill out' period before pubs closed, when only soft drinks would be served. They also supported the Challenge 21 initiative to prevent under age drinking and believed in good communications with residents and, to this end, agreed to circulate a letter clarifying a number of issues.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the Application to vary the Premises Licence as set out in the report and as amended below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Other Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|--|--------------------------------------|
| (i) | <i>Sunday to Wednesday</i> | <i>1000 to 2330</i> |
| (ii) | <i>Thursday to Saturday</i> | <i>1000 to 0030</i> |
| (iii) | <i>New Years Eve</i> | <i>1000 to 0030 2 January</i> |
| (iv) | <i>On each Thursday, Friday and Saturday of a Bank Holiday weekend until 0130 hours and on Sunday and Monday of a Bank Holiday weekend until 0030</i> | |

2. The hours the premises may be used for the sale of alcohol shall be:
- (i) **Sunday to Wednesday** 1000 to 2300
 - (ii) **Thursday to Saturday** 1000 to 0000
 - (iii) **New Years Eve** 1000 to 0000 1/2 January
 - (iv) **On each Thursday, Friday and Saturday of a Bank Holiday weekend until 0100 hours and on Sunday and Monday of a Bank Holiday weekend until 0000**
3. The hours the premises may be used for regulated entertainment shall be:
- (i) **Monday to Wednesday** 1000 to 2300 – indoors only
 - (ii) **Thursday to Saturday** 1000 to 0000 – indoors only
 - (iii) **Sunday** 1100 to 2300 – indoors only
 - (iv) **New Years Eve** 1000 to 0000 2 January- indoors only
 - (iv) **On each Thursday, Friday and Saturday of a Bank Holiday weekend until 0100 hours and on Sunday and Monday of a Bank Holiday weekend until 0000 – indoors only**
4. The hours the premises may be used the provision of late night refreshment shall be:
- (i) **Thursday to Saturday** 2300 to 0000
 - (ii) **New Years Eve** 2300 to 0000 2 January
 - (iii) **On each Thursday, Friday and Saturday of a Bank Holiday weekend until 0100 hours and on Sunday and Monday of a Bank Holiday weekend until 0000**
5. In addition, for all the above Conditions on Hours:-
- (a) **The Licence Holder may extend the above hours by 30 minutes before and one hour after, any live international sporting event which is to be shown, by way of TV broadcast, at the premises.**
 - (b) **The Licence Holder may extend the above hours by a further additional hour on the occasion of events such as private parties, bookings and other similar events at management discretion.**
 - (c) **That (a) and (b) above shall be subject to the Licensee serving at least ten working days' notice on the Police and the licensing authority. If the Police object to the event within three working days of being served with notice, the event may only take place with the consent of the licensing authority.**

(d) There shall be no restriction on the hours which alcohol can be supplied to residents or their guests on the premises.

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

1. There shall be a 30 minute “cooling down period” at the end of the licensable activities.
2. During televised sporting events the applicants shall ensure that table service is provided.

Public Safety

None

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. Regulated entertainment shall be restricted to the inside of the premises.
5. All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
6. Soft drinks and coffee shall be made available during the cooling down period.
7. A full acoustic survey shall be undertaken by the Licensee and any appropriate noise reduction measures identified in that survey shall be installed to the satisfaction of the Director of Communities before any of the variations hereby permitted take effect.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The licence holder is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.
6. A telephone contact number for the premises manager should be circulated to all local residents, for use should they have concerns about the operation of the premises and a log should be maintained at the premises of any representations made by local residents, whether via the contact telephone number or in person.

The meeting commenced at 9.30am and concluded at 11.15am

Chairman

LICENSING SUB-COMMITTEE29 September 2005Attendance:

Councillors:

Evans (Chairman) (P)

Pearson (P)

Wagner (P)

101. THE MASH TUN, EASTGATE STREET, WINCHESTER

(Report LR177 refers)

The Sub-Committee met to consider an application by for a new Premises Licence during the Transitional Period under Schedule 8 paragraph 7 (b) of the Licensing Act 2003, to permit the hours when the premises are open to the public and late night refreshment.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964.

The Party (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting was Mr Sainsbury (one of the applicants and the Designated Premises Supervisor). There were no representatives of either the Interested or Responsible Parties in attendance.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted one letter from an Interested Party as set out as the Appendices to the Report. In summary, the letter raised concerns regarding late night noise nuisance.

In response to Members' questions, Mr Sainsbury explained that 30 Event Days had been requested on the advice of the premises' proprietors and that these were likely to be used for events such as weddings. Mr Sainsbury also confirmed that the premises were fitted with a noise limiter and that the letter received from the Interested Party was the only complaint he was aware of concerning the premises. He added that the live entertainment acts were likely to be dinner accompaniments of jazz and blues music rather than louder rock music.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the report with the following amendments as set out below in bold below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional ConditionsOperating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|---|-------------------------------|
| (i) | <i>Sunday to Thursday</i> | <i>1000 to 0030</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1000 to 0130</i> |
| (iii) | <i>New Year's Eve</i> | <i>1000 to 0130 2 January</i> |
| (iv) | <i>Bank holidays and on up to 12 Event Days per annum</i> | <i>0700 to 0100</i> |

2. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|-------|--|-------------------------------|
| (i) | <i>Sunday to Thursday</i> | <i>1000 to 0000</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1000 to 0100</i> |
| (iii) | <i>New Years Eve</i> | <i>1000 to 0100 2 January</i> |
| (iv) | <i>Sundays and Mondays on Bank Holiday weekends, Christmas Eve and Boxing Day, and on up to 12 other Event Days per annum at the applicant's discretion.</i> | <i>1000 to 0030</i> |

3. The hours the premises may be used for regulated entertainment shall be:

- (i) *Sunday to Thursday* **1000 to 2345 for live events, except for New Years Eve and New Years Day**
- (ii) *Friday and Saturday* **1000 to 2345**
for live music
- (iii) *Friday and Saturday* **1000 to 0100**
for other entertainment (except for New Years Eve and New Years Day)

When hours for sale of alcohol are extended on Bank Holidays and Event Days, these hours are also extended between 1000 and 0100 (0700 and 0100 for films).

4. The hours the premises may be used the provision of late night refreshment shall be:

- (i) *Sunday to Thursday* *1000 to 0030*
- (ii) *Friday and Saturday* *2300 to 0130*

When hours for sale of alcohol are extended on Bank Holidays and Event Days these hours are also extended between 2300 and 0100

5. Extensions of hours in respect of "Event Days" shall be subject to the Licensee serving **ten** working days written notice on the Police and the Licensing Authority. If the Police object to the event within three working days of being served with notice, the event may only take place with the consent of the licensing authority.

All Licensing Objectives

The existing conditions in the Public Entertainment Licence will also be included in any new premises licence save where they are superseded by any of these new conditions.

Crime and Disorder

1. The premises shall be a member of a local Pubwatch scheme if available.
2. Not less than 10 working days written notice shall be provided to Police when events days are planned.
3. New Staff shall be trained in the requirements of the Licensing Act 2003 and 'drugs awareness' immediately upon recruitment.

Public Safety

Function bookings shall be limited to 100 persons

Public Nuisance

1. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
2. Regulated entertainment shall be restricted to the inside of the premises.
3. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment after 2030.
4. Live Music shall end at 2345 except on New Years Eve and New Years Day
5. A noise limiter shall be installed, calibrated and maintained to the satisfaction of the Director of Communities and shall be operated in accordance with such instructions as the Director of Communities may from time to time issue.
6. The garden shall be closed at or before 2300 and all customers cleared from the area.
7. Kitchen extract filters shall be cleaned regularly to minimise the impact of cooking smells on neighbours.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Embedded Restrictions

The provisions of the Licensing Act 1964, shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
2. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
3. Copies of fire test results on any fabrics should be held on the premises for inspection if required.

4. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

The meeting commenced at 3.00pm and concluded at 3.35pm

Chairman

LICENSING SUB-COMMITTEE**14 October 2005**Attendance:

Councillors:

Johnston (Chairman) (P)

Pearson (P)

Sutton (P)

Others in attendance who addressed the meeting:

Councillor Beveridge and Tait

Others in attendance who did not address the meeting:

Councillor Mather

102. WINCHESTER STUDENT UNION BAR, UNIVERSITY OF WINCHESTER
(Report LR180 refers)

The Sub-Committee met to consider an application by Winchester Students Union for a variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7 (b) of the Licensing Act 2003, to extend the hours when the premises were open to the public, for the sale of alcohol, late night refreshment and regulated entertainment. The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulation 1955, the Children and Young Persons Act 1933 and the Local Government (Miscellaneous Provisions) Act 1982.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr A Hodgson (the applicant), Mr G Cushion (applicant's solicitor) and Mr T Geddes (Pro-Vice Chancellor of the University). Also in attendance were Mr J Hedin, Mr I Douglass, Dr A Chase and Ms S Smith as Interested Parties. Councillors Beveridge and Tait also attended as representatives of interested parties. There were no Responsible Authorities represented at the meeting.

The Licensing and Registration Manager explained that the application was for a variation of the Premises License, with the conversion of the existing license being granted under delegated powers on 3 October 2005, which would allow the Student Union to sell alcohol as set out in the report. He explained that the current Public Entertainment Licence had not been attached to the report but that copies had been handed out before the meeting. The Licensing and Registration Manager added that the Union had also distributed copies of its Venue Noise Reduction Policy and requested that this be taken into consideration.

The Licensing and Registration Manager continued that the Union was restricted by its Public Entertainment Licence to providing entertainment for 32 weeks per year, but that it could sell alcohol all year round under its current licence and was used, for example, to provide for conferences. He added that the application had not taken into account a wind-down period, and suggested that Members could consider cutting back the operating hours to allow for this.

In response to Members' questions the Licensing and Registration Manager confirmed that the Union had the benefit of a full Justices' Licence and could therefore sell alcohol which could be taken off the premises, but that these off-sales were restricted to the people set out on Page 5 of the application. He continued that he was not aware of any recent disturbances being reported to the Police or the Environment Division.

Mr Hedin of Sparkford Road spoke against the application. He commented that music from the Student Union Bar and other venues used could be heard from his residence, and that the noise students made when leaving the premises was unacceptable for such a residential area. Mr Hedin added that there had been incidents of damage to private property, litter and theft at closing time when students left the premises.

Mr Hedin continued that he had complained to both the Police and the Environment Division in the past, as doors and windows to the premises had been left open. He added that many students lived in the Stanmore area and had to walk past his house, but that there appeared to be no controls over their drunken and rowdy behaviour.

Councillor Beveridge also spoke against the application, representing Mr P Walker who had made a written representation. Councillor Beveridge stated that although the University was a valued part of the community, Mr Walker believed that the Student Union should address the problems and concerns of local residents. He continued that the main issue faced by residents was the noise caused by the students returning home, which Mr Hedin had emphasised earlier in the meeting.

Mr Douglass of Airlie Road also spoke against the application. He stated that his property had suffered from a litter problem, with bottles and sweet wrappers thrown into his garden. He also commented that his car had been vandalised in the past, although he did not believe this to be intentional, but due to drunken behaviour. Mr Douglass continued that he objected to the extension of the hours during the week, as many people in the area had to get up early for work, but that he had no objection to the extended hours at weekends.

In response to a Members' question, Mr Douglass confirmed that he had only ever contacted the police to make a complaint when his car was vandalised.

Dr Chase of Sparkford Road also spoke opposing the application. He commented that he did not like being disturbed by noisy students after 2300 hours and that disturbance on a regular basis was not acceptable. Ms Smith, also of Sparkford Road supported those comments, adding that she had suffered broken glass and vomit on her property in the past.

Councillor Tait then spoke, representing Ms Brady and Dr Burwood who had made representations objecting to the application. Repeating previous comments made, Councillor Tait stated that noise and disturbance were the main concerns of Ms Brady and Dr Burwood. He continued that they were not confident that measures put in place to tackle the disturbance issues would be effective, and that they were not sure what powers the college security staff and stewards had.

On behalf of the applicant, Mr Cushion stated that a mistake had been made on the application concerning drinking-up time and that the application should have read as follows:

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

(i)	<i>Monday</i>	<i>1100 to 0100</i>
(ii)	<i>Tuesday</i>	<i>1100 to 0030</i>
(iii)	<i>Wednesday</i>	<i>1100 to 0100</i>
(iv)	<i>Thursday</i>	<i>1100 to 0030</i>
(v)	<i>Friday</i>	<i>1100 to 0200</i>
(vi)	<i>Saturday</i>	<i>1100 to 0030</i>
(vii)	<i>Sunday</i>	<i>1100 to 2330</i>

2. The hours the premises may be used for the sale of alcohol shall be:

(i)	<i>Monday</i>	<i>1100 to 0030</i>
(ii)	<i>Tuesday</i>	<i>1100 to 0000</i>
(iii)	<i>Wednesday</i>	<i>1100 to 0030</i>
(iv)	<i>Thursday</i>	<i>1100 to 0000</i>
(v)	<i>Friday</i>	<i>1100 to 0130</i>
(vi)	<i>Saturday</i>	<i>1100 to 0000</i>
(vii)	<i>Sunday</i>	<i>1100 to 2230</i>

Mr Cushion continued that the Union accept that they were part of the problem concerning noise and disturbances in the local area, but that they were trying to improve the situation. He added that the Mission Statement they had produced for the Venue Noise Reduction Policy was in response to the issues raised by residents, and that the Union building itself had recently been insulated to prevent noise escaping.

Mr Cushion continued that the issue of anti-social behaviour was taken seriously. He stated that three students had been suspended from the Union in Fresher's Week, with a further 40 being cautioned. He added that Mr Hodgson had also advised those premises in town that were part of the Pub Watch scheme of problem students, which he was not obliged to do. Mr Cushion commented that if the Union was not granted extended hours, students would go elsewhere in town and disturbances would still occur, perhaps at an even later hour.

Mr Geddes then spoke in support of the application, stating that many measures had been put in place since the last hearing on 31 August 2005. He commented that they had contacted Hampshire County Council regarding a community warden, but that as

HCC had advised him a warden would not be permitted to work after 11.00pm, the idea was not viable at the time. Mr Geddes continued that he had been in contact with the Police to discuss the possibility of a community safety officer financed by the University, who would have powers of arrest. This would be in addition to the University stewards. Mr Geddes added that mini buses had been introduced to take students home which had started to have an effect on the level of noise.

In response to Member's questions, Mr Hodgson confirmed that the Union could hold a maximum of 540 people, and that SIA badge staff were present at every entrance. Only an NUS card would be accepted as proof of membership to the University and only photographic ID, such as passports or a driving licence, were accepted as proof of age for students and their guests. He added that only the top and bottom doors to the Union building were ever opened, and that the windows in the bar itself had been sealed to prevent noise escaping from the premises. Signs requesting students to leave quietly were displayed at every egress point, with stewards at all exits and at the campus boundaries verbally reinforcing to students the need to keep noise to a minimum.

