

**LICENSING AND REGULATION COMMITTEE**

**7 June 2007**

Attendance:

Councillors:

Mather (Chairman) (P)

Baxter  
Bell (P)  
Berry (P)  
Cooper (P)  
Howell (P)  
Hammerton (P)  
Izard (P)

Jackson (P)  
Love  
Sutton (P)  
Read (P)  
Wagner (P)  
Weston (P)  
Wright (P)

Other Members attending and speaking:

Councillor Maynard

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1. **APOLOGIES**

Apologies were received from Councillors Baxter and Love

2. **APPOINTMENT OF VICE-CHAIRMAN FOR THE MEETING**

RESOLVED:

That in the absence of Councillor Baxter, Councillor Read be appointed as Vice-Chairman for this meeting.

3. **MEMBERSHIP OF SUB-COMMITTEES**

RESOLVED:

That Councillors Berry, Izard, Howell, Mather and Sutton be appointed to the Taxi Review Working Party for the 2007/08 Municipal Year.

4. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 1 March 2007 be approved and adopted.

5. **PUBLIC PARTICIPATION**

Cllr Maynard spoke in support of the proposed Alcohol Consumption Designation Order (Report LR223 refers). He expressed disappointment that the Community Safety Partnership had been unable to fund the suggested outreach workers but that residents in his Ward still desired the expansion of the Zone due to disturbances caused by drinkers, predominantly during the summer months.

The Corporate Director (Policy), in his capacity as Chairman of the Community Safety Partnership (CSP), explained that funding for outreach support workers had been deliberated by the CSP Strategic Group at length, but it was felt that it was not possible to fund these posts at the current time given other demands. In discussion with the Police, it had been confirmed that they would be able to enforce the Zone and that the lack of these extra posts would not detract from its effectiveness. As a consequence, he supported the proposal to extend the Zone.

6. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD 27 FEBRUARY 2007**

(Report LR224 refers)

The Committee considered the minutes of the meeting of the Sub-Committee held on 27 February 2007 (attached as Appendix A to the minutes).

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 27 February 2007 (less exempt item) be received and noted.

7. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD 6 MARCH 2007**

(Report LR225 refers)

The Committee considered the minutes of the meeting of the Sub-Committee held on 6 March 2007 (attached as Appendix B to the minutes).

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 6 March 2007 be received and noted.

8. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD 12 MARCH 2007**

(Report LR226 refers)

The Committee considered the minutes of the meeting of the Sub-Committee held on 12 March 2007 (attached as Appendix C to the minutes).

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 12 March 2007 be received and noted.

9. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD 22 MARCH 2007**

(Report LR227 refers)

The Committee considered the minutes of the meeting of the Sub-Committee held on 22 March 2007 (attached as Appendix D to the minutes).

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 22 March 2007 be received and noted.

10. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD 24 APRIL 2007**

(Report LR228 refers)

The Committee considered the minutes of the meeting of the Sub-Committee held on 24 April 2007 (attached as Appendix E to the minutes).

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 24 April 2007 be received and noted.

11. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD 10 MAY 2007**

(Report LR229 refers)

The Committee considered the minutes of the meeting of the Sub-Committee held on 10 May 2007 (attached as Appendix F to the minutes).

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 10 May 2007 (less exempt item) be received and noted.

12. **EXTENSION OF THE ALCOHOL CONSUMPTION DESIGNATION ORDER**

(Report LR211 refers)

The Head of Legal Services explained that the consultation period was now over and that several representations had been received, both for and against the proposed extension. He reiterated that the Order would not ban drinking within the Zone but that it provided the Police with an extra enforcement tool should they require it.

The Community Safety Officer reported that an Alcohol Exclusion Zone (AEZ) sub-group had been set up by the Community Safety Partnership to look into funding for the support workers. In the interim, training for Police Community Support Officers (CSOs) and Accredited Community Safety Officers (ACSOs) would be provided, to assist them in dealing with issues caused by street drinking.

Responding to questions from Members, the Community Safety Officer explained that the University of Winchester had two areas that were designated as public areas. The University had concerns over the designation order preventing its students from fully enjoying those facilities. Although they had been advised that the effect of the order was not to ban alcohol consumption in the Zone, the University still wished to maintain its objection. The Head of Legal Services added that the Zone could actually assist the University's own policing of their land and that they should not be disadvantaged in any way.

During debate, the Committee was informed that the CSOs and ACSOs were still in training and that they would be working in shifts to cover the District, although shift patterns were not yet known for the CSOs. On Thursday, Friday and Saturday nights they would work until midnight. Although they would not have powers of arrest, CSOs

would be able to hold someone for up to 30 minutes until a police officer arrived on scene and would have the ability to give out fixed penalty notices.

Responding to concerns raised by the Committee, the Community Safety Officer explained that street drinkers could be directed towards support services (such as the night shelter and the Trinity Centre) by the Police. They were also referred to organisations such as Spencer House for alcohol related support services, as well as to the City Council if they were homeless. It was also explained that it remained the Police's role to enforce the law and that anyone, including street drinkers, could be arrested if they did not comply with requests made by the Police.

The Community Safety Officer continued that, in the summer of 2006, the Council had applied for injunctions to deal with street drinking problems. Officers had taken the advice of Hampshire Constabulary who were satisfied that they had the resources necessary to enforce the proposed area. The Community Safety Officer had spoken to the rural police inspector and he felt that he did not have a significant problem with alcohol issues. As such, he had the necessary powers to deal with any issues.

During discussion, the possibility of rolling the Zone out across the whole District was suggested. The Head of Legal Services explained that, in order to enact this legislation, the Council would have to be satisfied that there was a nuisance in the area that could be improved by an extension to the Order. Unless and until a particular problem arose, it was felt that this would not be necessary and that an extension as currently proposed was sufficient for the time being.

Members discussed some concerns over the use of the word 'exclusion', stating that some members of the public may get confused over this terminology. The Head of Legal Services commented that the majority of people had seen and understood the signage used to inform the public of the existing Zone. The Police would be expected to continue to use their discretionary powers under the new order, so as to allow those people drinking sensibly and not causing a nuisance to carry on doing so.

#### RESOLVED:

That the Head of Legal Services be authorised to make an extension of the designated order under Section 13 of the Criminal Justice and Police Act 2001 for the following areas:-

- Part of St John and All Saints Ward (that part of the Ward to the west of the M3)
- Part of Itchen Valley Ward (that part to the south east of A34)
- Part of Kings Worthy Ward (that part between the southern ward boundary, the A34 and Worthy Road)
- Part of Littleton and Harestock Ward (that part between the ward boundary, Andover Road North and Harestock Road)
- The whole of St Bartholemew, St Barnabas, St Michael, St Paul Ward, St Luke Ward, Olivers Battery and Badger Farm Wards

- Part of Compton and Otterbourne Ward (that part north of Badger Farm Road and the Hockley Link)
- Part of Colden Common and Twyford Ward (north of the M3)

13. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Exempt Minute of Licensing Sub-Committee held 27 February 2007	) Information relating to any individual. (Para 1 Schedule 12A refers)
##	Exempt Minute of Licensing Sub-Committee held 10 May 2007	) Information which is likely to reveal the identity of an individual. (Para 2 Schedule 12A refers)
		) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)

14. **EXEMPT MINUTES**

RESOLVED:

That the exempt minutes of the Licensing Sub-Committees held 27 February and 10 May 2007, be received and noted.

