

LICENSING AND REGULATION COMMITTEE

22 September 2005

Attendance:

Councillors:

Johnston (Chairman)
Pines (Vice-Chairman in the Chair) (P)

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

Lipscomb (P)
Maynard (P)
Mather (P)
Pearson (P)
Sutton (P)
Wagner (P)

Deputy Members in Attendance:

Councillor Busher (Standing Deputy for Councillor Hammerton)

Others in Attendance who Addressed the Meeting:

Councillor Verney

313. **APOLOGIES**

Apologies were received from Councillors Johnston, Cook and Hammerton.

314. **PUBLIC PARTICIPATION**

At the invitation of the Chairman, Mr Eckton addressed the Committee during the Hackney Carriage and Review of Hackney Carriage Fares Reports below.

315. **HACKNEY CARRIAGE REVIEW**

(Oral Report)

The City Secretary and Solicitor explained that The Winchester Taxi and Private Hire Association had submitted a request that the Council should cease issuing new Hackney Carriage Plates.

At the invitation of the Chairman, Mr Eckton reported that in the Association's view, there were too many taxis operating in the town, which meant that too many drivers were competing for too few customers. He added that the approximately 100 hackney carriages serving the 40,000 people in Winchester compared badly with Southampton where 263 licensed Hackney Carriages served its population of 221,000 and Eastleigh where 100 Hackney Carriages served a population of 116,000. This he claimed forced Winchester's drivers to work longer hours and to take other work (such as school runs) to earn a living.

In response to questions, the City Secretary and Solicitor stated that following the 1985 Transport Act, in order for a Licensing Authority to limit the number of Hackney Carriage licences it issued, it first had to be satisfied that there was no “unmet demand” or shortfall in the availability of Hackney Carriages. Normally, this would need to be demonstrated by some form of survey. He explained that such a survey was likely to be expensive and would probably demonstrate that there was unmet demand (i.e. a lack of available vehicles) at certain times of the day, in which case limiting the numbers of licences issued might not be possible. A member suggested that as an alternative solution, the Citizens Charter questionnaire could be used.

At the conclusion debate, Members agreed that a report should be prepared on this issue for the next meeting. This should follow a further meeting held between representatives of the Hackney Carriage drivers, the Chairman and Vice-Chairman and officers.

RESOLVED:

That a Hackney Carriage Review report be presented to the next meeting, following discussions between the Council and representatives of the hackney carriage licence holders.

316. REVIEW OF FARES FOR HACKNEY CARRIAGES

(Report LR134 refers)

The report set out the case for an increase in Hackney Carriages fares and proposals for different rates of increase. Members noted that, subsequent to the publication of the report, officers recommended Option 7, whereas Mr Eckton (who addressed the Committee as a representative of the Winchester Taxi and Private Hire Association) recommended the adoption of Option 4.

Following debate, in which Members considered the costs associated with the operation of taxis, Option 7 was agreed as the basis of the increased fares for Hackney Carriages, as it increased the pull-off fee whilst minimising the fee charged for longer journeys. Councillor Mather abstained from this vote, as she considered that there was insufficient information to base a judgement on.

At the invitation of the Chairman, Mr Eckton commented on an anomaly that occurred regarding the days on which drivers were able to charge additional fares last Christmas, as Christmas Day had fallen on a Saturday. Following debate, Members agreed to delegate to the City Secretary and Solicitor (in consultation with the Chairman and Vice-Chairman) the power to draft a suitable resolution so that fares for Christmas Day and New Years Day should be charged at the normal additional rate, regardless of which day of the week it fell.

Mr Eckton also commented on the £3 charge for private telephone booking and the Committee agreed with him that this should be removed.

The City Secretary and Solicitor also presented to the Committee a new design for the taxis' top light which Members agreed should be approved as the standard design for all Hackney Carriages licensed by the Council.

RESOLVED:

1. That, subject to the statutory requirements for advertising and dealing with objections, fares which may be charged by Hackney Carriages in the area of Winchester City Council be varied as follows to come into effect from 1 November 2005 (Proposal 7, which produces a fare of £3.80 for the first mile and £1.80 for each subsequent mile during the day and £5.70 for the first mile and £2.70 for each subsequent mile during the night, as detailed in Appendix 3 of the Report) :-

Distance

For the first 480 yards (439 metres) or part thereof £ 2.40.

