

**LICENSING AND REGULATION COMMITTEE****2 July 2003**Attendance:

## Councillors:

Carter (Chairman) (P)

Baxter (P)  
 Bennetts (P)  
 Coates (P)  
 Evans  
 Hammerton (P)

Johnston (P)  
 Mather (P)  
 Mitchell (P)  
 Pines (P)  
 Sutton (P)

Deputy Members:

Councillor Wagner (Standing Deputy for Councillor Evans)

165. **APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE IN RESPECT OF THE WHITE SWAN, HYDE STREET, WINCHESTER**  
 (Report LR80 refers)

Councillor Hammerton (The Mayor) arrived after the start of the meeting and consequently did not hear all the evidence presented with regard to this application. Therefore she observed the proceedings from the public gallery and took no part in the discussions or voting thereon.

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 Director of Health & Housing advised that one complaint had been made earlier this year regarding excessive noise levels at the premises. The complainant had been issued with noise log sheets, but had later reported that the noise levels had decreased and therefore had no reason to complete them.

In response to questions from Members regarding noise levels, the Director of Health & Housing advised that whilst secondary glazing would reduce the noise further, she believed that the closing of the current single glazed windows and doors at the premises, whilst the licence was in use, should be sufficient. The Director went on to advise that noise monitoring could be carried out if required.

At the invitation of the Chairman, Mr MacGregor acting on behalf of the applicants addressed the Committee and answered questions raised. The applicants, Mr and Mrs Reay, also answered questions from Members, advising that additional air conditioning units had been installed at the premises so there would be no need to open windows. Mr Reay advised that there were rarely more than 80 people at the premises due to its size.

A local resident, Mr Ruff, addressed the Committee at the invitation of the Chairman and stated that he had not found the noise from the premises to be unacceptable.

At the invitation of the Chairman, two local residents, Mr Moss and Mr Chilvers addressed the Committee and expressed their concerns regarding the level of noise.

Mr Moss asked that the applicants be requested to install secondary glazing in order to reduce the noise. He also requested that the gate from the rear of the garden into Marston Gate be locked to prevent customers walking through the residential area.

In response, the Licensing & Regulation Officer advised that the gate must be kept unlocked for safety reasons and as a means of escape.

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 the licence be renewed 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 6.00pm to 11.00pm
- ii. The maximum number of persons permitted to be on the premises whilst in use for the purposes of this licence shall not exceed 100 persons.
- 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 gate leading from the area outside the Bar to Hyde Street, Winchester, must be unlocked at all times, whilst the premises are in use for the purposes of this Licence.
- v. The Licensees or other person nominated by them 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 noise or other nuisance received from any person.

2. That the licensees be reminded of the need to continue to take all possible steps to minimise any nuisance to residents caused by persons leaving the premises and, except in the case of an emergency, customers should be encouraged to enter and leave the premises by the door in Hyde Street.

3. That the licensees be reminded that only the inside bars of the White Swan are licensed for the purposes of public entertainment and no public entertainment may take place in garden.

The meeting commenced at 6.30pm and concluded at 7.55pm

K Carter  
Chairman