The meeting commenced at 6.30pm and concluded at 7.30pm

Chairman

**LICENSING SUB-COMMITTEE****27 February 2007**Attendance:

Councillors:

Mather (Chairman) (P)

Howell (P)

Wagner (P)

Others in attendance who did not address the meeting:

Councillor Berry

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**1. MARRIOTT MEON VALLEY HOTEL AND COUNTRY CLUB, SANDY LANE, SHEDFIELD**

(Report LR209 refers)

The Sub-Committee met to consider an application by Marriott Hotels Limited for a new premises licence to cover the existing buildings at the Marriott Meon Valley Hotel and Country Club, plus an adjacent marquee. The variation was applied for under Section 34 of the Licensing Act 2003, to increase the hours for the sale of alcohol to non-residents and to increase the hours for regulated entertainment and late night refreshment.

The Parties present at the meeting (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) were Mr George McMenemy (Designated Premises Supervisor), Mr Karl Davies (legal advisor) and Dr Nigel Cogger (Independent Acoustic Consultant) on behalf of Marriott Hotels Limited. Mr Reeves, Mrs Norris-Reeves and Mrs Phillimore attended as Interested Parties. Mrs Sue Blazdell (Environmental Protection Team Manager), Mrs A Toms (Environmental Health Officer), Mr Alan Jenvy and Mr Geoff Vaine (Hampshire Fire and Rescue Service) were also in attendance, representing the Responsible Authorities.

The Licensing and Registration Manager presented the application to the Sub-Committee as set out in the report. He explained that the hearing had been postponed at the request of the applicant, in order to complete an acoustic survey, as required by the Director of Communities. Representations had been received from three households in the vicinity of the Premises, all mainly concerned with the issue of noise nuisance from the marquee. He continued that complaints had been received from local residents and that noise monitoring had been carried out, resulting in a Noise Abatement Notice being served on the hotel. He added that although the report stated that the premises (main building) may be used for the sale of alcohol to 0020 hours, this should read 0200 hours.

Mr Davies then presented the application. He explained, with the assistance of Mr McMenemy, that the marquee had been erected to test the market for larger functions at the hotel, as the business needed to grow. The level of noise emanating from functions held in the marquee had not been assessed at the outset, but it was now acknowledged that such functions did create a noise issue. Mr McMenemy stated

that there had always been a good relationship between the hotel and its neighbours and that he was keen to ensure this continued.

Mr Davies continued that an original acoustic survey had been carried out, but that the Director of Communities had not been satisfied with the final report. As a result, Dr Cogger had been contracted in to prepare a second report. Mr Davies added that the hotel was willing to invest in any recommendations made by the Responsible Authorities or Dr Cogger.

Dr Cogger explained that he was an independent consultant and therefore had a duty to inform the Sub-Committee of the facts. A copy of his report had been circulated prior to the meeting, recommending several improvements that could be made to the premises to address the noise issues. These recommendations included installing a noise limiter in the marquee and soundproofing the structure, as far as was reasonably practicable. Discussions with the marquee's manufacturers had taken place to gain an understanding of how this could be achieved.

Dr Cogger continued that, in his opinion, any noise limit condition should be by reference to a point within the marquee itself, rather than at the boundary to the premises. This would make the levels easier to monitor and ensure that noise would not go above a level that would be considered a noise nuisance to local residents.

In response to Members' questions, Mr McMenemy reiterated that the marquee had been used to test the market for larger functions at the hotel and that the plan was to build a permanent extension at a later date. He explained that a business case had to be put forward to Marriott Hotels Limited, to prove that additional income could be generated. He added that the temporary planning permission for the marquee ended in 2008.

Dr Cogger also responded to questions, confirming that his measurements had been taken during a dinner/dance function, which included a live band and speeches, and that the noise was not in excess of what he considered a 'normal' level for this type of event. However, he agreed that the noise levels experienced by the local residents could be an issue and that steps should be taken to address this.

Responding to further questions, Mr McMenemy stated that the main entrance to the marquee was through the hotel itself and that the lobby doors were normally kept shut at all times, apart from access and egress. Emergency exits were located along the sides of the marquee and Dr Cogger added that the majority of the noise was escaping through the roof as, compared to a permanent structure, the marquee had a low level of sound absorption.

The Director of Communities then made representations against the application. The hotel had been advised in the summer of 2006 that an acoustic survey would need to be obtained and, following this, the original licensing application had been withdrawn. He continued that complaints had been received from three properties in the local area. Monitoring of sound levels had taken place and, as a result, a Noise Abatement Notice had been served on the hotel in February 2007.

Responding to questions, the Director of Communities noted that the hotel was working in partnership with the Responsible Authorities towards achieving an agreed solution, but that he remained unconvinced at the present time that the existing structure could be upgraded substantially enough to satisfy these authorities. It was also reported that the noise generated by heating and air conditioning units should not be audible at the boundary to the premises and that, when measured, it was not considered they caused a significant impact to the current overall noise levels.

Mr Jenvy of Hampshire Fire and Rescue spoke about the application. He reported that following a visit to the premises, the hotel had been advised of concerns over public safety and how to overcome this. However, when the application was submitted, there was not enough information included to show that any consideration or measures had been put in place to address these issues. He continued that a separate risk assessment would be needed for the marquee and added that another emergency exit would be needed, if the marquee reached the full capacity of 250 persons. Emergency lighting, electronic fire alarms system, fire fighting equipment and adequate fire-resistant separation provided between the kitchen and public areas would need to be introduced to satisfy the public safety licensing objective. Mr Jenvy concluded that staff training and proper levels of stewarding would also be required and that he had received an email from the hotel's solicitors, stating that all required information would be submitted to Hampshire Fire and Rescue within two weeks.

Responding to Members' questions, Mr Jenvy confirmed that any soundproofing materials for the marquee would have to be Class 0 spread of flame retardant. Portable Appliance Testing (PAT) should also be carried out on all electrical appliances. He added that there needed to be an emergency procedure put in place for the marquee.

Mr Reeves and Mrs Norris-Reeves, as Interested Parties, then spoke against the application. They reported that when the original application for the marquee had been submitted, their understanding was that it was for a conference centre. They voiced concerns over the late night supply of alcohol to non-residents and that the base noise from music reverberated through their property. Mrs Norris-Reeves continued that people talking over the PA system could be heard within their house and that this level of noise disturbance was unacceptable. Meetings had been held with the management of the hotel when the problems first started, but that the situation was not addressed satisfactorily.

