

LICENSING AND REGULATION COMMITTEE

11 January 2005

Attendance:

Councillors:

Johnston (Chairman) (P)

Allgood (P)

Baxter

Bennetts (P)

Coates (P)

Cook (P)

Evans (P)

Hammerton (P)

Lipscomb

Maynard (P)

Mather

Pearson (P)

Pines (P)

Sutton (P)

Wagner (P)

Deputy Members:

Councillor Cooper (Standing Deputy for Councillor Lipscomb)

701. **APOLOGIES**

Apologies were received from Councillors Lipscomb and Mather.

702. **MEMBERSHIP OF SUB COMMITTEES**

RESOLVED:

That Councillors Johnston, Pines, Allgood, Evans and Hammerton be appointed as the pool referred to in Council Procedure Rule 17(1)(i) and act as Chairmen of the Licensing Sub Committee for the remainder of the 2004/05 Municipal Year.

703. **MINUTES**

RESOLVED:

That the minutes of the previous meetings of the Committee held on 5 November and 14 December 2004 be approved and adopted.

704. **PUBLIC PARTICIPATION**

There were no statements made or questions asked.

705. **APPLICATION FOR THE RENEWAL, TRANSFER AND VARIATION OF A PUBLIC ENTERTAINMENT LICENCE – QUINDELL GOLF AND COUNTRY CLUB, WHITELEY, FAREHAM**
(Report LR116 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 Chairman welcomed the applicants Miss Smith and Mr Culshaw, and the applicants' solicitor, Mr Drake.

Councillor Cooper arrived a few minutes after the start of consideration of this item. Mr Drake raised no objection to the Councillor remaining and participating in the discussion and voting thereon.

The Licensing and Registration Manager advised that since publication of the above report, the Parish Councils of Whiteley and Wickham had withdrawn their objections.

A question and answer session followed during which the Police commented that no complaints had been made regarding disorder or drunkenness and the only visits made to the premises were either routine or were regarding alarms and burglary. The Police also agreed that they were aware that Springles Lane was used unlawfully, and that the area was regularly patrolled.

The Director of Health and Housing confirmed that although no complaints of noise had been received regarding the above premises, he shared the concerns of the local residents and therefore recommended granting the licence for a six month period in order to monitor the situation.

Mr Drake addressed the Committee and clarified several points. He explained that although the maximum capacity of the premises was 100, the restaurant seated 70 and it was not anticipated that the layout would be altered in order to accommodate further customers. He went on to explain that the majority of diners left the premises by chauffeur driven cars or the club's own vehicle, and therefore queuing traffic was rarely an issue. However, he was happy to agree to a condition of the Licence that the gates be kept open for a short period after the premises had closed.

Responding to questions from Members, Mr Drake explained that the applicants intended to arrange entertainment such as jazz trios, not loud rock or dance music. He also explained that during the day, until midnight, the electronic gates automatically opened when driven up to. After this time, the gates would have to be opened from inside the clubhouse by prior arrangement.

At the invitation of the Chairman, two local residents, Mrs Barclay and Mr Escott, addressed the Committee and objected to the application.

Mrs Barclay explained that the gates into Skylark Meadows were owned by the Management Committee to which the Golf Club had some input. The gates were erected three months ago as a security measure following several thefts from the area.

Mr Escott was concerned that the public entertainment licence, if granted, would be used during corporate events which were not for club members, and that these such events may cause traffic queues in Skylark Meadows. He also objected to the suggestion that the gates be left open during egress from the golf club.

Mr Drake explained that the premises had not suffered any problems or complaints in the past and did not expect to in the future. He believed the objections received related to perceived difficulties, rather than any current problems. The applicants did not anticipate any increase in noise or traffic flow.

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 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 application to transfer, renew and vary the Public Entertainment Licence be granted for a trial period of six months, subject to compliance with the Standard Conditions and Regulations of Winchester City Council, and subject also to include the following Additional Conditions:-

(i) The hours during which the premises may be used for the purposes of this Licence shall be as follows:-

Mondays to Thursdays	1100 to 2300
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Fridays and Saturdays	1100 to 0100
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Sundays	1200 to 2230
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(ii) The number of occasions the licence is used on a Saturday after 23.00 is limited to no more than TWO occasions in a calendar month. The Licensee shall keep a log of the occasions on which the licence is used and shall produce this log to the City Secretary and Solicitor when required.

(iii) 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.

(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 an electrical, mechanical or other device whilst the premises are in use for the purposes of this licence.

2 That the Licensees be reminded of the need to continue to take all possible steps to minimise any nuisance to residents, in particular Skylark Meadows, Lee Ground and Springles Lane, caused by persons leaving the premises.

3 That the Licensees be asked to use their best endeavours to ensure members and guests do not use Springles Lane or Lee Ground to access or egress the premises.

706. **APPLICATION FOR THE GRANT OF A PUBLIC ENTERTAINMENT LICENCE FOR THE KINGS HEAD PUBLIC HOUSE, HURSLEY**

(Report LR117 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 Chairman welcomed the applicant, Mr Twynham to the meeting.

The Licensing and Registration Manager explained that since publication of the above report, all objections from local residents had been withdrawn following negotiations between all parties and the resultant reduction of uses of the Licence from twice per month to once per month. He also suggested that, if granted, a noise condition be included that the band noise be directed away from the windows near Collins Lane and Port Lane.

Mr Twynham addressed the Committee and advised that the fire exit lighting requested by Hampshire Fire and Rescue had been carried out. In response to questions, he explained that he did not wish to attract younger customers and aimed for clientele over 30 years of age.

At the invitation of the Chairman, Mrs Bell, a local resident addressed the Committee and had no objection to the application. However, she explained that Hursley was in a basin with land sloping up on all sides and therefore expected that any noise would not only be an issue for neighbouring properties. She queried whether a restriction on the decibel level should be set.

In response, the Director of Health and Housing explained that noise levels were not usually restricted on smaller venues, as it was not normally necessary. In general, it was preferable to monitor the noise level before making a judgement about limiting it.

The Committee briefly discussed the application before reaching its decision.

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 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 the work required by Hampshire Fire and Rescue is completed to the satisfaction of the City Secretary and Solicitor, the Public Entertainment Licence for the premises of the Kings Head, Hursley be granted to Mr. David Twynham.

2 That the licence be granted subject to 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 on ONE occasion monthly on either Thursday, Friday or Saturday evening and the City Secretary and Solicitor shall be notified of any occasion when the premises will be used under this licence at least 7 days before the event. The permitted hours during which entertainment may be provided on such occasions shall be from 18.30hrs to 23.30 hrs in the case of Thursdays, and 19.00hrs to midnight in the case of Fridays and Saturdays.
- (ii) The maximum number of persons permitted to be on the premises whilst in use for the purposes of this licence shall not exceed 150 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 maintained open by an electrical, mechanical or other device whilst the premises are in use for the purposes of this licence.

3. That the Licensee be reminded of the need to take all steps to minimise nuisance to residents caused by persons leaving the premises and using the Kings Head car park.

4. That the Licensee be asked to ensure that the performance of live bands be situated away from windows and doors near Port Lane and Collins Lane, to minimise noise in those areas.

The meeting commenced at 6.30pm and concluded at 8.50pm.

Chairman