Mr Hodgson continued that regular campaigns were run to tackle the issues of substance abuse, and that areas where drugs might be taken were monitored every 15 minutes. He added that the University had a stringent substance abuse policy and that students could be expelled and reported to the Police if caught.

In response to a Members' question, Mr Hodgson confirmed that on Page 14 of the application, the only adult entertainment that might be provided would be comedians who might use strong language.

The Sub-Committee then retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the Application to vary the Premises Licence as set out in the report and as amended below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional ConditionsOperating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

(i)	<i>Monday</i>	<i>1100 to 0000</i>
(ii)	<i>Tuesday</i>	<i>1100 to 0000</i>
(iii)	<i>Wednesday</i>	<i>1100 to 0000</i>
(iv)	<i>Thursday</i>	<i>1100 to 0000</i>
(v)	<i>Friday</i>	<i>1100 to 0200</i>
(vi)	<i>Saturday</i>	<i>1100 to 0030</i>
(vii)	<i>Sunday</i>	<i>1100 to 2300</i>

2. The hours the premises may be used for the sale of alcohol shall be:

(i)	<i>Monday</i>	<i>1100 to 2330</i>
(ii)	<i>Tuesday</i>	<i>1100 to 2330</i>
(iii)	<i>Wednesday</i>	<i>1100 to 2330</i>
(iv)	<i>Thursday</i>	<i>1100 to 2330</i>
(v)	<i>Friday</i>	<i>1100 to 0130</i>
(vi)	<i>Saturday</i>	<i>1100 to 0000</i>
(vii)	<i>Sunday</i>	<i>1100 to 2230</i>

3. The hours the premises may be used for regulated entertainment shall be:

(i)	<i>Monday</i>	<i>1100 to 0000</i>
(ii)	<i>Tuesday</i>	<i>1100 to 0000</i>
(iii)	<i>Wednesday</i>	<i>1100 to 0000</i>
(iv)	<i>Thursday</i>	<i>1100 to 0000</i>
(v)	<i>Friday</i>	<i>1100 to 0200</i>
(vi)	<i>Saturday</i>	<i>1100 to 0030</i>
(vii)	<i>Sunday</i>	<i>1100 to 2300</i>

All Licensing ObjectivesCrime and Disorder

1. A written policy for sensible consumption of alcohol shall be adopted and all staff shall be trained in the implementation of the policy before the premises are used for the purposes of this Licence.
2. The premises shall be a member of a local Pubwatch scheme if available.

Public Safety

None

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
3. Regulated entertainment shall be restricted to the inside of the premises.
4. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955, the Children and Young Persons Act 1933, and the Local Government (Miscellaneous Provisions) Act 1982 shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.

5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.
6. The applicant is advised to implement the Venue Noise Reduction policy and is advised to liaise with the appropriate authorities.

After announcing the decision the Chairman pointed out that the hours authorised for the sale of alcohol by the Special Hours Certificate had not been taken into consideration when the licence was converted. The Applicant was entitled to the existing hours under the Special Hours Certificate, but he had not submitted the Certificate with his application. It was noted that the situation could be rectified by allowing the City Secretary & Solicitor to take the appropriate actions.

RESOLVED:

That the City Secretary and Solicitor be authorised to include the hours specified in the Special Hours Certificate when the certificate had been produced by the Applicant.

The meeting commenced at 9.30am and concluded at 11.50am

NOTE: A copy of the Special Hours Certificate was received on 14 October 2005. The amendments therefore made in accordance with the above resolution are underlined in the hours shown below.

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

(i)	<u>Monday</u>	<u>1100 to 0030</u>
(ii)	Tuesday	1100 to 0000
(iii)	<u>Wednesday</u>	<u>1100 to 0030</u>
(iv)	Thursday	1100 to 0000
(v)	Friday	1100 to 0200
(vi)	Saturday	1100 to 0030
(vii)	Sunday	1100 to 2300

2. The hours the premises may be used for the sale of alcohol shall be:

(i)	<u>Monday</u>	<u>1100 to 0000</u>
(ii)	Tuesday	1100 to 2330
(iii)	<u>Wednesday</u>	<u>1100 to 0000</u>
(iv)	Thursday	1100 to 2330
(v)	Friday	1100 to 0130
(vi)	Saturday	1100 to 0000
(vii)	Sunday	1100 to 2330

Chairman

LICENSING SUB-COMMITTEE20 October 2005Attendance:

Councillors:

Allgood (Chairman) (P)

Johnston (P)

Lipscomb (P)

103. THE FORESTER ARMS, NORTH WALLS, WINCHESTER

(Report LR181 refers)

The Sub-Committee met to consider an application by Greene King Retailing Limited for a new Premises Licence during the Transitional Period under Schedule 8 paragraph 7 (b) of the Licensing Act 2003, to extend the hours when the premises are open to the public, for the sale of alcohol and regulated entertainment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr M Meijer (Designated Premises Supervisor), Mr J Rankin (the applicant's representative from Greene King Retailing Limited). Also in attendance were Ms S Walker, Miss Bardwell and Ms Robinson as Interested Parties.

The Licensing and Registration Manager explained that Ms Robinson had sent in her request to speak at the hearing but that it had been received by the Council outside the required deadline. It was agreed, however, that as there were no objections by Members or the applicant that Ms Robinson would be able to speak.

The Licensing and Registration Manager outlined the details of the existing Justices' Licence as set out in the report, and added that a representation from the Police about public nuisance and eight representations from Interested Parties had been received. The Licensing and Registration Manager requested that Members disregard the representation made by Linda Gregory and Andrew Wright, as it had been withdrawn and replaced by an email that was distributed at the meeting.

PC Miller from Hampshire Constabulary stated that many complaints from local residents had been received in the past in relation to The Forester Arms, and the objection by the Police was mainly related to the issue of public nuisance. He continued that there was nothing in the operating schedule that would address the problem of noise emitting from the premises, and suggested that all music other than background music should cease at 2300 hours. He also suggested the possibility of installing a noise limiter.

In response to Members' questions, PC Miller confirmed that the chairs and tables outside the premises were on an area of land owned by the pub, and that there was no obstruction to the public highway. He continued that a noise limiter would only be relevant for recorded music or DJ's, not any live performers.

Ms Walker of Parchment Street spoke against the application, representing herself and Mr and Mrs Sirl. She stated that the noise emitting from the premises was unacceptable, and that during the summer months doors and windows had been left open. Ms Walker added that the premises were in a residential area, and that Parchment Street was also used as a cut through to the town centre, meaning that residents had to experience shouting and swearing late at night. Ms Walker expressed her concerns that these issues would be exacerbated by the extended hours, and questioned how staff would be able to deal with any anti-social behaviour. She continued that the problem was increased by the use of chairs and tables outside the premises that were there all year round.

Miss Bardwell also spoke against the application, stating that she had been woken on many occasions by people sitting outside the premises. She continued that she had also witnessed people urinating in the street and then re-entering the premises after closing time. Miss Bardwell added that she did expect a certain level of noise from the premises but that she did not feel they had complied with current regulations.

Ms Robinson, a resident of Parchment Street spoke against the application on the basis of public nuisance. She stated that she had been woken on several occasions, both during the week and at weekends, by loud music and people outside the premises. She continued that although she had spoken to the Designated Premises Supervisor, nothing had been done to resolve the issues of noise. Ms Robinson added that the problem was worse during the summer months, and that she had also been woken in the early hours of the morning by music being played while the premises were being cleaned.