For each succeeding 200 yards (183 metres) or part thereof, 20p.

Waiting Time

For each period of 1 minute, 25p.

Extra Charges

For each hiring which commences between 11.00pm and 6.00am or at any time on Bank Holidays and Public Holidays, or after 6.30pm on Christmas Eve, or at any time on 26 December from 6.00am, or at any time on 1 January from 6.00am - 50% of the above rate fare.

For each hiring on Christmas Day or at any one time until 6.00am on Boxing Day -100% of the above rate of fare.

Fouling charge, £40.00.

2. That the new design of the taxi-light be approved as the Council standard.

3. That the £3 private telephone booking charge in the 2004/05 fare chart be removed.

(In accordance with Council Procedure Rule 32 Councillor Mather requested that her name be recorded as abstaining from this vote)

317. **LICENSING SUB-COMMITTEE MINUTES, HELD 2 JUNE 2005**
(Report LR157 refers)

At the invitation of the Chairman, Councillor Verney spoke with regard to the Council's Licensing Policy and Members explained that there was no policy difference between applications from rural and urban areas.

RESOLVED:

That the minutes of the Licensing Sub-Committee, held 2 June 2005 be received (attached as Appendix A to the minutes).

318. **LICENSING SUB-COMMITTEE MINUTES, HELD 14 JULY 2005**
(Report LR160 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee, held 14 July 2005 be received. (attached as Appendix B to the minutes).

319. **LICENSING SUB-COMMITTEE MINUTES, HELD 20 JULY 2005**
(Report LR161 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee, held 20 July 2005 be received (attached as Appendix C to the minutes).

320. **LICENSING SUB-COMMITTEE MINUTES, HELD 9 AUGUST 2005**
(Report LR162 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee, held 9 August 2005 be received (attached as Appendix D to the minutes).

321. **LICENSING SUB-COMMITTEE MINUTES, HELD 16 AUGUST 2005**
(Report LR163 refers)

RESOLVED:

That, subject to the above, the minutes of the Licensing Sub-Committee, held 16 August 2005 be received (attached as Appendix E to the minutes).

322. **LICENSING SUB-COMMITTEE MINUTES, HELD 17 AUGUST 2005**
(Report LR170 refers)

The Committee noted an alteration, highlighted by tracked changes on page 4 that deleted at (6): "in accordance with the provisions of condition [5] (Operating Hours) above."

RESOLVED:

That the minutes of the Licensing Sub-Committee, held 17 August 2005 be received (attached as Appendix F to the minutes).

323. **LICENSING SUB-COMMITTEE MINUTES, HELD 25 AUGUST 2005**
(Report LR164 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee, held 25 August 2005 be received (attached as Appendix G to the minutes).

324. **LICENSING SUB-COMMITTEE MINUTES, HELD 31 AUGUST 2005**
(Report LR165 refers)

The Committee noted an alteration, highlighted by tracked changes on page 2 to paragraph 4 to read: "...prevented her from opening windows in the evening and that she was concerned that the value of her property might be affected."

RESOLVED:

That the minutes of the Licensing Sub-Committee, held 31 August 2005 be received (attached as Appendix H to the minutes).

325. **LICENSING SUB-COMMITTEE MINUTES, HELD 5 SEPTEMBER 2005**
(Report LR166 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee, held 5 September 2005 be received (attached as Appendix I to the minutes).

326. **LICENSING SUB-COMMITTEE MINUTES, HELD 6 SEPTEMBER 2005 (am)**
(Report LR167 refers)

The Committee noted a typographical error within the report at page 6, in which the sentence beginning "If the application is granted..." (under "Additional Conditions") should be deleted.

RESOLVED:

That, noting the above, the minutes of the Licensing Sub-Committee, held 6 September 2005 (am) be received (attached as Appendix J to the minutes).

327. **LICENSING SUB-COMMITTEE MINUTES, HELD 6 SEPTEMBER 2005 (pm)**
(Report LR168 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee, held 6 September 2005 (pm) be received (attached as Appendix K to the minutes).

328. **LICENSING SUB-COMMITTEE MINUTES, HELD 7 SEPTEMBER 2005**
(Report LR169 refers)

RESOLVED:

That the minutes of the Licensing Sub-Committee, held 7 September 2005 be received (attached as Appendix L to the minutes).

The meeting commenced at 6.30pm and concluded at 7.45pm.

