

## LICENSING AND REGULATION COMMITTEE

8 October 2003

Attendance:

Councillors:

Carter (Chairman) (P)

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

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

Deputy Members:

Councillor Hoare (Standing Deputy for Cllr Hammerton)

---

487. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE IN RESPECT OF THE RUNNING HORSE, POUND HILL, ALRESFORD**  
(Report LR88 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).

The Licensing and Registration Officer explained that the applicants intended using a low-level karaoke machine, which was a non-commercial machine generally for home use and therefore had a lower volume.

The Director of Health and Housing reported that six complaints had been received, one of which related to general noise and five others relating to a barking dog kept at the premises. The complainants had been issued with noise log sheets and monitoring continued.

The licensees, Ms Smith and Mr Eastwood, addressed the Committee and explained that the karaoke machine would be kept in the bar and only used if requested by a customer. Special karaoke nights would not be advertised. They also intended to have live entertainment twice per month, and a disco at Christmas and New Year.

In answer to Members' questions, Ms Smith advised that customers were encouraged to leave the premises quietly and that calmer music was played towards the end of the evening.

Mr Eastwood continued that monitoring numbers of customers when the premises were in use for the purposes of the Licence would be fairly easy as it was a small bar. The Licensing and Registration Officer confirmed that he would normally expect this to be controlled at the entrance door, although due to the layout of the premises it was reasonably easy to count the numbers in each of the two small bars.

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

- (i) The premises, described as the inside bars of the Running Horse Public House, may be used for the purposes of this licence during the following times –

Thursdays to Saturdays inclusive from 12.00 midday to 11.00pm  
Sundays from 12 midday to 10.30pm.

- (ii) Any machine used for purpose of providing entertainment in the form of karaoke shall be approved by the Council before use and shall only be used in compliance with any requirement restricting the sound levels of such a machine made by the Director of Health and Housing.
- (iii) The premises may only be used for the purposes of this licence, excluding entertainment provided by any karaoke machine approved by the Council, on not more than two occasions in any one calendar month and an additional two occasions between 15 December and 15 January.
- (iv) Except for entertainment provided by any karaoke machine approved by the Council, the City Secretary and Solicitor shall be notified at least seven days in advance of the dates that it shall be intended to use the premises for the purposes of this licence.
- (v) 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.
- (vi) 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 in the whole premises.
- (vii) 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.

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

488. **APPLICATION FOR THE RENEWAL OF A PUBLIC ENTERTAINMENT LICENCE IN RESPECT OF THE ORIGINAL PORTHOUSE, UPPER BROOK STREET, WINCHESTER.**  
(Report LR89 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 that since writing the above report he had received a list of 17 signatories endorsing the letter of objection received from Mrs Nation. The signatories were all residents of Upper Brook Street. He also advised that Mr Aldridge was no longer employed at the premises. It was noted that he had been replaced by Mr Redwood, and that an application to transfer the Licence would be submitted shortly.

At the invitation of the Chairman, Sgt. John Myall addressed the Committee and advised that there had been approximately 25 reported crimes during the previous 12 month period. These included assault, damage and public order offences, of which there were seven alleged cases of Actual Bodily Harm (ABH) on the premises. A member of door staff had also been charged with common assault. Outside the premises there were other alleged cases of ABH, common assault and damage to cars, private gardens, house windows and guttering. Sgt. Myall continued that two of the alleged offenders were being prosecuted.

At the invitation of the Chairman, Mr Parratt acting of behalf of Ms Ellis, the Licensee, addressed the Committee and advised that regular liaison meetings were held every four to five months between the Licensee, local residents, Police and the Licensing and Registration Officer. He also advised that following a CCTV review, additional cameras had recently been installed.

In answer to a Member's question, Ms Ellis explained that the member of staff charged with common assault had been demoted, and if found guilty would lose his Licence and no longer be allowed to work at the premises.

At the invitation of the Chairman, Mr Weller, a local resident, addressed the Committee and explained that he lived approximately 100 yards from the premises. He advised that he had suffered on many occasions due to the very drunken behaviour of customers leaving the premises, and therefore objected to the application.

Mrs Nation, another local resident, addressed the Committee and stated that hundreds of pounds worth of damage to property was suffered by local residents each year.

Mr Parratt addressed the Committee and advised that he did not regard the level of crime attributed to the premises to be excessive and believed Ms Ellis to be a good and responsible licensee.

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 noted that liaison meetings between the licensees and local residents had taken place but also noted with concern the reports in the area of anti-social behaviour and damage, some of which were attributable to customers of The Original Porthouse. Therefore, the following was resolved, and a report requested from the Police on this issue when the Licence renewal would next be considered.

RESOLVED:

1 That the licence be renewed for six months in order to monitor levels of anti-social behaviour, in compliance with the "Standard Conditions" and the following "Additional Conditions" for these premises:-

(i) That the hours during which the premises may be used for the purposes of this licence shall be as follows:

Mondays to Wednesdays inclusive from 11am to 12 midnight  
Thursdays from 11 am to 1 am the next day following  
Fridays from 11 am to 2 am the next day following  
Saturdays from 11 am to 1 am the next day following  
Sundays from 12 noon to 11pm

(ii) The maximum number of persons permitted to be admitted to the premises, whilst in use for the purposes of this licence, shall be as follows:

Lower Bar	–	100
Intermediate Bar	–	75
Dance Area	–	60
Upper Bar	–	75
Total for whole premises	–	310

(iii) All windows on the outside of the premises must be kept locked shut at all times, whilst the premises are in use for the purposes of this licence.

- (iv) A closed circuit television system shall be maintained to assist in the control of customers, both in the premises and in Upper Brook Street.
- (v) That when more than 20 persons are queuing at any one time the applicant should ensure that at least 2 qualified door staff manage the exit/entrance door.

2 That the licensees be reminded of the need to take all possible steps to reduce any noise to residents caused by persons at or in the vicinity of The Original Porthouse.

3 That the licensees be reminded of the need take all possible steps and give clear instructions to the door security staff that persons who appear drunk or are attempting to bring alcohol into, or remove bottles and glasses from the premises, are either not admitted or prevented from removing the bottles and glasses.

4 That the licensees be reminded of the need to continue to take steps to keep the area clean, outside The Original Porthouse.

489. **LICENSING ACT 2003 – DELEGATION ARRANGEMENTS FOR LICENSING POLICY**  
(Report LR87 refers)

The City Secretary and Solicitor advised that the draft Guidance and regulations, which had been expected during the summer, had not been received and indications were that they would be laid before Parliament in November. This would have an impact on the timetable for implementing the new arrangements, although the Government's timetable would not be finalised until the Guidance and regulations were issued.

A Licensing Policy would still have to be adopted following full consultation before the new arrangements commenced. The draft timetable would have to be revised, and in order to maintain flexibility, it was suggested that Council be asked to delegate powers to this Committee.

The Chairman agreed that it was not necessary for Council to approve the Policy. He suggested that all Members should be invited to attend this Committee to include their input as the draft Policy was being considered.

The City Secretary and Solicitor suggested that a further training session on the Licensing Policy requirements be held, and that a first draft be considered at a future meeting of this Committee, once the statutory Guidance had been issued.

**RESOLVED:**

That Council be recommended to delegate all decisions concerning the adoption of the City Council's Licensing Policy under the Licensing Act 2003 to the Licensing and Regulation Committee

The meeting commenced at 6.30pm and concluded at 9.30pm

Chairman