In response to a Members' question, Ms Robinson confirmed that whilst she had spoken to the manager in the past about the issues, she had not reported any incidents to the police.

On behalf of the applicant, Mr Rankin stated that Mr Meijer had been running the premises for nearly three years. He continued that before Mr Meijer arrived, the premises had been frequented by predominantly male drinkers that would intimidate any other patrons of the pub, and that there had been a history of drug dealing. Since taking over, Mr Meijer had refurbished the premises and changed the operating style to attract a more mature clientele.

Mr Rankin explained that they only envisaged having music after 2330 hours twice a month, and that they requested the extended hours so that they could serve people later if they wished to. He continued that the relationship between the premises and local residents had improved since Mr Meijer reopened it after the refurbishment, and that he was committed to keeping the doors and windows shut to reduce noise emissions. Mr Rankin added that the applicant had no objection to agreeing to a condition that the outside area be closed for licensable activities after 2200, and that they would also put signs up to this effect.

In response to Member's questions, Mr Rankin confirmed that the premises did not have double glazing or a noise limiter, but that there was adequate ventilation inside so doors and windows did not need to be open. Mr Meijer added that Parchment Street was used by students returning to Erasmus Park and that it would be unfair to say all the noise was as a result of The Forester Arms.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the Application to vary the Premises Licence as set out in the report and as amended below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Other Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|---------------------------|---------------------|
| (i) | <i>Sunday to Thursday</i> | <i>1100 to 2320</i> |
| (ii) | <i>Friday</i> | <i>1100 to 0050</i> |
| (iii) | <i>Saturday</i> | <i>0900 to 0020</i> |

2. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|-------|---------------------------|---------------------|
| (i) | <i>Sunday to Thursday</i> | <i>1100 to 2300</i> |
| (ii) | <i>Friday</i> | <i>1100 to 0030</i> |
| (iii) | <i>Saturday</i> | <i>0900 to 0000</i> |

3. The hours the premises may be used for regulated entertainment shall be:

Live and Recorded Music

- | | | |
|------|-------------------------|---------------------|
| (i) | <i>Sunday to Friday</i> | <i>1100 to 2300</i> |
| (ii) | <i>Saturday</i> | <i>1100 to 2330</i> |

All Licensing ObjectivesCrime and Disorder

Before they first commence their duties at the premises, all staff shall be trained to deal with a) illegal activities and conflict management b) dealing with customers when service is refused on the basis of drunkenness.

Public Safety

None

Public Nuisance

1. The applicant shall conduct an acoustic survey and carry out any required works to the satisfaction of the Director of Communities before recorded or live music is allowed.
2. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
3. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
4. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
5. Regulated entertainment shall be restricted to the inside of the premises.
6. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.
7. Tables and chairs outside the premises shall not be used after 2200 until opening time the next day.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.
6. Maintained illuminated exit signs should be installed over the exits.

104. **AVINGTON PARK, WINCHESTER**
(Report LR182 refers)

The Sub-Committee met to consider an application by Avington Park Limited for the grant of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7 (b) of the Licensing Act 2003, for the hours when the premises are open to the public, for the sale of alcohol, late night refreshment and regulated entertainment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mrs S Bullen (the applicant) and Mr J Hiscock (the applicant's representative). Also in attendance were Mrs C Littlewood, Mrs L Brooker, Ms S Shirley and Colonel M Fisher as Interested Parties. There were no representatives of the Responsible Parties in attendance.

The Assistant Licensing and Registration Officer outlined the application as set out in the report and explained that, in the past, the premises had held events where occasional public entertainment licences had been issued. She continued that a maximum of 15 licensable activities had been applied for but that it had been advertised as 12 in the official press notice.

Mrs Littlewood spoke against the application as her concern was that the level of disruption to the village would be increased. She stated that she lived opposite the rear entrance car park, which was situated on a narrow road, making it difficult for larger vehicles to get onto the site. Mrs Littlewood added that this was not safe and that the noise of heavy vehicles got unbearable, especially in the early hours of the morning. She commented that she did not feel that there was any means of controlling the noise and that, if the application was granted, the situation would only get worse.

In response to a Members' question, Mrs Littlewood confirmed that she had complained on several occasions to the Environment Health department regarding the level of noise caused by vehicles.

Mrs Brooker also spoke against the application supporting the comments made by Mrs Littlewood. She commented that the noise problem had increased over recent years, and that guests at events had been known to walk around the village disturbing residents. Mrs Brooker stated that she would like tighter controls on which gate guests leave from.

Ms Shirley spoke against the application, stating that although she did not hear much noise emitting from the premises, that during the summer she often had to close her windows. She added that her main concern was about the level of traffic in the area and how the new licence may affect this problem.

Colonel Fisher also spoke against the application, stating that the frequency of events at Avington Park had increased considerably, and that the rear gate was used by large vehicles which grounded along the drive. He reported that on one occasion, a marquee had been partially dismantled at 0200 hours, waking local residents. Colonel Fisher added that music from the premises could be heard in his living room, drowning out the television, and he felt that there had been a lack of professionalism in the way events had been supervised and run.

Mrs Bullen then spoke supporting the application, stating that the application had been made so that they would not have to apply for several temporary event notices in a year. She stressed that she had no intention of increasing the number of events per year. Mrs Bullen continued that she had approached the local residents and discussed the issues of noise with them and that she had agreed to turn the music down if it got too loud.

On the issue of traffic noise, Mrs Bullen stated that she had moved one car park to the other side of the building, away from local residents, and that most cars and vans used this entrance. She confirmed that she had applied for planning permission to extend the gate to this car park to allow lorries and coaches through, but that this had been turned down, meaning that they could only enter through the rear gate.

Mrs Bullen continued that she had written to all her contractors asking them to use the front gate where possible, and that she would produce a schedule for all future events in consultation with residents. Mrs Bullen stated that she would also use signage to encourage guests to leave through the front gate after events at Avington Park. She added that some GPS systems lead drivers through the village, over which she had no control.

In response to Member's questions, Mrs Bullen confirmed that she would be happy to accept a condition of no more than 12 occasions per annum when the premises shall be used for licensable activities, and that there would not be any music outside the

premises in the future. She continued that all functions and events finished at 0000 hours, and that parking arrangements would be the same for any event held there.

Mrs Bullen continued that she had spoken to the marquee contractors and arranged that marquees would not be taken down on the night of the event, but they would come back the following morning. She confirmed that she had also looked into the possibility of using a small field nearer to the house for car parking, which would prevent noise disturbance from cars.