Chairman

LICENSING SUB-COMMITTEE**2 June 2005**Attendance:

Councillors:

Johnston (Chairman) (P)

Hammerton (P)

Pearson (P)

329. APPLICATION FOR AN OCCASIONAL PUBLIC ENTERTAINMENT LICENCE AT WEIR HOUSE, ALRESFORD ON 2 JULY 2005

(Report LR124 refers)

The Sub-Committee met to consider an application made by Councillor Hollingbery for an Occasional Public Entertainment Licence at Weir House, Old Alresford on 2 July 2005. The City Secretary and Solicitor reported the apologies of Councillor Hollingbery, who was unable to attend the meeting, and there were no members of the public in attendance.

Members noted that the event would be a fundraising evening on behalf of a local children's hospice (Naomi House) and was to comprise a number of activities, including music and dancing in marquees for up to 800 people. Following the usual consultation processes, the City Secretary and Solicitor explained that there had been no further representations from members of the public subsequent to the publication of the report. Members noted that the comments of the Hampshire Fire and Rescue Service and officers from the City Council's Building Control and Environmental Health divisions had been incorporated into the report as recommended conditions.

A Member questioned the open water hazards that had been highlighted by the Fire and Rescue Service and the City Secretary and Solicitor explained that the River Alre passed through part of the site and that the safety implications of this would be considered further by officers on a site visit prior to the event.

Members also raised concerns regarding the presence of suitably qualified first aiders at the event. The report had indicated that the applicant had advised that a number of doctors would be attending the event and that he would ask two to be available in case of any emergencies. However, Members were concerned the doctors' position should be clearer in regard to the provision of medical equipment at the event. At the conclusion of the debate, it was agreed that Additional Condition xi be amended to "at least two suitably qualified and equipped first aiders shall be provided," and Members noted it was the applicant's responsibility to meet the terms of the conditions.

During discussion, the Sub-Committee considered the location of the car parking for the event and, whilst assuming that the car parking would be provided by the access road, the City Secretary and Solicitor agreed to check this issue further during the site visit.

In response to Members' questions, the City Secretary and Solicitor confirmed that in regard to noise nuisance, the property's location was relatively isolated.

At the conclusion of the debate, the Sub-Committee agreed to the application as set out in the report, subject to the minor amendment to Additional Condition xi (as above).

RESOLVED:

That the licence be granted to include the relevant *Standard Conditions* and the following *Additional Conditions*:-

- (i) The hours during which the premises may be used for the purposes of this Licence shall be from 1800 Saturday 2 July 2005 to 0300 Sunday 3 July 2005. The
- (ii) The maximum number of persons admitted to the premises whilst in use for the purposes of this Licence shall not exceed 800.
- (iii) Access (of a minimum width of 4 metres, overhead clearance of 4.5 metres and weight loading of 12.5 tonnes) to within 50 metres of all parts of the site must be maintained and unobstructed for emergency vehicles at all times the premises is in use for the purposes of this Licence.
- (iv) The guidance contained in the Hampshire Fire and Rescue leaflet *Guidance for Outside Events and Tented Structures* shall be complied with at all times. Particular attention shall be paid to protecting persons from open water hazards on the means of escape. The number of Stewards is to be agreed with the City Secretary and Solicitor no later than 7 days before the event.
- (v) Each exit from the site must be staffed by a Steward at all times the premises are in use for the purposes of this Licence and lighting should be provided during the hours of darkness. All Stewards must wear tabards to ensure they are immediately identifiable.
- (vi) The Licensee or other person should be available at the premises is in use for the purposes of this Licence to respond to any complaints from the Police, Winchester City Council or any other person.
- (vii) An adequate and wholesome supply of drinking water shall be provided throughout the event. 'Wholesome' shall mean the standard required to meet the Water Supply (Water Quality) Regulations 2000 relating to the quality of water intended for human consumption.
- (viii) A suitable number of water closets and urinals for public use must be provided. On the basis of a maximum of 800 people, the minimum level of sanitary accommodation to be provided is 4 female WCs, 1 male WC and 3 urinals. Sufficient handwashing facilities shall be provided and regular

inspections carried out to ensure that the WCs remain in a clean state throughout the event.

(ix) All site electrical installations and generators shall be installed and checked by a competent electrician. Electrical circuits shall be suitably protected with earth leakage detection systems or earth spikes as appropriate.