In response to questions, Mr Reeves and Mrs Norris-Reeves confirmed that before the marquee was erected, there had been the odd noise disturbance from the hotel but nothing severe. This was acceptable, as it only occurred a few times a year. Since the marquee had been in use, they had kept a log of all disturbances which had been submitted to the council.

Mrs Phillimore then spoke, representing her husband (who had made representation against the application). She explained that they had lived at their property for 22 years and never had any issues with the hotel before the marquee was brought into use. The noise emanating from the marquee could be heard over their television and radio and that they were regularly kept awake past midnight during events. Mrs Phillimore voiced dissatisfaction at the manner in which complaints to the hotel had been handled and added that they were concerned over what the disturbance would be like during the summer months, when windows would be open.

In response to the comments made by the Interested Parties and Responsible Authorities, Mr Davies concluded that he agreed it was unacceptable for residents to be disturbed in this way and that the Marriott was keen to arrive at a solution that suited all parties involved.

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.

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.

Other Conditions

Operating Hours

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

Main Building (indoors only)

Films	(i)	Sunday to Saturday	0000 to 0000
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Recorded Music	(i)	Sunday to Saturday	1200 to 0100
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Live music, performances of dance, entertainment similar to live music, performances of dance, provision of facilities for making music, dancing, entertainment similar to provision of facilities for making music, dancing.

	(i)	Sunday to Saturday	0800 to 0200
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	(ii)	New Year's Eve	0800 to 0800 1 January
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Marquee (indoors only)

Plays, films, live music, recorded music, performances of dance, entertainment similar to live music, recorded music, performances of dance, provision of facilities for making music, dancing, entertainment similar to provision of facilities for making music, dancing.

	(i)	Sunday to Saturday	0900 to 0000
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	(ii)	New Year's Eve	0900 to 0900 1 January
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2. The hours the premises may be used the provision of late night refreshment shall be:

Main Building (indoors only)

- |      |                    |                           |
|------|--------------------|---------------------------|
| (i)  | Sunday to Saturday | 2300 to 0200              |
| (ii) | New Year's Eve     | 2300 to 0500<br>1 January |

Marquee (indoors only)

- |      |                    |                           |
|------|--------------------|---------------------------|
| (i)  | Sunday to Saturday | 2300 to 0000              |
| (ii) | New Year's Eve     | 2300 to 0500<br>1 January |

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

Main Building

- |      |                    |                           |
|------|--------------------|---------------------------|
| (i)  | Sunday to Saturday | 0730 to 0200              |
| (ii) | New Year's Eve     | 0730 to 0730<br>1 January |

Marquee

- |      |                    |                           |
|------|--------------------|---------------------------|
| (i)  | Sunday to Saturday | 0800 to 0000              |
| (ii) | New Year's Eve     | 0800 to 0800<br>1 January |

On the day each year when BST starts, the terminal hour in each case may be extended by one hour.

The above hours may be extended, either at the start or end of the licensed hours, on up to 25 occasions per year in the main hotel, and 10 occasions per year in the marquee, provided that at least 10 working days notice is given to the Police and the Licensing Authority. If the Police object to the extension, the extension may only go ahead with the written consent of the Licensing authority.

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

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

All Licensing Objectives

Crime and Disorder

None

## Public Safety

1. Details of emergency lighting, the fire alarms system, fire fighting equipment, fire procedures and safety training, an additional exit, fire risk assessment, fire-resistant separation of the kitchen from the public areas of the marquee and a management plan shall be supplied to Hampshire Fire and rescue within 14 days.

2. Such details as may be agreed by Hampshire Fire and Rescue (following submission in accordance with Condition 1 above) shall be implemented before any regulated entertainment takes place in the marquee.

## Public Nuisance

1. In relation to the marquee, regulated entertainment shall not be provided until a Noise Management Plan including maintenance and monitoring of agreed noise levels has been submitted to the Licensing Authority and agreed in writing by the Director of Communities.

2. The approved Noise Management Plan should be complied with at all times when regulated entertainment is provided.

3. Noise associated with regulated entertainment which takes place between the hours of 2300-0900 should be controlled to such a level that the noise shall be inaudible inside all noise sensitive properties.

4. No regulated entertainment to be provided until average and octave band levels within the marquee have been set and agreed by the Director of Communities to control noise levels between 0900-2300 hours. Such agreed levels shall not be exceeded at any time.

5. Whilst music is being played as part of regulated entertainment in the marquee, 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.

6. Prominent, clear notices shall be displayed at all exits in the marquee requesting customers to respect the needs of local residents, to leave the premises and the area quietly. Where appropriate, an announcement in similar terms shall be made over the internal public address system.

7. Regulated entertainment shall be restricted to the inside of the main building and the marquee. There shall be no outside speakers.

8. All doors and windows in the marquee that are capable of being opened directly to the outside of the premises shall be kept closed whilst the premises are in use for the purposes of regulated entertainment consisting of live or amplified music, except for access and egress.

9. A noise limiting device shall be installed in the marquee and all live and amplified music shall be routed through the device. The device shall be set to a level so as to minimise the impact on local residents, to the satisfaction of the Director of Communities.

10. Any air conditioning systems or cooking extraction systems used in connection with the marquee shall be turned off when not required or not in use.

11. Appropriate arrangements shall be operated for the removal and disposal of bottles and rubbish from the marquee area so as to ensure that local residents are not unduly disturbed.

Protection of Children

None

## 2. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Complaint against a Private Hire Driver	) Information relating to any individual. (Para 1 Schedule 12A refers) ) ) Information which is likely to reveal the identity of an individual. (Para 2 Schedule 12A refers) ) ) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)

## 3. **COMPLAINT AGAINST A PRIVATE HIRE DRIVER** (Report LR212 refers)

The Sub-Committee considered the above Report which set out the circumstances surrounding a complaint concerning a private hire driver (detail in exempt minute).

The meeting commenced at 9.30am and concluded at 1.15pm.

**LICENSING SUB-COMMITTEE****6 March 2007**Attendance:

Councillors:

Sutton (Chairman) (P)

Mather (P)

Pearce (P)

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1. **FORESTER ARMS, NORTH WALLS, WINCHESTER**  
(Report LR215 refers)

The Sub-Committee met to consider an application by Greene King Retailing Limited for the variation of a premises licence for the Forester Arms, which recently changed its name to The North Walls, to extend the hours for the sale of alcohol by one hour and to provide late night refreshment for 20 minutes after the hours for alcohol terminate.

The Parties present at the meeting (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) were Mr Jeremy Veitch (Greene King Licensing Manager) and Ms Penelope Appel-Billsberry (Designated Premises Supervisor). Dr Frederick Bartlett attended as an Interested Party and there were 12 members of the public also in attendance. There were no representatives of the Responsible Authorities present.