The Sub-Committee then retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the Application to vary the Premises Licence as set out in the report and as amended below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Other Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|----------------------------|---------------------|
| (i) | <i>Monday to Thursday</i> | <i>1030 to 0030</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1030 to 0050</i> |
| (iii) | <i>Sunday</i> | <i>1030 to 2230</i> |

On the occasion of a Charity Ball Event held once every five years the premises shall close at 0530 on Sunday

2. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|------|----------------------------|---------------------|
| (i) | <i>Monday to Thursday</i> | <i>1200 to 2350</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1200 to 0030</i> |

On the occasion of a Charity Ball Event held once every five years the premises shall stop serving alcohol at 0500 on Sunday

3. The hours the premises may be used for regulated entertainment shall be:

Plays

<i>Every Day from</i>	<i>1430 to 1700</i>
<i>And then from</i>	<i>1800 to 2230</i>
<i>Needed on only three days per annum</i>	
<i>Live Music</i>	

<i>Monday to Thursday</i>	<i>1200 to 2350</i>
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<i>Friday and Saturday</i>	<i>1200 to 0030</i>
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<i>Sunday</i>	<i>1200 to 2230</i>
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On the occasion of a Charity Ball Event held once every five years the premises shall cease live music at 0200 on Sunday

Recorded Music

<i>Monday to Thursday</i>	<i>1800 to 2350</i>
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<i>Friday and Saturday</i>	<i>1800 to 0050</i>
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On the occasion of a Charity Ball Event held once every five years the recorded music shall cease at 0500 on Sunday

Performance of Dance

<i>Monday to Thursday</i>	<i>1400 to 2300</i>
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<i>Friday and Saturday</i>	<i>1400 to 0030</i>
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Anything of a Similar Description

<i>Monday to Thursday</i>	<i>1100 to 2300</i>
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<i>Friday and Saturday</i>	<i>1100 to 0050</i>
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Provision of Facilities for Dancing

Monday to Thursday 1800 to 2350

Friday and Saturday 1800 to 0050

*On the occasion of a Charity Ball Event held once every five years the premises shall cease using the facilities for dancing until 0500 on Sunday
Provision of Facilities for entertainment of a similar description*

Monday to Thursday 1200 to 2350

Friday and Saturday 1200 to 0030

Sunday 1200 to 2000

4. The hours the premises may be used the provision of late night refreshment shall be:

(i) *Monday to Thursday* 2300 to 2330

(ii) *Friday and Saturday* 2300 to 2350

On the occasion of a Charity Ball Event held once every five years the premises shall cease late night refreshment at 0500 on Sunday

All of the above hours in sections 2, 3 and 4 relate to no more than 12 occasions per annum when the premises shall be used for licensable activities plus a Charity Ball held once every 5 years.

All Licensing ObjectivesCrime and Disorder

None

Public Safety

All staff shall be trained in evacuation procedures in the event of an emergency

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment after 2300.
5. Where possible vehicles shall arrive and leave by the main entrance of the premises when events are being held for the purposes of licensable activities, and the licence holder shall ensure that traffic movements are monitored so as to minimize any disturbance to neighbours.
6. Parking for cars, other than those staying overnight, when events are being held for the purposes of licensable activities shall not be in the car park by the rear gate, but well away from close neighbours.
7. All outside entertainment shall cease at 2300 with the exception of 6 occasions per year when entertainment is allowed until 0100.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall not apply.

Informatives

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

6. The licensee is encouraged to liaise with local residents regarding the management of possible public nuisance from future licensable events.

The meeting commenced at 9.30am and concluded at 12.05pm

Chairman

LICENSING SUB-COMMITTEE**25 October 2005****Attendance:**

Councillors:

Johnston (Chairman) (P)

Cook (P)

Pearson (P)

105. **THE CHASE INN, WINCHESTER ROAD, WALTHAM CHASE**
(Report LR184 refers)

The Licensing and Registration Manager reported that since publication of the above report, the applicant had met with representatives of Responsible Authorities and satisfied them regarding areas of concern about the future operation of the premises. The Sub-Committee therefore agreed that the item (which sought to vary the Premises Licence) be withdrawn and the application be determined by the City Secretary and Solicitor under delegated authority

RESOLVED:

That the application be determined by the City Secretary and Solicitor under delegated authority.

106. **SAM'S PIZZA & KEBAB, WINCHESTER ROAD, BISHOPS WALTHAM**
(Report LR185 refers)

The Sub-Committee met to consider an application by Mr Bulent Ekinici for a Premises Licence for Sam's Pizza & Kebab, Winchester Road, Bishops Waltham during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 to allow for the sale of hot food and drink after 2300 each day. The details of the new Premises Licence were as set out in the report.

The Licensing Manager explained that the premises currently operated under restrictions imposed by planning permission. Attention was also drawn to the Informatives as set out in the report as requested by Environmental Services.

Members were advised that the Mandatory Conditions as set out on page 7 of the report had been included in error and should be discounted as were not appropriate to this application.

Members noted that no representations had been made from Responsible Authorities regarding the application.

In considering the proposals, Members referred to the three letters from Interested Parties (as appended to the report). In summary these highlighted concerns of local residents of litter in the vicinity of the premises and also noise from congregations of people outside.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were the applicant, Mr and Mrs Ekinçi and the landlord of the premises (and previous operator) Mr Vine. There were no representatives of Interested Parties present.

Further to questions, Mrs Ekinçi referred to a letter dated 19 October 2005 sent to the Licensing Manger responding to the concerns of local residents. Mrs Ekinçi reported that they would be placing notices within the shop reminding patrons to leave quietly and also to provide an additional two bins outside. After discussion it was agreed that the bins would be fixed to the wall.

Mr Vine addressed the Sub-Committee in support of the application.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the application for a Premises Licence with the inclusion of the Informatives as set out in the report.

RESOLVED:

That the application be granted, subject to:

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- (i) ***Sunday to Thursday*** ***2300 to 0000***
- (ii) ***Friday and Saturday*** ***2300 to 0030***

2. The hours the premises may be used the provision of late night refreshment shall be:

- (i) ***Sunday to Thursday*** ***2300 to 0000***
- (ii) ***Friday and Saturday*** ***2300 to 0030***

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

None.

Public Safety

None.

Public Nuisance

1. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly and to dispose of litter responsibly.
2. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
3. Litter bins should be provided for the use of the customers of the premises.

Protection of Children

None

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

The meeting commenced at 9.00am and concluded at 9.55am.

Chairman

LICENSING SUB-COMMITTEE**2 November 2005**Attendance:

Councillors:

Pines (Chairman) (P)

Cook (P)

Hammerton (P)

107. THE FOX AND HOUNDS, PEACH HILL LANE, CRAWLEY
(Report LR186 refers)

On 17 August 2005 the Licensing Sub-Committee considered an application to vary the Premises Licenses of the Fox and Hounds, Crawley. The application included a reference to an additional 12 "event days" when extended hours would be permitted. Although this element of the meeting was discussed at the meeting, it was not recorded in the resolution of the minutes.

Following debate, in which the Assistant City Secretary (Legal) confirmed that the local residents who had commented on the original application were aware of the 12 event days condition, the Sub-Committee agreed to incorporate these additional event days.

RESOLVED:

1. That the minutes of the Licensing Sub-Committee meeting held on 17 October 2005 be amended to include additional paragraph 5 in the section entitled "Operating Hours" as follows:-

"5. On a further 12 occasions per year, the above hours may be extended by one hour after the terminal hour subject to the licensee serving at least ten working days' notice on the Police and the licensing authority. If the Police object to the event within three working days of being served with notice, the event may only take place with the consent of the licensing authority.

2. That the Premises License be issued to include the additional hours of operation as set out in paragraph 1 above.

The meeting commenced at 6.30pm and concluded at 6.40pm

Chairman

LICENSING SUB-COMMITTEE**8 November 2005****Attendance:**

Councillors:

Pines (Chairman) (P)

Macmillan (for minute XX only) (P)

Wright (P)

Mather (for minute XX only) (P)

108. MISSISSIPPI RESTAURANT, 33 JEWRY STREET, WINCHESTER
(Report LR187 refers)

The Sub-Committee met to consider an application by Mr Nguyen Lieu the grant of the Premises Licence under Section 17 of the Licensing Act 2003, for late night refreshment.

The Party (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting was Mr N Lieu. Also in attendance was the Environmental Protection Team Manager as a Responsible Authority.