(x) Adequate general and emergency lighting, and emergency signage, shall be provided. All temporary structures including marquees, stages and lighting trusses shall be of adequate strength and stability and be suitably constructed. Details shall be provided to the Licensing Authority at least 21 days prior to the event.

(xi) At least two suitably qualified and equipped first aiders shall be provided.

(xii) Emergency Procedures shall be put into place and all responsible people/ stewards briefed of the action to be taken in an emergency.

(xiii) A list of key and emergency personnel and their functions shall be provided to the Licensing Authority at least 14 days prior to the event.

(xiv) The Licensee shall satisfy himself that all contractors are competent.

The meeting commenced at 6.30pm and concluded at 7.00pm.

Chairman

LICENSING SUB-COMMITTEE**14 July 2005**Attendance:

Councillors:

Pines (Chairman) (P)

Bennetts (P)

Mather (P)

330. APPLICATION TO CONVERT AND VARY THE PREMISES LICENCE FOR THE PRIORY INN, WINCHESTER ROAD, BISHOPS WALTHAM

(Report LR126 refers)

The Sub-Committee met to consider an application by Sandra Rees and Julian Blackman to convert the current Justices and Public Entertainment Licences under the Transitional Provisions contained in Schedule 8 of the Licensing Act 2003 (known as 'Grandfather Rights') for The Priory Inn, Winchester Road, Bishops Waltham. The application was also for variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the hours for the sale of alcohol and regulated entertainment, adding the provision of late night refreshment and extending the hours the premises are open for other than licensable activities.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964 and to remove all conditions imposed by the Public Entertainment Licence except any which were reflected in the Licensing Objectives.

The Parties (in accordance with the Licence Act 2003 (Hearings) Regulations 2005) present at the hearing were:- the Applicants (represented by Mr. May); PC Wren for the Police (Responsible Authorities); and Mr. Ramsey, Mr. Stevenson, Mrs. Lanham, and Mrs. Quiney (Interested Parties). Mrs Toms from the Council's Environmental Protection Team was unable to be present due to illness.

Following discussion, the Sub-Committee resolved to convert the current Justices and Public Entertainment Licences.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the representations made by Responsible Authorities and Interested Parties as set out as Appendices to the Report. In summary these referred to issues related to noise, disorder and parking matters.

The Committee considered the representations made by the Council's Environmental Protection Team, which suggested the imposition of four public nuisance conditions and one public safety condition. Mr May accepted the public nuisance conditions, but suggested that the existing (higher) permitted occupancy levels which had been

included in the conversion of the current Justices and Public Entertainment Licences should be viewed as the benchmark level.

Mr May referred to a letter from his clients dated 24 May 2005 setting out proposals for additional conditions in response to concerns raised regarding the prevention of public nuisance. This also confirmed his clients' request for permission to hold 2 outside events per year to finish at 12 midnight. He advised that the pub garden would be closed at 2300 at all other times.

Mr May confirmed that his clients would not be seeking to apply for adult entertainment at the premises as previously requested as part of the application.

PC Wren reported that the majority of the Police's concerns had now been resolved. He also referred to a list of conditions which Gosport and Fareham Police were using as part of their consideration of licensing applications in their area of Hampshire. In summary he advised that the Applicants had agreed that those applicable to these premises had been generally acceptable. PC Wren reported that there had been few recorded instances where police attendance was required at the premises and none regarding complaints from noise.

The Sub-Committee heard from those Interested Parties who wished to speak in support of their representations.

Mr Ramsey advised that he was disturbed regularly most weekends from noise from both inside the building and from the garden.

Mr Stevenson confirmed that in his opinion, disturbance from the premises had increased notably over the last 2 years. He also said that the Council's Licensing policies appeared more robust than that which had been recommended by the Environmental Protection Team to alleviate concerns regarding public nuisance.

Mrs Lanham advised that she was regularly disturbed by music, mostly on Friday and Saturday evenings.

Mrs Quiney reported that she could hear noise from her home in The Avenue some 400 yards from the premises.

