

LICENSING AND REGULATION COMMITTEE**4 June 2003**Attendance:

Councillors:

Carter (Chairman) (P)

Baxter (P)
Bennetts (P)
Coates (P)
Evans (P)
Hammerton (P)Johnston (P)
Mather (P)
Mitchell
Pines (P)
Sutton (P)91. **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED:

That Councillor Evans be appointed Vice Chairman of the Committee for the 2003/04 Municipal Year.

92. **TIME OF MEETINGS**

RESOLVED:

That future meetings of the Committee commence at 6.30pm for the 2003/04 Municipal Year.

93. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 25 March 2003 (numbered 1000 – 1004) be approved and adopted.

94. **APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE IN RESPECT OF THE CROWN, THE SQUARE, BISHOPS WALTHAM**

(Report LR78 refers)

Members considered the above licensing application in accordance with the Procedure Note approved by the Licensing Sub-Committee on 18 September 1995 (Minute 95 refers).

In respect of this item, Councillor Hammerton declared a personal (but not prejudicial) interest as a Ward Member for Bishops Waltham. She both spoke and voted thereon.

The applicant and joint licensee of The Crown, Mr Dowsett, addressed Members and answered questions raised.

In answer to questions, Mr Dowsett stated that the car park was used not only by customers of The Crown. He advised that it was hoped that barriers could be

installed at the car park to ensure its use only by customers, although this was still in the planning stages.

He went on to explain that door staff were not currently employed at the premises but agreed that, if necessary, door staff would be employed when the public entertainment licence was in use.

As a Ward Member, Councillor Hammerton advised that the Parish Council had not commented on the application.

At the invitation of the Chairman, Mrs Paddick, a resident of Palace Mews, Winchester Road and author of one of the letters of representation appended to the report, addressed the Committee. She detailed her experience of noise disturbance late at night in the car park on the opposite side of the road from The Crown which shared an access road with the residents of Palace Mews.

The Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Committee had considered the application, the case presented by the applicant together with the observations of the Police, Officers and comments received from 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 providing:-

- i) the works required by Hampshire Fire and Rescue Service has been completed;
- ii) details of the method of monitoring the number of persons present on the premises whilst entertainment is provided on the premises have been submitted

in both cases to the satisfaction of the City Secretary and Solicitor, the Public Entertainment Licence for the premises of the Crown, The Square, Bishops Waltham be granted to Mr Paul Alexander Dowsett and Mr Gerard Finbar Macken.

2 That the licence be granted for compliance with the Standard Conditions and Regulations of Winchester City Council and to include the following Additional Conditions:-

- (i) The premises may be used for the purposes of this licence during the following times –
 - Mondays to Saturdays inclusive from 11.00am to 11.00pm
 - Sundays from 12.00 midday to 10.30pm.
- (ii) The maximum number of persons permitted to be on the premise whilst in use for the purposes of this licence shall not exceed 120 persons and the approved method of monitoring such number shall be used whilst the premises are used for the purpose of this Licence

- (iii) 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 be maintained open by an electrical, mechanical or other device whilst the premises are in use for the purposes of this Licence
- (iv) The Licensees or other person nominated by him shall be on duty at all times whilst the premises are in use for the purposes of this Licence to receive and respond to any complaints of nuisance received from any person
- (v) The Licence be granted for six months only

3 That the licensees be reminded of the need to continue to take all possible steps to minimise nuisance to residents caused by persons leaving the premises and using the Crown car park, including the preparation of a management plan for the car park.

95. **APPLICATION FOR THE TRANSFER AND RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE IN RESPECT OF BAR IGUANA, JEWRY STREET, WINCHESTER.**

(Report LR79 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 Licensing and Registration Officer advised Members that since writing the report he had received additional information regarding the permitted hours of opening of "Mississippi" as stated in paragraph 4.2 of the report. He advised that planning consent had recently been granted, extending the permitted opening hours to 11.00am to 12.00 midnight from Sunday to Thursday and 10.00am to 2.00am the next day following from Friday to Saturday.

It was noted that one of the applicants, Mr Ardani, had recently been convicted at Basingstoke Magistrates Court of permitting the sale of alcohol to two persons who were under the age of 18 years. The offences occurred on 20 September 2002 when Police entered the premises and found 27 persons under the age of 18 years.

Responding to questions, Sergeant John Myall advised that in several cases assaults had taken place inside the bar, to customers or staff and in some cases it was reported that assaults had allegedly been by door staff. He also advised that there had been two incidences of Grievous Bodily Harm and 17 of Actual Bodily Harm.

At the invitation of the Chairman, the applicant, Mr Ardani explained that since the opening of "Mississippi", the fast food outlet located opposite Bar Iguana, there had been a greater number of incidents due to people congregating outside the premises. He continued that between February 2003 and May 2003 when Mississippi had closed at 11.00pm, there had been a decrease in incidents. Council officers pointed out that the owners of Bar Iguana had been notified of the planning application from Mississippi for late opening, but that no objections on behalf of Bar Iguana had been received.

Mr Ardani responded that although he did not object at that time, in light of the problems he believed the late opening had caused, he now strongly objected.

In response to questions, Mr Smith, Head of Security at Bar Iguana, advised that on Friday and Saturday evenings there were three door staff, two monitoring the door and one other patrolling the inside of the premises. He continued that the rear door, which was a push bar fire exit, was monitored more vigilantly, as on occasion it had been opened by customers to allow entrance to people refused entrance at the front door. Mr Smith also advised that the member of door staff involved in an incident still worked at Bar Iguana as no charges had been brought against him.

The Committee retired to deliberate in camera.

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

The Committee viewed very seriously the unprecedented number of incidents recorded by the Police which were attributed to the premises. The Committee was not satisfied there were adequate management and security systems in place to deal with these problems, and the Committee therefore resolved to refuse the applications.

RESOLVED:

That the applications be refused for the reasons stated above.

96. **HOMELANDS 2003**

Following the success of the recent event, the Chairman expressed his thanks to the Environmental Protection Team for their part in the organisation of the event.

The meeting commenced at 6.30pm and concluded at 9.20pm

K Carter
Chairman