The Licensing and Registration Manager outlined the application as set out in the report and explained that under the Licensing Act 2003 the restaurant had to apply for a Premises Licence in order to provide late night refreshment after 2300 hours.

In response to Members' questions, the Licensing and Registration Manager confirmed that the premises would not be selling alcohol. He continued that if the application was granted, Mr. Lieu would have to apply for a variation in the planning permission (granted in 2004) under which he operated, as the proposed hours were outside those permitted under the current planning permission.

The Environmental Protection Team Manager made her representation, stating that there had been concerns over the proposed extended hours as this could lead to noise and disturbance in the surrounding area. She continued that the Environment Division did not have any specific evidence that linked the premises to reported problems along Jewry Street.

Mr Lieu stated that an extension to his operating hours was necessary in order for his business to survive. He continued that the majority of his custom came from late night trade and that the extra hour applied for was needed to keep him in line with other premises in the area.

In response to Member's questions, Mr Lieu confirmed that no food deliveries were made from the premises after 2300 hours and that the last order for deliveries was taken at 2230 hours. He added that he had a regular customer base and had not had any problems in the past that involved the police.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the Application to vary the Premises Licence as set out in the report and as amended below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

There are no mandatory conditions which must be applied in respect of this application.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|--------------------|--------------|
| (i) | Sunday to Thursday | 0800 to 0000 |
| (ii) | Friday | 0800 to 0300 |
| (iii) | Saturday | 0800 to 0200 |

2. The hours the premises may be used the provision of late night refreshment shall be:

- | | | |
|-------|--------------------|--------------|
| (i) | Sunday to Thursday | 2300 to 0000 |
| (ii) | Friday | 2300 to 0300 |
| (iii) | Saturday | 2300 to 0200 |

All Licensing Objectives

All staff shall be fully trained on the relevant aspects of the Licensing Act 2003

Crime and Disorder

A CCTV system shall be installed to the satisfaction of the Police with recording facilities, maintained to an acceptable standard. The recordings shall be retained for a period of 30 days and be made available upon request by the Police.

Public Safety

None

Public Nuisance

1. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
2. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
3. The applicant shall provide litter bins at the premises for the use of customers.

Protection of Children.

None

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.
6. The Licensee is advised of the concern about possible rubbish problems and should note that the Council's Environment Division may monitor the situation and call for a review if necessary.
7. The Licensee is reminded that where the hours granted under the Premises Licence are different from current planning permissions, further planning permission must be sought and obtained before using these hours.

109. **THE DOG AND CROOK, BRAMBRIDGE**
(Report LR188 and LR188 (supplement) refer)

The Sub-Committee met to consider an application by Mr Kevin Dawkins for the grant of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7 (b) of the Licensing Act 2003, for the hours when the premises are open to the public, for the sale of alcohol, late night refreshment and regulated entertainment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr K Dawkins (Applicant) and Mr and Mrs D'Alton-Harrison as Interested Parties. Also in attendance were four members of the public. There were no representatives of the Responsible Authorities in attendance.

The Licensing and Registration Manager outlined the application as set out in the report. He explained that there had originally been representations from both the Director of Communities and the Police regarding public nuisance, but that after negotiation the hours sought had been changed and that a supplementary report had been circulated with these changes.

The Licensing and Registration Manager also brought to the Sub-Committee's attention that the applicant had reduced his request for 30 special occasions down to 12, in response to the representations made. He continued that the premises also had the benefit of a supper licence.

Mrs D'Alton-Harrison spoke against the application, stating that her main concern was about the noise emitted from the premises and that this problem would only be exacerbated by extended hours.

Mr D'Alton-Harrison also spoke against the application, commenting that Mr Dawkins had bought the allotment gardens adjacent to the premises and there was concern over the possibility of events taking place on this land. He continued that livestock, which was kept on the land surrounding the premises, could be adversely affected if the hours were extended, as could local property prices.

Mr Dawkins then spoke in support of the application, stating that he had been the licensee at the premises for five years and had turned it into a successful business. He continued that there had only been one incident in those five years that involved the police and that, contrary to representations made, no fights took place inside or outside the premises. Mr Dawkins added that 70% of his sales were on food and that most of his alcohol sales accompanied meals.

In response to Member's questions, Mr Dawkins confirmed that although the building was very old, he very rarely held events that would involve the playing of loud music and that, if the level of music became excessive, he would request that the DJ or musician turned it down. He added that doors and windows were kept closed as much as possible, but that as he ran a non-smoking establishment, this was not always easy to monitor as customers would go outside to smoke.

Mr Dawkins continued that there was a decking area to the rear of the premises on which speakers were placed to play background music. He explained that they were placed so that music could not be heard beyond the boundary of the decking.

The Sub-Committee then retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the Application to vary the Premises Licence as set out in the report and as amended below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|---------------------|---------------------------|
| (i) | Monday to Thursday | 1000 to 0030 |
| (ii) | Friday and Saturday | 1000 to 0130 |
| (iii) | Sunday | 1000 to 0000 |
| (iv) | New Year' Eve | 1000 to close 1/2 January |

2. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|-------|---------------------|---------------------------|
| (i) | Monday to Thursday | 1000 to 0000 |
| (ii) | Friday and Saturday | 1000 to 0100 |
| (iii) | Sunday | 1000 to 2330 |
| (iv) | New Year' Eve | 1000 to close 1/2 January |

3. The hours the premises may be used for regulated entertainment shall be:

3.1 Films, Indoor Sporting Events,

(i) Sunday to Saturday 2300 to 0130

3.2 Live Music

(i) Monday to Thursday 1000 to 2300

(ii) Friday and Saturday 1000 to 0000

(iii) Sunday 1000 to 2230

(iv) New Year' Eve 1000 to close 1/2 January

3.3 Recorded Music and Other Entertainment (Amplified Voice – Not Karaoke)

(i) Monday to Thursday 1000 to 2300

(ii) Friday and Saturday 1000 to 0000

(iii) Sunday 1000 to 2230

(iv) New Year' Eve 1000 to close 1/2 January

4. The hours the premises may be used the provision of late night refreshment shall be:

(i) Monday to Thursday 2300 to 0030

(ii) Friday and Saturday 2300 to 0130

(iii) Sunday 2300 to 0000

(iv) New Year' Eve 2300 to close 1/2 January

5. The above hours may be extended on up to 12 occasions per calendar year subject to the Licensee serving at least ten working days' notice on the Police and the licensing authority. If the Police object to the event within three working days of being served with notice, the event may only take place with the consent of the licensing authority.

All Licensing Objectives

Crime and Disorder

All staff shall be trained in the requirements of the Licensing Act 2003 as part of their induction.

Public Safety

The maximum number of persons permitted on the premises for function bookings shall not exceed 100.

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. Regulated entertainment shall be restricted to the inside of the premises.
5. All doors and windows that are capable of being opened directly to the outside of the premises shall be kept closed, except for access and egress, whilst the premises are in use for the purposes of regulated entertainment.
6. Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 2100 and 0800.
7. All external speakers shall be switched off no later than 2300 hours, and at all times shall not be above a background level.
8. No external areas shall be used after 2300 hours and all customers shall be cleared from such areas at this time.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

The meeting commenced at 6.00pm and concluded at 7.45pm

Chairman

LICENSING SUB-COMMITTEE**13 December 2005****Attendance:**

Councillors:

Johnston (Chairman) (P)

Cook (P)

Pearson (P)

110. ESSO MARKET SERVICE STATION, ANDOVER ROAD, WINCHESTER

(Report LR189 refers)

The Sub-Committee met to consider an application by Esso Petroleum Co Ltd for a variation of the Premises Licence, under Section 34 of the Licensing Act 2003, to extend the hours for the sale of alcohol and to provide late night refreshment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr Chris Mitchener (Lockett & Co Licensing Consultants) and Professor Roy Light (Advocate). There were no representatives of the Interested Parties or Responsible Parties in attendance.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted one letter from an Interested Party as set out as the Appendices to the Report. In summary, the letter raised concerns regarding additional noise, rubbish and anti-social behaviour.