Mr May responded to a number of questions from the Sub-Committee and in summing up, stated that the extended opening hours were in response to requests from customers and would also assist in alleviating disturbance from people leaving the premises at an earlier and more regular closing times.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the Application to vary the Premises Licence as requested with a number of conditions as set out below

RESOLVED:

That the application for the Variation of the Premises Licence be granted subject to the following conditions:

1. The hours the premises (indoors only) may open for **plays** shall be:
 - (i) Sunday to Thursday 0730 – 0030
 - (ii) Friday and Saturday 0730 – 0130
 - (ii) New Years Eve 0730 – 0130
2 January

2. The hours the premises (indoors only) may open for films shall be:
 - (i) Sunday to Thursday 0730 – 0030
 - (ii) Friday and Saturday 0730 – 0130
 - (ii) New Years Eve 0730 – 0130
2 January

3. The hours the premises may open for indoor sporting events shall be:
 - (i) Sunday to Thursday 0730 – 0030
 - (ii) Friday and Saturday 0730 – 0130
 - (ii) New Years Eve 0730 – 0130
2 January

4. The hours the premises may open for live and recorded music shall be:
 - (i) Sunday to Saturday 0730 to 0000 (2300 for the outside parts of the premises, save on two occasions in each calendar year (to be notified in writing at least seven days in advance to the Licensing and Registration Manager) when the terminal hour shall be 12.00 Midnight)

5. The hours the premises may open for the performance of dance shall be:
 - (i) Sunday to Thursday 1000 - 2330
 - (ii) Friday and Saturday 1000 – 0000 (2300 for the outside parts of the premises, save on two occasions in each calendar year (to be notified in writing at least seven days in advance to the Licensing and Registration Manager) when the terminal hour shall be 12.00 Midnight)

6. The hours the premises (indoors only) may open for entertainment of a similar description (quiz comperes, comedians, amplified) shall be:
 - (i) Sunday to Thursday 1000 - 2330
 - (ii) Friday and Saturday 1000 - 0000

7. The hours the premises (inside only) may open for provision of facilities for dancing shall be:
- | | | |
|------|---------------------|-------------|
| (i) | Sunday to Thursday | 0800 – 0030 |
| (ii) | Friday and Saturday | 0800 – 0130 |
| (ii) | New Years Eve | 0730 – 0130 |
| | | 2 January |
8. The hours the premises (indoors only) may open for late night refreshment shall be:
- | | | |
|-------|---------------------|-----------------------|
| (i) | Sunday to Thursday | 2300 - 0030 |
| (ii) | Friday and Saturday | 2300 - 0130 |
| (iii) | New Years Eve | 2300 - 0500 1 January |
| (iv) | New Years Day | 2300 - 0500 |
| | | 2 January |
9. The hours the premises may open for the sale of alcohol shall be:
- | | | |
|------|---------------------|-------------|
| (i) | Sunday to Thursday | 1000 - 0000 |
| (ii) | Friday and Saturday | 1000 - 0100 |
| (ii) | New Years Eve | 1000 – 0100 |
| | | 2 January |
10. The hours the premises may open for other than Licensable Activities shall be:
- | | | |
|-------|---------------------|-------------|
| (i) | Sunday to Thursday | 0730 - 0030 |
| (ii) | Friday and Saturday | 0730 - 0130 |
| (iii) | New Years Eve | 0730 – 0130 |
| | | 2 January |
11. The outside areas of the premises shall not be used after 2300 on any day.

Crime and Disorder

1. There will be a 30 minute “wind down” period at the end of the sale of alcohol .
2. All staff shall receive drugs awareness training as part of their induction.
3. The licence holder shall install a CCTV system in the premises to the satisfaction of the Police before the premises are first used under this Licence.

4. Hot food shall be provided up at least until 30 minutes before the closure of the premises.
5. Staff shall be present when the premises are closed to disperse customers from the premises to ensure they do not linger and cause public nuisance.

Public Nuisance

1. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.
2. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
3. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
4. Staff will be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
5. No entertainment shall be provided until a suitable sound limitation device is installed and calibrated to the satisfaction of the Director of Communities. The approved device shall be operated at all times when amplified entertainment is provided.
6. The volume of music shall be reduced and the lighting levels increased 30 minutes before the premises closes.
7. Local taxi company telephone numbers shall be prominently displayed on the premises near exits and the licensee shall liaise with taxi firms to alleviating possible disturbance.

Protection of Children

1. The Licensee shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

The meeting commenced at 2pm and concluded at 4.40pm.