The Licensing and Registration Manager presented the application to the Sub-Committee as set out in the report. He explained that the former Justices licence had been converted to a premises licence in November 2005 and that, at a meeting of the Licensing Sub-Committee on 20 October 2005, the licence was varied to increase the hours for the sale of alcohol and regulated entertainment. A condition had been imposed requiring the applicant to conduct an acoustic survey and to carry out any necessary works to the satisfaction of the Director of Communities, before any recorded or live music was to be allowed. No work of this nature had been notified to the Director of Communities. He added that although the report stated that the premises may be used for the sale of alcohol from 2300 hours, this should read 1100 hours and that the times were slightly different for Saturdays and Sundays.

In response to questions from Members, the Licensing and Regulation Manager confirmed that no representation had been received from any of the Responsible Authorities. He explained that this was due to there being no reports of noise nuisance being made to the Director of Communities or the Police since the previous licensee vacated the premises.

Mr Veitch then presented the application. He conceded that there had been management control issues with the previous licensee, who left early in 2006. Since this time, temporary managers had run the premises until the current licensees took over in December 2006. He outlined Ms Appel-Billsberry's past experience in the trade and explained the new direction she intended to take with the premises, which involved a move towards good food. The restaurant would be aimed at a more

mature clientele and did not foresee younger drinkers being attracted to the North Walls.

Mr Veitch explained that there was no intention currently to play live or recorded music but that background music, which was allowed under the current licence, would be played. Under the current licence, the licensee would have to conduct an acoustic survey should they wish to play live or recorded music. He added that the windows had been treated to minimise the ingress of traffic noise from North Walls and that this would also assist with the egress of noise from the premises. Mr Veitch acknowledged the representations made by the interested parties, reiterating that the application was only for a modest extension of the current permitted hours. As a gesture of goodwill, Mr Veitch offered that the door on the corner of Parchment Street and North Walls could be closed to customers from 2300 hours. Egress from the premises would therefore only be allowed from the door opening directly onto North Walls.

Ms Appel-Billsberry had written to all the interested parties, explaining the direction that she wished to take the premises. She had also included her contact details should anyone wish to contact her with any issues they may have.

Responding to Members' questions, Mr Veitch confirmed that the outside seating area was on land belonging to the premises and that, under the current licence, this area could be used until 2200 hours. The Licensing and Regulation Manager stated that he had recommended that this area not be used, in light of previous problems associated with customers utilising the tables and chairs provided, but he was not suggesting a condition be attached to the licence to enforce this. Mr Veitch also confirmed that an acoustic report would have to be completed should they wish to provide live or recorded music, under the conditions of the licence, but that the licensees had no intention of this at the current time.

Ms Appel-Billsberry commented, in response to questions, that there would be seating for up to 50 patrons in the restaurant, with space for a further 20 to stand at the bar if they so wished. She explained that this would be the maximum number of customers that she would like to have in the premises at any one time, as more than this would not provide an environment conducive to eating. Customers would also be encouraged to leave the premises quietly, to reduce noise disturbance to neighbours.

Dr Bartlett, as an Interested Party, then spoke about the application. He stated that Parchment Street was a residential street and that there were no other commercial premises at the Forester Arms end of the road. Even with people leaving quietly, there would still be disturbances to local residents and that, although the type of establishment would be different to that previously operated, an extension of the hours during the week would not be acceptable. He explained that he had lived in the street for six months and added that the offer to close the door opening onto Parchment Street would be a positive move, although would not solve the noise issues completely.

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.

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.

Other Conditions

Operating Hours

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

Live music and recorded music (indoors only)

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

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

Indoors Only

- |       |                     |                        |
|-------|---------------------|------------------------|
| (i)   | Monday to Thursday  | 2300 to 0020           |
| (ii)  | Friday              | 2300 to 0050           |
| (iii) | Saturday and Sunday | 2300 to 0020           |
| (iv)  | New Year's Eve      | 2300 to 0500 1 January |

The hours for late night refreshment may be extended to 0050 on Christmas Eve, Christmas day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, all other Bank Holidays and days preceding Bank Holidays.

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

- |      |                    |              |
|------|--------------------|--------------|
| (i)  | Monday to Thursday | 1100 to 0000 |
| (ii) | Friday             | 1100 to 0030 |

- |       |                |  |
|-------|----------------|--|
| (iii) | Saturday       | 0900 to 0000                                 |
| (iv)  | Sunday         | 1100 to 0000                                 |
| (iv)  | New Year's Eve | 1100 to 1100 1 January<br>(0900 if Saturday) |

The hours for the sale of alcohol may be extended to 0900 to 0030 on Christmas Eve, Christmas day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, all other Bank Holidays and days preceding Bank Holidays.

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

- |       |                     |  |
|-------|---------------------|--|
| (i)   | Monday to Thursday  | 2300 to 0020                                 |
| (ii)  | Friday              | 2300 to 0050                                 |
| (iii) | Saturday and Sunday | 2300 to 0020                                 |
| (iv)  | New Year's Eve      | 1100 to 1100 1 January<br>(0900 if Saturday) |

The hours the premises may open for other than licensable activities may be extended to 0900 to 0050 on Christmas Eve, Christmas day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, all other Bank Holidays and days preceding Bank Holidays.

### All Licensing Objectives

#### Crime and Disorder

1. 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.

2. There shall be no irresponsible drinks promotions.

#### Public Safety

1. There shall be at least one member of staff who is trained in first aid.

#### 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.

8. The side-angled door on the corner of Parchment Street and North Walls, is not to be used after 2300 hours.

#### Protection of Children

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

The meeting commenced at 9.30am and concluded at 10.30am.

Chairman

**LICENSING SUB-COMMITTEE****12 March 2007**Attendance:

Councillors:

Mather (Chairman) (P)

Izard (P)

Weston (P)

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1. **WICKHAM FOLK FESTIVAL, MILL LANE, WICKHAM**  
(Report LR217 refers)

The Sub-Committee met to consider an application by Mr Peter Chegwyn, for a new premises licence for a folk festival to be held in a field near to the Community Centre in Mill Lane, Wickham, for the first weekend in August each year.

The Parties present at the meeting (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) were Mr Peter Chegwyn (Applicant) and Mrs Angela Robinson as an Interested Party. The Director of Communities also attended to answer any queries the Sub-Committee might have, although he had not made a representation. There were two members of the public present.

The Licensing and Registration Manager presented the application to the Sub-Committee as set out in the report. He explained that the application for the new premises licence, should it be granted, would allow the festival to run every year for the first weekend in August. One representation had been received from a local resident, which included signatures from several other residents, voicing concerns over the potential for noise pollution and disturbance caused by any open air events held in the field identified for this purpose. He added that, although there had been some safety issues which had been brought to the organiser's attention during the previous year, he had addressed those issues effectively and efficiently. There was also a written representation from Hampshire Fire and Rescue Service regarding a number of safety issues (a representative of the Service was not present at the hearing).