The Licensing and Registration Manager introduced the report and explained that in view of the representations made by the Interested Party and the Police the sale of alcohol hours had been negotiated from 24 hours a day to 0600 to 0000 everyday.

Prof. Light explained that the premises was a filling station with an attached convenience store and that the original hours applied for brought the sale of alcohol in line with the operating hours. He continued that due to the police representation of concerns over staff safety they had modified their hours as described by the Licensing and Registration Manager.

Prof. Light stated that although Esso was reasonably satisfied with most of the possible conditions set out in the report, they felt that some of the conditions were too vague and he asked the Committee to consider this when making their decision. In particular the Applicant took issue with the word "appropriate" in condition 1 as it was not defined and breach of any condition would be a punishable offence.

In response to Members' questions, Mr Mitchener confirmed that the premises were locked at night, but that it was up to the discretion of the member of staff on duty at what time. He continued that staff were advised not to leave the building at night. Responding to a concern raised by a Member, Mr Mitchener agreed that Esso would look into the issue of reflections and shadows caused by the back lights in the premises, which made it difficult to see through the glass at customers coming to the

hatch. This matter was raised due to concerns over staff safety and the ability to check that customers were old enough to purchase alcohol.

Mr Mitchener added that it was not always possible to attribute the rubbish in the surrounding area to the premises, but that the area was always cleaned after 0800 hours and that litter bins were provided for customers. He continued that the premises had adopted the Hampshire Constabulary's Challenge 21 Scheme and that all staff had been trained to comply with this.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the report with the following amendments as set out below in bold below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- (i) *Sunday to Saturday* *0000 to 0000*

2. The hours the premises may be used for the sale of alcohol shall be:

- (i) *Sunday to Saturday* *0600 to 0000*

3. The hours the premises may be used the provision of late night refreshment shall be:

- (i) *Sunday to Saturday* *2300 to 0500*

All Licensing Objectives

Crime and Disorder

A CCTV system shall be maintained with recording facilities. The recordings shall be retained for a period of 30 days and be made available upon request by the Police.

Public Safety

All staff shall be trained in evacuation procedures and use of fire safety equipment.

Public Nuisance

1. Staff shall be given instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
2. The applicant shall provide and maintain litter bins at the premises for the use of its customers.
3. Prominent, clear notices shall be displayed at the point of sale and at the exit to the premises requesting patrons to use the litter bins provided and requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme, or any other equivalent updated scheme.

The meeting commenced at 9.30am and concluded at 10.25am

Chairman

LICENSING SUB-COMMITTEE**27 March 2006****Attendance:**

Councillors:

Pines (Chairman)

Bennetts (Chairman for the meeting) (P)

Wagner (P)

Wright (P)

111. ELECTION OF CHAIRMAN FOR THE MEETING

RESOLVED:

That in the absence of the Chairman (Councillor Pines), Councillor Bennetts be appointed Chairman for the meeting.

112. HI FI SOUTH, THE BOWL, MATTERLEY ESTATE, WINCHESTER

(Report LR192 refers)

The Sub-Committee met to consider an application by Mr Melvin Benn of the Mean Fiddler Music Group for the grant of a Premises Licence under Section 17 of the Licensing Act 2003 for an area of open land situated at Matterley Estate, Winchester.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr Melvin Benn and Mr Ian Donaldson of the Mean Fiddler Music Group (applicants) and Mr Simon Taylor (legal representative). Acting Inspector Neil Jenkins and Sergeant Taylor from Hampshire Constabulary and Mrs Sue Blazdell, the Environment Protection Team Manager, were also present as Responsible Authorities. There were also ten members of the public present at the meeting.

The Licensing and Registration Manager presented the application as set out in the report. He explained that the application had been modified since it had been submitted and stated that with the Licensing Act 2003 now in force, a permanent Premises Licence was now required. He continued that although the event was similar to the previous Homelands events held at the site, that this year the event would run over two days and would include camping provision on site. The Licensing and Registration Manager added that the application included the sale of alcohol and late night refreshment on the campsites, as well as in the entertainment areas.

The Licensing and Registration Manager stated that 20 representations from local residents had been received, along with representations from the Director of Communities at Winchester City Council (the Environment Division) and the Police. He continued that agreements had been reached with all Responsible Authorities however and that as a result, these representations had been withdrawn. He added that live headline acts (which would take place on the outside stage) would now finish by 2300 hours and that all entertainment afterwards would take place inside the

marquees. He summarised that most representations from local residents had voiced concerns regarding public nuisance and the Traffic Management Plan.

Mr Taylor then spoke in support of the application. He explained that there had been several successful events held by the applicant in the past and that the proposed event was, in many ways, similar to previous Homelands events although Hi Fi South would run over two days and provide camping facilities. He outlined the timetable for the event as set out on page 2 of the report and explained that the anticipated number of persons on site had been based on previous experience. Mr Taylor continued that the organiser had many years of experience in camping festivals and explained that, as the leading promoter in the United Kingdom, Mean Fiddler were capable of running such an event. He added that although the application was for a permanent Premises Licence, Mean Fiddler would have to submit a new Event Management Plan before each event and only if this is agreed would the event be able to go ahead.

Mr Taylor then addressed the main concerns stated in the representations received from the Interested Parties, including the fear of the increase in crime, noise pollution and traffic disturbances. He stated that all issues raised had been examined and mechanisms put in place to deal with them, including liaisons with the Police and the Environment Division. He continued that on the issue of traffic the applicant accepted there would be a certain amount of disruption to journeys for local residents but that the Traffic Management Plan outlined measures to keep this disruption to a minimum where possible.

In response to a Members' question the Environment Protection Team Manager confirmed that since the event started in 1998 there were always Noise Officers on site throughout the event. She stated there was a noise complaint hotline which residents could call and that they would then receive the offer of an officer to come to their property as soon as possible to measure the noise emitting from the site. She continued that all officers were in radio communications with the site and that information could then be fed back straight away if the noise proved to be too loud. She added that the criteria her team worked to were based on the guidelines published by the World Health Organisation on what is considered to be reasonable. Responding to a Members' question, she confirmed that the levels set by the World Health Organisation took into account residents leaving their windows open for ventilation. The Environment Protection Team Manager also added that noise levels were now measured at one metre from the façade of the noise sensitive premises.

During discussion, a Member suggested that remote noise monitors be set up in surrounding areas which would enable central control to monitor the noise levels without the need for an officer to visit residents in the middle of the night. Mr Benn confirmed that the technology was available for this and that he was happy to comply with this request, despite the Environment Division not requesting this. In response, the Environment Protection Team Manager stated that as this was a new event the situation would have to be monitored and if there was an issue that it would be reviewed. It was agreed that an extra condition should be added to conditions under the Prevention of Public Nuisance relating to the possible implementation of remote noise monitors.

