

LICENSING & REGULATION COMMITTEE

3 September 2003

Attendance:

Councillors:

Carter (Chairman)
Evans (Vice Chairman in the Chair) (P)

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

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

Deputy Members:

Councillor Quar (Standing Deputy for Councillor Coates)

Others in Attendance:

Councillors Allgood and Read

379. **APPLICATION FOR RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE IN RESPECT OF THE FOX AND HOUNDS, SCHOOL LANE, DENMEAD**
(Report LR85 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).

Councillor Mitchell arrived after commencement of consideration of this item and therefore did not speak or vote thereon.

The applicant and joint licensee, Mr and Mrs Paul, addressed Members and answered questions raised. The Chairman also welcomed to the meeting two local residents.

The Licensing and Registration Officer advised Members that the existing permitted hours of entertainment were from 6pm to 11pm, and not from 6pm to 10pm as incorrectly set out in Executive Summary of the report. In response to questions, the Licensing and Registration Officer confirmed that the Police had made no comment regarding cars parking on the roads in the locality of the public house.

At the invitation of the Chairman, Mr and Mrs Paul addressed the Committee and detailed the four occasions when the public entertainment licence was used over the last year. They stated that although they recognised that cars parked on the roads in the vicinity might constitute a hazard, it was of their opinion that the issue was a general one and could not be directly linked to their customers nor to periods when the public entertainment licence was in use. Regarding noise emissions, they stated

that windows were shut if found to have been opened by customers. Regarding any general noise issues, Mr and Mrs Paul stated that they had received no complaints from local residents regarding this, and urged their neighbours to contact them in the future if need be.

At the invitation of the Chairman, Councillor Allgood as a Ward Member addressed the Committee. Councillor Allgood advised that four of the letters of representation as appended to the report were from regular visitors to the Upper Crabbick Lane area of Denmead. Councillor Allgood suggested that, should the licence be granted, there should be a condition imposed to resolve the parking issues and that ideally the licence be granted for 6 months only and between the hours of 6pm and 10pm only.

At the invitation of the Chairman, Councillor Read as a Ward Member addressed the Committee. Councillor Read detailed general noise concerns regarding the premises. He also reminded Members that due to an extension to the public house (although implemented before the current licensees took over the premises), the car park of the public house had been substantially reduced.

In response to a question, the Director of Health and Housing reminded Members that it was part of the licence conditions that windows and doors were to be kept shut during times when the public entertainment licence was used. Furthermore, should a noise nuisance occur outside such times, then the Environmental Health Department should be advised to allow monitoring to take place.

At the invitation of the Chairman, Mr Honour, a local resident, addressed the Committee. He reminded Members that parking on the streets was inevitable when the premises were in use, especially during public entertainment licensed events.

The Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that, in reaching its decision, the Committee had considered the application and the case presented by the applicant, together with the letters of representation and statements made by local residents and Ward Members. They also had regard to the Council's responsibilities under the Human Rights Act and the Crime and Disorder Act.

RESOLVED:

1. That the licence be granted for one year to be held by Mr Stephen Paul, in compliance with the Standard Conditions and the following "Additional Conditions":

(i) The premises shall not be used for the purposes of this Licence on more than ten days in any one year and the City Secretary and Solicitor shall be notified at least seven days in advance of any such proposed use.

(ii) The hours during which the premises may be used for the purposes of this licence, on the permitted number of occasions, shall be on Mondays to Saturdays from 6pm to 11pm.

(iii) The maximum number of persons permitted to be admitted to the premises, whilst in use for the purposes of this licence, shall be 100.

(iv) All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open, wedged open, or maintained open by a mechanical, electrical or other device, at any time whilst the premises are in use for the purposes of this Licence.

2. That the licensees be reminded of the need to take all possible steps reduce any noise or other nuisance to residents at or in the vicinity of The Fox and Hounds.

3. That the applicant be advised that the licence does not permit any form of musical entertainment outside of the building.

380. **APPLICATION FOR THE RENEWAL AND VARIATION OF A PUBLIC ENTERTAINMENT LICENCE IN RESPECT OF THE OLD COACH HOUSE INN, HIGH STREET, WINCHESTER**
(Report LR86 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).

Further to a question, the Director of Health and Housing confirmed that the licensee of the premises had appropriately addressed the representation contained within the report, and the issues set out. Therefore music volume had been turned down and windows kept closed during entertainment. The recommended period of the public entertainment licence was to be limited to 6 months to allow the situation to be monitored.

At the invitation of the Chairman, Mr Jukes (the applicant and licensee) addressed the Committee and answered questions. Mr Jukes confirmed to the Committee that he had taken steps to alleviate noise nuisance after this had been brought to his attention. He reminded the Committee that noise was generated from other premises in the Broadway area and from persons congregating in the Broadway late in the evening.

The Committee retired to deliberate in camera.

In her 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 concerns and observations of Officers and that of the public. They also had regard to the Council's responsibilities under the Human Rights Act and Crime and Disorder Act and to the Council's adopted policy for the granting of public entertainment licences.

RESOLVED:

1. That the licensee be advised to take steps to significantly reduce noise levels emitting from the premises at all times to the satisfaction of the Director of Health and Housing.

2. That the licensee be reminded that if noise levels cannot be significantly reduced, the continued use of these premises for the purposes of public entertainment may require the licensee to produce a report from a noise consultant on any works required. This would include consultation with the Director of Health and Housing on any proposals. Any works subsequently required by the Director of Health and Housing are to be completed within a specified time to his satisfaction.

3. That the licence be renewed to expire on 15 February 2004 (six months from the existing expiry date of 15 August 2003) in compliance with the Standard Conditions and Regulations of Winchester City Council and to include the following variations to the Additional Conditions:-

(i) The premises may be used for the purposes of this licence during the following times –

Mondays, Tuesdays, Wednesdays, and Saturdays from 11am to 11pm and Thursdays and Fridays from 11am to 12 midnight

(ii) The maximum number of persons permitted to be on the premises whilst in use for the purposes of this licence shall not exceed 200 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 covered way leading from the courtyard to the High Street must be kept clear of all storage and obstructions 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.

The meeting commenced at 6.30pm and concluded at 8.30pm

Chairman