

LICENSING AND REGULATION COMMITTEE

11 January 2005

APPLICATION FOR THE TRANSFER, RENEWAL AND VARIATION OF A PUBLIC ENTERTAINMENT LICENCE FOR THE QUINDELL GOLF AND COUNTRY CLUB, WHITELEY, FAREHAM

REPORT OF CITY SECRETARY AND SOLICITOR

Contact Officer: John Myall Tel No: 01962 848443

RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This report is to consider an application for the transfer, renewal and variation of the Public Entertainment Licence currently in force for the Quindell Golf and Country Club, West Drive, Skylark Meadows, Whiteley, Fareham.

The transfer is to Miss Melanie Smith and Mr Matthew Culshaw and the variation to allow Public Entertainment to 0100 on Fridays and Saturdays.

There are objections from nearby residents, and from the Parish Councils of Whiteley and Wickham.

The Police and Fire Service have been consulted and have no representations to make.

The Director of Health and Housing has been consulted and has no representations to make regarding noise pollution from the building. However, there is some concern regarding possible disturbance from road traffic noise.

RECOMMENDATIONS:

- 1 That the application to transfer, renew and vary the Public Entertainment Licence be granted, subject to compliance with the Standard Conditions and Regulations of Winchester City Council, and subject also to 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
Fridays and Saturdays	1100 to 0100
Sundays	1200 to 2230
  - (ii) The number of occasions the licence is used on a Saturday 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 caused by persons leaving the premises.

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DETAIL:

1 Application

1.1 This report concerns an application by Miss Melanie Smith and Mr Matthew Culshaw (who hold the Justices Licence for the Quindell Golf and Country Club) to renew and transfer the Public Entertainment Licence in respect of the club to them from David Terry and Steve Terry.

1.2 The application is also to vary the hours of the Licence on Fridays and Saturdays to a finishing time of 0100. The current licence allows public entertainment as follows:-

Mondays to Thursdays	1100 to 2300
Fridays	1100 to 2400
Saturdays	1100 to 2300
Sundays	1200 to 2230

1.3 The PEL currently allows a maximum number of 100 persons to be admitted for the purposes of entertainment.

1.4 The premises is a golf club with a clubhouse and restaurant which operates under a Justices On Licence. This is a modern building which is situated at the end of Skylark Meadows, which is a private road serving houses in that road. Entrance and egress to and from the road is by a set of steel gates which are electronically controlled by a traffic sensor. They can also be controlled from within the clubhouse.

1.5 The intention is to stage "Dinner Evenings" with entertainment for the club members and their guests.

1.6 The initial application was for a finishing time of 0200 Mondays to Fridays. This was varied to the current application after consultation with the applicants as an alternative which might be acceptable to the objectors.

2 Representations

2.1 A notice was posted, visible from outside the premises, for 28 Days from 5 November 2004.

2.2 Representations have been received from 11 houses in the vicinity (Appendices 1A-1K). The concerns are that of possible noise and disturbance from vehicles and persons leaving the club. There are also concerns about drink driving, although there is no evidence to support this.

- 2.3 Letters have been received from Whitley and Wickham Parish Councils (Appendix 2).). Their concerns are that the extension of hours could have a detrimental effect on the residents of the properties in the adjacent area. They state that a limited number of extended occasions per year might be acceptable.

### 3 Consultations

- 3.1 Hampshire Constabulary has been consulted. The Police have no representations to make and there is no adverse comment regarding the premises or applicants.
- 3.2 Hampshire Fire and Rescue Service has been consulted and has no representations to make regarding the premises.
- 3.3 The Director of Health and Housing has been consulted. There are no representations with regard to noise from the premises, although there are concerns regarding road traffic noise. It is recommended that, if granted, the Licence runs for a six month trial period in order that the manager monitors the road traffic and noise levels and to put in place controls if this proves to be an issue. There are no recorded complaints of noise from the premises (Appendix 3)
- 3.4 The Head of Building Control has been consulted and has no representations to make.
- 3.5 The Ward Members of this Council have been notified of this application.

### 4 Other Information

- 4.1 The Quindell Golf and Country Club was formerly known as Fareham Woods Golf Club and has had the benefit of a Justices On Licence and a Public Entertainment Licence as detailed above.
- 4.2 The Crime and Disorder Act 1998 places a duty on the Council to exercise its various functions, with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- 4.3 Paragraph 5(i) of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 refers to the length of time a public entertainment licence may remain in force which is normally for one year. It may be issued for a shorter period should the Council think fit.

### 5 Issues for Consideration

- 5.1 **Are the applicants suitable persons to whom the licence may be transferred?** It is considered that they are suitable.
- 5.2 **Are the premises suitable to be used for public entertainment, given their physical condition and location, and considering public safety, noise, proximity to residential property and other relevant issues?** It is considered that, providing there is compliance with the "Additional Conditions" set out in the Recommendation, the premises are suitable. Only the inside bars of the premises are licensed for the purposes of public entertainment and the garden is not included.

- 5.3 **Are the hours of entertainment being sought acceptable? If the hours are not acceptable, should the application be refused or should alternative hours be specified?** The main issue raised by objectors relates to noise from vehicles and persons leaving the club. The premises already have an entertainment licence during normal licensing hours, with an additional hour on Fridays (until Midnight) and no complaints have been received about the operation of this licence during these times. The Committee may wish to be satisfied that there will be minimal queuing of vehicles as they leave the club along the private road. Subject to that point, and provided there is compliance with the Additional Conditions, it is considered that the hours being sought are acceptable providing the entertainment ends promptly.
- 5.4 **If granted would this Licence have any effect on Crime and Disorder in the area?** There are no adverse reports from the Police, and it is not therefore considered that the granting of this application will adversely affect crime and disorder in the area.
- 5.5 **Are there any human rights issues which are relevant to the decision?** It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicant's right to use of his premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, necessary in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. It is considered that as the renewal of this licence would have little effect to change the use of these premises, any interference with the residents' rights is proportionate and the renewal of the licence would not be contrary to the provisions of the Human Rights Act 1998.

OTHER CONSIDERATIONS:

6 CORPORATE STRATEGY (RELEVANCE TO):

- 6.1 The licensing function affects the key priorities of economic prosperity and cultural and leisure opportunities.

7 RESOURCE IMPLICATIONS:

- 7.1 None

BACKGROUND DOCUMENTS:

Application for the Transfer, Renewal and Variation of a Public Entertainment Licence in respect of the Quindell Golf and Country Club, Skylark Meadows, Whiteley, Fareham and representations received.

APPENDICES: (unavailable electronically)

1A-1K Letters from Residents

2 Letters from Whiteley and Wickham Parish Councils

3 Report of Director of Health and Housing

4 Map of premises and surrounding area