Mr Chegwyn then presented his application. He explained that the event was a small scale, family friendly, folk music festival, attracting an audience of less than 2,000 people. Although the event had been held in the Community Centre in 2006, there were no current plans to hold any regulated entertainment at the Centre during the folk festival. Moving the event to the field would create a better access for people attending and the emergency services, as well as being positioned further away from most noise sensitive properties in the immediate area.

Mr Chegwyn explained that he wished to be a good neighbour to the villagers and that, in the event of any complaints about noise, he was willing to ensure that noise levels were reduced. Those levels would be constantly monitored and kept at an acceptable level. He continued that he had written to Hampshire Fire and Rescue Service and Mrs Robinson, who had both made representations, and stated that he was happy to meet with both parties and answer any concerns they may have. Mr

Chegwyn confirmed that there would be a dedicated Health and Safety Officer available throughout the event, as well as medical and security services.

Responding to Members' questions, Mr Chegwyn stated that a full Traffic Management Plan (TMP) would be submitted to the Council before the event, outlining access to the site and the car parking arrangements. He explained that the route to the site has been designed to ensure that the majority of traffic was kept away from the centre of Wickham, but that a large increase in the number of vehicles in the area was not anticipated. Should the weather be bad, it was agreed that a condition could be attached to the licence stating that the access and egress roads would be swept clear of excess mud, to ensure the safety of the drivers using the roads. This would also be included in the TMP. Arrival times would be staggered throughout the weekend and Mr Chegwyn clarified that the TMP would have to be approved by the City Council and Responsible Authorities before the event could go ahead.

In response to further questions, Mr Chegwyn reiterated that he had no intention of using both the field and the Community Centre simultaneously for live music during this event. The Community Centre would only be used for non-licensable activities and possible catering for the backstage crews. The licence for the field would only be for the four days per year when the festival took place and he was happy to accept this as a condition on the licence.

Mr Chegwyn answered concerns over rubbish in the area following the previous year's event. He explained that there were skips available that were cleared each day and daily litter picks. The landowner had been satisfied that the site had been cleared fully in 2006. Mr Chegwyn stated that he was willing to walk round the local area with residents during the 2007 event to ensure that the surrounding roads, hedges and ditches were also kept litter free.

Mrs Robinson, as an Interested Party, then spoke about the application. She voiced her concerns over the possible noise nuisance that the local residents would experience during the extended hours of the event. She would like a telephone number which residents could call should they have any complaints of this nature. The two concurrent licences were also a concern, as both sites could be used in future years simultaneously for regulated entertainment. Mrs Robinson continued, explaining that the roads in the area were in bad condition and that they would not be able to cope with the increased number of vehicles for the event.

Mr Chegwyn responded that there would be a hotline telephone number to the event, which members of the public could use in the event of a noise complaint. This would be included in both the Event Management Plan and Noise Management Plan. The Director of Communities confirmed that the Council would not have its own dedicated line, but people could still ring the Council's emergency out of hours number if necessary. It was pointed out, however, that the Council did not provide an out of hours noise response service. Mr. Chegwyn confirmed that as organiser, he would adhere to national noise level guidelines and a noise limiter would be run through the sound desk, to constantly monitor the levels. He added that any caravans staying on site over the weekend would be kept as far away from properties as possible.

Mr Chegwyn concluded that, although no extra conditions could be attached to the Community Centre Premises Licence, he was happy for all the restrictions discussed and outlined in the report to be included in his licence. He understood a review of the licence may be undertaken should he be in any breach of his conditions.

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.

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 be used for regulated entertainment shall be:

Live music, recorded music and anything of a similar description;  
Provision of facilities for making music and anything of a similar description;

- |      |                  |              |
|------|------------------|--------------|
| (i)  | Thursday         | 1800 to 2300 |
| (ii) | Friday to Sunday | 1300 to 2300 |

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

- |     |                    |              |
|-----|--------------------|--------------|
| (i) | Thursday to Sunday | 2300 to 0000 |
|-----|--------------------|--------------|

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

Consumption ON the premises only:

- |       |  |              |
|-------|--|--------------|
| (i)   | Thursday   | 1800 to 2300 |
| (ii)  | Friday to Sunday   | 1200 to 2300 |
| (iii) | The sale of alcohol may continue for artistes, staff and guests until 0000 |              |

### All Licensing Objectives

1. This licence shall only have effect on the Thursday, Friday, Saturday and Sunday of the first weekend in August each year.
2. The licence holder shall produce and submit an Event Management Plan (EMP), including a Noise Management Plan and a Traffic Management Plan to the Licensing Authority for its approval no later than 28 days before the start of the event.
3. No regulated entertainment shall take place unless and until the three plans have been approved.

### Crime and Disorder

1. The licence holder shall provide 24 hours security by SIA licensed personnel.
2. The premises shall be secured by perimeter fencing.
3. Entrance to the event shall be by ticket only.

### Public Safety

1. Risk assessments are to be provided to the Licensing Authority, with the EMP, no later than 28 days before the start of the event.
2. There shall be 24 hour first aid cover, including paramedic cover.
3. The licence holder shall arrange for access roads to be swept clear of mud during and after the event if required by the Licensing Authority.
4. There shall be no more than 3,000 people on site at any one time.
5. The EMP should include appropriate provisions dealing with the following provisions:
  - Details of expected numbers
  - An Emergency Plan
  - Details of escape routes, signage and numbers of exits to cope with expected numbers
  - Management plan for main site and camp site
  - Details of fire warning
  - Details of emergency lighting
  - Details of numbers of staff and their training
  - Number and locations of fire extinguishers
  - Method of calling the fire service
  - Risk assessment covering fire risks

### 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. No alcohol shall be taken off the premises.

3. The provisions of the approved Event Management Plan, Noise Management Plan and the Traffic Management Plan, shall be complied with at all times.

4. The licence holder shall ensure that all litter is removed from the site and surrounding ditches.

5. The licence holder shall provide a dedicated telephone line and advertise the number appropriately.

### Protection of Children

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

2. All children shall be issued with wristbands with contact details.

3. Unaccompanied children shall not be allowed to enter or leave the premises.

4. There shall be no bouncy castles, bungee jumping or similar attractions at the premises.

The meeting commenced at 9.30am and concluded at 11.15am.

Chairman

**LICENSING SUB-COMMITTEE****22 March 2007**Attendance:

Councillors:

Mather (Chairman) (P)

Berry (P)

Johnston (P)

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1. **THE RAILWAY INN, ST PAUL'S HILL, WINCHESTER**  
(Report LR218 refers)

The Sub-Committee met to consider an application by Mr Frederick Eynon, Mrs Lynda Eynon and Ms Caroline Moss for the variation of a premises licence for The Railway Inn, under Section 34 of the Licensing Act 2003, to extend the hours for regulated entertainment, late night refreshment and the supply of alcohol by one hour on Fridays. The application was also to remove the condition under public nuisance stating that the beer garden shall close at 2300 hours.