Acting Inspector Neil Jenkins from Hampshire Constabulary then spoke, explaining that Mean Fiddler paid for the extra policing needed for the event. Condition CD.1. was amended as agreed between the Police and applicant. Responding to a Members' question, he commented that he expected there to be a slight increase in the number of anticipated crimes but that these would all be on site and would not

affect residents. He added that he had liaised with other forces in the country dealing with similar large camping events such as this and none had reported having detected any criminal activity outside the site. Acting Inspector Jenkins confirmed that all criminal activity was monitored each year and that the number of drug related offences was falling year on year.

In response to a Member's question, Acting Inspector Jenkins stated that everyone entering the arena would be searched, and everyone entering the site would be liable to be searched. He also explained that although the drugs searching would be carried out by the Police, the security teams employed by Mean Fiddler would also carry out searches as part of the entry process to the site.

Acting Sergeant Taylor from the Roads Policing Unit at Hampshire Constabulary then explained the proposed Traffic Management Plan to the Committee. He reported that it would be very difficult and dangerous to allow the A31 exits to be left open, especially when considering the history of the road and the volume of traffic expected for the event. He stated that cross-overs and exits would therefore be closed for the entirety of the event but it might be possible for traffic to use the Ovington turning. This junction will be monitored and local traffic may use it at certain times. He then responded to a question from a Member regarding road closures in Chilcomb, stating that roads had been closed in the past to prevent revellers parking along the narrow country roads. He accepted, however, that there would be disruption to residents for the duration of the event and confirmed that further investigation into what other measures could be introduced would take place as part of the approval of the Traffic Management Plan. It was agreed that the conditions would be amended to reflect agreed changes to the plan.

Speaking against the application, Mrs Matthews from Itchen Valley Parish Council stated that there had not been proper notice of the event as set out in the relevant regulations. She stated that the regulations required notices to be placed every 50 metres along the perimeter of the premises where boundaries abut the highway. She continued that the Parish Council received several comments each year from residents about the noise levels throughout the event, but that many did not complain as they felt that nothing would be done about it. She added that although most residents could tolerate one night a year, extending the event to two nights was unacceptable, especially over a bank holiday weekend. She also commented that the reduction in the entertainment hours from 0600 to 0400 did not make a great difference to the amount of disturbance that residents would suffer and that the event did not benefit the community.

Mrs Matthews then stated that the road closures inconvenienced many residents, especially those who needed to travel to work on the Friday. She commented that journey times were significantly added to and requested that the road closures should not be brought into force until the Saturday of the event. She continued that life in the surrounding villages to the Matterley Estate was also affected each year and that local events were jeopardised.

In response, the Assistant City Secretary (Legal) stated that it was felt putting signs every 50 metres would not have been appropriate in this situation as the boundary was along a busy main road and they would not have been any more visible than the signs already erected. He added that notices had been placed at the main entrances to the site and that this, along with the advertisement in the press, had been deemed by the Licensing Authority to be satisfactory notice of the event. Mr Benn stated that no part of the site actually abutted the highway and that the closest part of the site to

the A31 was at least 25 metres away from the road. Accordingly, the regulations had in fact been complied with.

Dr Silvester then spoke against the application, stating that he lived approximately 200 yards from the car park site at the estate. He commented that he had tolerated previous events as only one night's sleep was disturbed and added that the bass of the music could be heard within his property. He continued that in a previous year he had complained about the noise and although the music had been turned down for a short period, it had been turned up again. He also reported that car radios had been turned up in the car parks after the entertainment had ceased which caused further disturbance and requested that this be monitored and dealt with as appropriate. Dr Silvester reiterated the concerns that Mrs Matthews had voiced and added that the flood lights used in the car parks often shone into his property, affecting sleep.

Mr Taylor responded, stating that the applicant agreed that the discomfort caused by lights shining into Dr Silvester's house was not acceptable and that the lights could be redirected to avoid this happening again. He also added that noise disturbance should be at a minimum as Mean Fiddler was complying with all the regulations governing the level of the sound at the event. Mr Benn confirmed that procedures were in place to ensure that no portable amplified high volume sound equipment could be brought onto the campsite and that vehicles suspected of containing such equipment would be searched. He added that there would be dedicated security staff on the campsites who would ensure compliance with this policy. It was agreed that condition PN.7. should be amended to include the use of amplified high volume portable equipment within the campsites and excessively loud car radios in the car parks.

Mrs Sparkes spoke against the application explaining that she lived opposite the car park entrance. She added to what had been discussed before, stating that her livestock was affected by the noise and disturbance every year and commented that due to the road closures she had to take annual leave as she worked nights and could not get to work. Mrs Sparkes continued that it was not only the disturbance of the actual event that had to be tolerated but also the setting up and dismantling of the site.

Mr Sparkes then spoke, stating that the majority of the large vehicles entering the site before the event would turn right from the A31 in front of his property and he felt that this could cause an accident. He added that pedestrians often left the site and there had been occasions in the past when revellers had attempted to enter his property.

In response to a Member's question, Mr Benn confirmed that there was minor impact to the surrounding areas during the set up and dismantling periods and that the increase in traffic was usually very minimal. He added that in relation to the issues surrounding traffic being directed into the site that he would ensure signs were placed at the exit advising lorry drivers to turn at the roundabout and double back. He also commented that contractors would be advised of this before the event. Mr Benn also offered the service of extra stewards to ensure that no pedestrians left through the car park exit, as well as increasing the provision of toilets in the car park.

Mr Windsor-Aubrey on behalf of The Upper Itchen Valley Society and Mr Springhall, a Parish Councillor from Bramdean and Hinton Ampner Parish Council, then spoke in turn against the application, reiterating local concerns regarding noise disturbance and public nuisance.

Mr Taylor then made his closing statement, commenting that a great deal of care had been taken to ensure that all issues were covered within the application and that

extensive liaison with the Responsible Authorities had taken place. He added that the event had also been reduced from a proposed three day event to the two day event being applied for.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the report with the amendments as set out in the conditions which form an Appendix to these Minutes.

RESOLVED:

1. That delegated authority be granted to the City Secretary and Solicitor to make minor amendments to the conditions in consultation with the Chairman of the Sub-Committee.

2. That the application be granted subject to the conditions which form an Appendix to these Minutes, including the following:-

- a) "Licence Holder" to be replaced with "Premises Licence Holder" throughout;
- b) Condition M.3 – to be amended to read "...to carry out licensable security activities under the Private Security Industry Act 2000,...";
- c) The Traffic Management Plan to ensure that road closures and inconveniences to local residents are minimised, and to consider provision preventing long vehicles from crossing the A31 central reservation;
- d) Condition CD.1 to read "At least 28 days prior to each event, after consultation with Hampshire Constabulary, the Premises Licence Holder shall 1) agree with Hampshire Constabulary the need for Special Police Services for the event; and 2) request Special Police Services from Hampshire Constabulary if Special Police Services are required. The Premises Licence Holder and Hampshire Constabulary shall agree a Statement of Intent setting out their respective responsibilities for the event;
- e) Condition PS.2 to include at the end "by the Premises Licence Holder";
- f) Condition PN.7 to include a reference to vehicles in car parks and portable equipment in the campsites;
- g) A further condition to be added required the provision of remote noise monitoring equipment as required by the Director of Communities, to be used by the Premises Licence Holder to ensure compliance with the noise conditions and allowing monitoring by the Licensing Authority;
- h) Condition PCH.2 to include at the end "If a customer cannot unequivocally demonstrate that they are 18 years old and over they will not be served.

The meeting commenced at 9.30am and concluded at 1.40pm.

Chairman