The Parties present at the meeting (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) were Mr Frederick Eynon and Ms Caroline Moss (Applicants). The Director of Communities was also in attendance as a Responsible Authority. There were no Interested Parties present at the hearing.

The Assistant Licensing and Registration Officer presented the application to the Sub-Committee, as set out in the report. She explained that the Health Act 2006 would come into force at 0600 hours on 1 July 2007, which would prevent customers smoking in public premises. She explained that the Director of Communities had submitted a representation, outlining concerns over potential noise disturbance to local residents, from customers using the beer garden after 2300 hours for smoking. One representation had been received from an Interested Party, voicing his worries over the extended hours and the use of the garden.

Mr Eynon then presented the application. He explained that the few complaints he received from local residents related to customers leaving the premises late at night. A member of staff would stand outside the main exit each evening and remind customers to leave quietly, but that generally there were very few problems and no complaints had been received by the Council over the past few years. The applicant regularly visited his neighbours to discuss any issues that they may have experienced.

Mr Eynon continued that he had applied to have the condition relating to the use of the garden removed, in order to comply with the Health Act 2006. An agreement had been signed with the brewery to provide CCTV to cover the garden area, which was a walled area. This would mean greater control over the use of the garden and would focus the majority of smokers into one area. The SIA door staff would supervise the area and encourage people to re-enter the premises once they had finished their cigarettes.

Responding to Members' questions, Mr Eynon stated that if the licence was not granted, people would congregate on the pavement outside the front of the premises, which he felt would be dangerous due to the blind bend on Stockbridge Road and the speed of vehicles along the road. Mr Eynon concluded that he would not allow the garden to be in use after 2300 hours until the new legislation came into force.

The Director of Communities, as a Responsible Authority, then spoke about the application. He stated that no complaints had been received recently due to the sound insulation of the music venue, but that there was a possibility of noise nuisance from customers in the garden after 2300 hours, if the application was granted. The restriction had been imposed when the Public Entertainment Licence had been granted, in response to a high level of complaints from local residents. He added that his wish was to ensure that large groups of people did not gather in the garden and cause a nuisance.

The Assistant Licensing and Registration Officer reminded the Sub-Committee that, once the Health Act 2006 came into force, the licence could be called in for review should there be issues over noise emanating from the premises or garden.

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. She reminded the applicant that should there be any complaints in the future from interested parties or responsible authorities, then the premises licence could be reviewed.

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 ConditionsOperating Hours

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

- (i) Sunday to Thursday 1000 to 0030
- (ii) Friday 1000 to 0230
- (iii) Saturday 1000 to 0130

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

- (i) Sunday to Thursday 1000 to 0000
- (ii) Friday 1000 to 0200
- (iii) Saturday 1000 to 0100

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

- (i) Sunday to Thursday 1000 to 0000
- (ii) Friday 1000 to 0200
- (iii) Saturday 1000 to 0000

4. 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 0200
- (iii) Saturday 2300 to 0100

All Licensing Objectives

## 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 Safety

1. There shall be at least two SIA registered Door Staff on duty Friday & Saturday nights until Licensable activities cease. Any door Staff that is engaged in door control duties shall wear a clearly identified reflective jacket.

### 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. 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. The staff shall supervise bands loading out to minimise noise.

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.

### 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.

### 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 to discourage customers from remaining outside when they are not smoking.

The meeting commenced at 9.30am and concluded at 10.30am.

Chairman

**LICENSING SUB-COMMITTEE****24 April 2007****Attendance:**

Councillors:

Mather (Chairman)

Howell (P)

Pearce (P)

**Others in Attendance who did not address the meeting:**

Councillor Baxter

**Officers in Attendance:**

Mr J Myall: Licensing and Registration Manager

Ms C Stefanczuk: Assistant Licensing and Registration Officer

Mrs C Tetstall: Licensing Solicitor

Mrs A Toms: Environmental Health Officer

Mr G Walsgrove: Building Control Officer

**1. SLAMMIN' VINYL, MATTERLEY BOWL, WINCHESTER**

(Report LR219 refers)

The Sub-Committee met to consider an application by Mr Smith 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 Smith and Mr A de la Haye (the event co-ordinator). PC Way and PC Miller from Hampshire Constabulary, Mrs Toms (Environmental Health) and Mr Walsgrove (Building Control) were also present as representatives of the Responsible Authorities. Mrs Matthews was present as a representative of an Interested Party, Itchen Valley Parish Council.

Mr Myall presented the application as set out in the Report. During his presentation, he advised the Sub-Committee of a number of errors in the introductory part of the Report which were noted by Members:

Page 2: representations *had* been received by the Director of Communities and Hampshire Constabulary.

Page 6: Operating Hours – 2. The hours the premises may be used for the provision of late night refreshment shall be:

- (i) Friday 29 June 2007 2300 (not 1900) to 0200
- (ii) Saturday 30 June 2007 2300 (not 1400) to 0600

The application was for a one-off event over the weekend of 29 June - 1 July to allow recorded music, late night refreshment and the sale of alcohol. It was proposed that the event would be held at The Bowl, Matterley Farm, Winchester where previous events included Creamfields, Homelands and Hi-Fi South Festivals.

The applicant had proposed five tents and an outdoor stage of music, each of which would provide a different kind of music. There would also be sales stalls, food outlets, bars and a camping area (located at the southern end of the Bowl), all of which were within the licensed area.

During questions to Mr Myall, Members noted that the proposed restrictions to the sale of alcohol, as set out in the Report, included the bars located in the camping areas.

Mr A de la Haye (the event co-ordinator) and Mr G Smith (applicant) spoke in support of the application.

Mr de la Haye explained that the event aimed to provide safe entertainment for young people from the south and south west with the least possible impact on the local community. He had over 20 years' experience of organising similar events and had worked with the Council and the local community (through the Parish Council) from an early stage on this application. He added that the concerns raised at these previous meetings had, where possible, been addressed in the draft Event Management Plan.

In responding to question from the Sub-Committee, Mr de la Haye confirmed that the applicant accepted the conditions as set out in the Report. He also confirmed that there would be no outdoor entertainment beyond 2300 hours.

In reply to a Member's question, Mr de la Haye stated that the on-site security would prohibit visitors from starting open fires, although smaller barbeques would be permitted.

Mrs Toms addressed the Sub-Committee as a representative of one of the responsible authorities, the Environmental Health Team. She explained that the noise and frequency levels would be limited by the conditions set out in the Report. She added that Environmental Health officers would monitor these levels throughout the event both on site and at noise sensitive properties. In addition to these measures, the applicant proposed to employ noise specialists to monitor and control levels and to conduct checks prior to the event.

Mrs Toms also explained that the conditions prohibited unauthorised amplified music on the site and that this would be enforced by the applicant's security staff.

The Sub-Committee noted that the Event Management Plan would be submitted to the Responsible Authorities for approval 28 days before the event. Prior to this, the applicant agreed to involve the Responsible Authorities in the preparation of the draft Plan. It was hoped that this involvement would help the applicant produce a better Plan within an acceptable timeframe. Mrs Toms added that she expected the Plan to include details on the collection and disposal of waste, an on-site travel plan, lighting plan, sanitary facilities, medical arrangements and crowd management.

PC Way addressed the Sub-Committee as a representative of one of the Responsible Authorities, the Police. She explained that the only areas of concern the Police had regarding the application related to the proposed fencing, measures to minimise glass on site and to control the event's policy to admit over-18s only.

The Police had expressed an initial preference that the event's perimeter fencing be constructed from Steelshield fencing as their experience of previous events on the site had demonstrated that the Heras fencing proposed by the applicant could be easily breached. During discussion, Mr de la Haye explained that the applicant proposed to install heavy duty, anti climb style Heras fencing which had performed well at other events and that, in addition to this, the perimeter would be patrolled by security staff.

The Sub-Committee therefore noted that this issue would be further negotiated between the applicant and the Police, but that the final decision on the type of fencing would be made by the Police and included in the Event Management Plan.

Members discussed the difficulties that arose from the Motocross event held at the site in 2006 and Mr de la Haye explained that it was unfair to compare this with the application as they had significantly different customer profiles and management.

In response to the Sub-Committee's concerns regarding the protection of children, Mr de la Haye explained that the show had been advertised as an over-18s only event and that this would be enforced by security staff at the entrance and, if any under 18s slipped through this check, by Security Industry Authority qualified security staff within the site. Under-18s would be escorted to a welfare area to await collection by their responsible guardians.

PC Way had highlighted the need for the applicant to determine at an early stage the level of Police services required at the event to enable the Police to organise suitable work rotas to cover the show and other duties around the county. Mr de la Haye anticipated that a minimal Police cover would be required, as most of the Police's duties would be undertaken by the applicant's own security.

Following the advertisement of the application in the Hampshire Chronicle newspaper and on public notices around the site, representations had been received from Itchen Valley Parish Council and Beauworth Parish Meeting. They had raised concerns regarding public nuisance, noise, light pollution, litter, traffic and provision of toilets and these were set out in greater detail in the Report.

Mrs Matthews (Itchen Valley Parish Council) spoke against the application as an Interested Party. In summary, she commented on the disruption the event was likely to cause local residents and businesses based on the experience of previous events at the Bowl.

Mrs Matthews explained that some of the attendees of previous events had used residents' gardens as toilets and Mrs Toms explained that, although the applicant anticipated an audience of 12,500, the event would require the appropriate facilities for the 15,000 sought in the application.

Mrs Matthews also commented on the traffic problems that had arisen from previous events. She requested that the smaller roads leading to Easton and other nearby villages be closed to prevent parking from the event blocking these roads to emergency vehicles. The Sub-Committee noted that the Traffic Management Plan would be based on that used for the previous Homelands Festivals and this included the closure of these roads and that there was sufficient time to organise the necessary traffic management orders. The Sub-Committee also noted the applicant's willingness to consult with the local community on the detail of the Traffic Management Plan and that the Cheesefoot Head car park would be closed during the event.

Mr Myall added that there was no incentive for visitors to park anywhere other than in one of the 3-4,000 parking spaces provided on site. He also explained that the bus and taxi drop off and collection point would be on the junction of the A272.

Mrs Matthews requested that the u-turn gaps in the A31 remain open during the weekend of the event. She explained that this was a significant inconvenience to residents and businesses from the northern side of the A31 travelling south, as they had to travel an additional eight miles to Alresford before they were able to turn around. In response, PC Miller explained that, given the anticipated increase of traffic over the weekend of the event, it was potentially dangerous to allow vehicles (especially large lorries) to utilise the gaps in the A31.

At other events held at the Bowl, the Police had signposted the B3047 as an alternative route for motorists and Mrs Matthews explained that local residents considered this unnecessary and a further blight to the Itchen Abbas Fate, which was scheduled to be held the same weekend as Slammin' Vinyl.

Finally, Mrs Matthews commented on the noise from the event which she stated, depending on the direction on the wind, would disturb local residents.

During discussion, Mrs Toms agreed to contact Mrs Matthews with the Hotline Telephone Number (that would deal with noise complaints about the event from residents) before the Parish Council magazine publication deadline of 12 May.

In his concluding remarks to the Sub-Committee, Mr de la Haye underlined the applicant's willingness to work with the Council to minimise the impact of the event and that the applicant hoped that the event would be a success that could be repeated in future years.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application, the representations made by Responsible Authorities and Interested Parties. It had taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

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:

That the application be granted subject to the conditions as set out below, with additional conditions and amendments highlighted in bold italics.

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

Recorded Music and Provision of Facilities for Dancing. (indoors and outdoors).

(i) Friday 29 June 2007 1900 to 0200

(ii) Saturday 30 June 2007 2300 to 0600

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

(i) Friday 29 June 2007 **2300** to 0200

(ii) Saturday 30 June 2007 **2300** to 0600

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

(i) Friday 29 June 2007 1700 to 0100

(ii) Saturday 30 June 2007 1200 to 0400

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

(i) Friday 29 June 2007 1400 to 0200

(ii) Saturday 30 June 2007 1200 to 0600

##### All Licensing Objectives

1. The Premises Licence Holder shall produce an Event Management Plan (EMP), including a Noise Management Plan and a Traffic Management Plan. The final *approved* version shall be submitted to the Licensing Authority no later than 28 days before the start of the event. ***The applicant shall comply with the approved EMP for the duration of the event.***

##### Crime and Disorder

2. The Premises Licence Holder shall agree with Hampshire Constabulary no later than 28 days before the start of the event:

a) the need for Special Police Services for the event, and

b) request Special Police Services from Hampshire Constabulary if they are required. The Premises Licence Holder and Hampshire Constabulary shall agree a Statement of Intent setting out their respective responsibilities of the event.

3. A CCTV system with recording facilities shall be operated throughout the event. The recordings shall be retained for a period of 30 days and be made available upon request by the Police. Full details of the proposed system (including contractor,



agreed positions, installation, operation, playback facilities and retention of data) shall be submitted to the Licensing Authority no later than 28 days prior to each event.

4. No licensable activities shall take place unless the Premises Licence Holder agrees with the Licensing Authority, no later than 28 days before the start of each event, the number of stewards required for the event. A schedule of stewards and security personnel shall be made available to the licensing authority no later than 24 hours before the start of licensable activities for the public, such schedule to include the following details: name, date of birth, reference number, location on site and whether or not SIA registered. The schedule shall list the position and numbers of all security and steward personnel on site. This shall include dedicated teams for the campsites, the arena, the big tops, the perimeter and the car parks. There shall be both static and mobile positions. All Security staff and stewards to wear clearly identifiable reflective jackets.

5. A perimeter fence shall be erected and patrolled by security to ensure that unauthorised access cannot be gained. This perimeter shall contain an agreed number of access/egress points which shall be manned by security or stewards.

6. Crime prevention advice shall be written in consultation with Hampshire Constabulary and displayed on signage around the site and on the Premises Licence Holder's website in advance of each event.

7. The campsites shall be patrolled by security and stewards. There shall be watch towers with CCTV cameras manned throughout the event. The watch towers must be manned by stewards throughout the time that the campfires are in use. The stewards on duty in the fire watch towers shall be issued with two way radios. There must also be suitable fire fighting equipment positioned adjacent to the tower readily available and clearly identified.

8. The Premises Licence Holder shall prepare a drugs policy for the event which shall be based on three core messages:

- Prevention
- Drug dealers and users
- Welfare and treatment

9. Random searching shall take place at all entrances to the campsites and the arena entrance for offensive weapons or drugs along with other items that are not allowed onsite. The seizure of any property shall be recorded and shall then be passed on to Hampshire Constabulary via security for evidential purposes where appropriate. Searching of persons shall be carried out by members of the same gender. The ticket conditions shall indicate that searching will be carried out and there shall be signage with this message at all entrances.

10. There shall be a suitable receptacle for the safe retention of illegal substances and Hampshire Constabulary shall be informed so that appropriate disposal can be arranged.

11. All reasonable steps shall be taken to ensure that no glasses or bottles are allowed inside the arena. Bottle banks shall be located at the arena entrance and plastic containers shall be available for decanting facilities.

12. There will no irresponsible drink discounting with no beers sold above 5% alcohol by volume.

### Public Safety

1. The Premises Licence Holder shall carry out a fire Safety campaign warning of the dangers of fires with particular reference to gas cylinder safety. Infrastructure and accumulated litter shall be removed from scenes of potential disorder if appropriate. Small campfires that are not doing any harm or causing any damage may be allowed by the Premises Licence Holder.

2. The Premises Licence Holder shall appoint an Event Safety Coordinator. The role of the Event Safety Coordinator shall consist of the following:

- (i) Liaison with lead subcontractors and any self-employed persons to be employed at the venue and ascertain their competence;
- (ii) assistance in the inspection of the venue before and during the event;
- (iii) assistance in the inspection of all structures and electrical services;
- (iv) checking and obtaining all relevant certification, safety policies etc.;
- (v) advising of any unsafe work or inappropriate systems of work or unsafe equipment observed and,
- (vi) assisting in the stopping of unsafe work or inappropriate systems of work or the use of unsafe equipment.

This person shall have no other duties or responsibilities.

3. The Premises Licence Holder shall install an appropriate number of exit gates positioned evenly around the entertainment arena. These shall be alphabetically signed to the front and rear and shall be lit. Each gate shall be manned throughout the time that the public are in the arena.

4. The Premises Licence Holder shall formulate a major incident plan for each event. This shall be inserted into the Event Management Plan.

**5. *The Premises Licence Holder shall provide a final, approved site plan no later than 28 days prior to the event.***

### **Public Nuisance**

1. The Premises Licence Holder shall employ a team of suitably qualified Noise Consultants to monitor on site and off site noise.

2. Noise levels from the event shall not exceed the following:

(i) Between the hours of 12 noon and 2300 noise levels from the event will not exceed 55dB  $L_{Aeq(5mins)}$  and between the hours of 2300 and 0800 on the following day, noise levels will not exceed 45dB  $L_{Aeq(5mins)}$  as measured at a distance of 1m from the façade of any noise sensitive dwellings.

(ii) In addition in the frequency range of 63 and 125 Hz noise levels will not exceed 65dB (L) as measured at 1m from the facade of any noise sensitive dwelling.

3. A noise hotline shall be installed which will be manned throughout the event. This number will be circulated to the local authority and parish councils. All calls to the hotline will be logged and actioned.
4. The sound systems of the principal stages shall be available for testing by the Licensing Authority at least 24 hours before each event. All testing of amplified equipment before each event shall be agreed with the Licensing Authority.
5. The Premises Licence Holder shall ensure that the Licensing Authority officers who require unrestricted access to the sound mixing positions and backstage areas of the stages for the purpose of sound level measurements and communication with the mixing engineer(s) shall be issued with the correct event accreditation.
6. The Premises Licence Holder shall provide sound level monitoring equipment to IEC Type 1 Standard at all stage sound mixing positions. The sound level equipment shall be set up so as to display LAeq,1min. and the positioning of the equipment shall be in agreement with, and approved by the Licensing Authority.
7. Agreed levels shall be set prior to the event during the sound test in agreement with the Licensing Authority. These levels shall only be altered by agreement with the Licensing Authority.
8. The Premises Licence Holder shall have full control over all amplified noise sources on site (including vehicles in the car parks and portable equipment in the campsites) and shall arrange for any noise sources to be reduced or eliminated.
9. The Premises Licence Holder shall submit a plan to the Licensing Authority showing the layout of all stage loudspeakers and mixing desks. This shall include a schedule of the amplification equipment and shall include any sponsor activities no later than 21 days prior to each event.
10. Security personnel shall ensure that unauthorised amplification equipment is not brought onto the site. Any unauthorised equipment shall be confiscated and returned post event.
11. Any outdoor stage shall finish at 2300 on each event day.
12. Any rehearsals or sound checks shall take place between of 1000 and 1800 unless agreed by the Licensing Authority .

### **Protection of Children**

1. The Premises Licence Holder shall ensure that no person under the age of 18 years shall be admitted to the premises.

The meeting commenced at 9.30am and concluded at 11.20am.

Chairman

**LICENSING SUB-COMMITTEE****10 May 2007**Attendance:

Councillors:

Hammerton (Chairman) (P)

Izard (P)

Weston (P)

1. **OBJECTION BY POLICE RELATING TO A TEMPORARY EVENT NOTICE FOR MUSIC FESTIVAL AT WOODMANCOTT**  
(Report LR221 refers)

The Licensing and Registration Manager reported to the Committee that the police had withdrawn their objection to the Temporary Event Notice for a music festival at Woodmancott in July 2007. The police would have the powers to close the event down on the grounds of Crime and Disorder and Public Nuisance should they feel it was necessary to do so. Therefore the event would be permitted to go ahead in accordance with the Temporary Event Notice.

2. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Renewal Application of Hackney Carriage and Private Hire Licence	) Information relating to any individual. (Para 1 Schedule 12A refers)
		) Information which is likely to reveal the identity of an individual. (Para 2 Schedule 12A refers)
		) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)

3. **RENEWAL APPLICATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE**

(Report LR220 refers)

The Sub-Committee considered the above Report which set out the circumstances surrounding the renewal of a licence for a hackney carriage and private hire driver (detail in exempt minute).

The meeting commenced at 10.00am and concluded at 11.15am.