Chairman

LICENSING SUB-COMMITTEE**20 July 2005**Attendance:

Councillors:

Evans (Chairman) (P)

Nelmes (P)

Pines (P)

Others in attendance who did not address the Sub-Committee:

Councillor Johnston

331. **RENEWAL AND VARIATION OF PUBLIC ENTERTAINMENT LICENCE FOR FULFLOOD ARMS, CHERITON ROAD, WINCHESTER**
 (Report LR123 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 Ms J Barton and Mr L Cooper (who were the licencees of the Fulflood Arms) and nine local residents.

Mr Myall advised that since publication of the above report, two further letters in support of the application had been received and the Sub-Committee noted that a total of 12 letters of objection and 11 letters of support had been received.

During debate, Councillors questioned the hours of the Public Entertainment Licence (PEL). In response, Mr Myall confirmed that if the applicant applied to extend the opening hours of the premises, this would have a corresponding effect on the hours of the PEL.

Other Members questioned the nature and number of previous complaints regarding noise from the public house.

At the invitation of the Chairman, Ms Barton spoke in support of the application. In response to a suggestion that the noise generated could be minimised by closing the thick curtains at the premise's windows, she advised that she was reluctant to do so as they would cover the extractor fans in two of the front windows. She explained that drawing the curtains caused the temperature of the premises to rise severely in warmer weather, due in part to the room's small size and south-facing aspect.

Ms Barton also confirmed that the amplification system was positioned away from the party wall with a residential property in Cheriton Road and that the speakers were aimed into the public house.

Responding to questions from Members, Mr Cooper stated that the building was too small to accommodate lobby doors at either the front or back which might help retain the sound. Members noted that the situation was exacerbated because the gentlemen's toilets were located in a building in the rear garden, accessed around the outside of the building.

At the invitation of the Chairman, Mr Abell spoke in objection to the application on behalf of the eight local residents who had attended the meeting. Mr Abell presented to the Sub-Committee a map illustrating the location of those who had supported and those that had objected to the application which highlighted a cluster of objections around the public house. He explained that none of the residents who had commented on the application were against the success of the Fulflood Arms, but that a balance was required between the needs of the public house and local residents. He added that in addition to issues of noise from the acts, there had been additional noise problems regarding the performers packing their equipment away after the event. In summary, Mr Abell stated that the residents therefore requested that the noise from the public house should be kept to an unobtrusive level and one which could not be heard in nearby residential properties with shut windows and doors.

In response to Members questions, Mr Abell confirmed that the noise frequency was both at a high and low pitch but he underlined that not every event held at the Fulflood Arms had produced an obtrusive level of noise. Mr Abell also reported that he had met with the applicant to discuss these issues.

At the conclusion of her address to Members, Ms Barton sympathised with previous complaints from local residents as she had previously invited bands with drum kits which had resulted in excessive noise. She also advised that a particular difficulty had arisen due to the noise nuisance generated by an Elvis impersonator and assured Members that this act would not be booked again in future. Following these problems, she stated that all future acts would not use drum kits and that she would research acts in advance of the booking. It was therefore likely that most acts would consist of either solo artists or duets.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had considered the application, the case presented by the applicant together with the observations of 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.

The Sub-Committee agreed that the license should be granted, with the additional conditions set out in the recommendation, subject to further changes.

RESOLVED:

That the application to renew and vary the Public Entertainment Licence is granted subject to the following conditions:-

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

Sundays from 2000 to 2230

- (ii) The premises shall not be used for the purposes of this Licence on more than TWO occasions in any one calendar month without the written permission of the Council.
- (iii) The Licensee shall notify the Licensing and Registration Manager at least seven days in advance of any occasion when the premises are to be used for the purpose of this licence.
- (iv) The maximum number of persons permitted to be admitted to the premises whilst in use for the purposes of this licence shall be 70.
- (v) All windows must be kept closed whilst the premises are in use for the purposes of this Licence.
- (vi) All doors which are capable of being opened to the outside must be kept closed whilst the premises are in use for the purposes of this Licence except for access and egress.
- (vii) The Licensee or his representative is to monitor noise levels at the boundary of the site to assess whether the noise is likely to disturb nearest residential property. If levels are likely to cause disturbance suitable action must to be taken which could include reducing the volume of music. The Licensee shall implement any measures recommended by the Director of Communities for noise reduction.
- (viii) The entertainment shall finish promptly at 2230.
- (ix) Signs shall be erected at the exits to the premises asking patron and performers to leave quietly and respect the residential neighbourhood.

The meeting commenced at 9.00am and concluded at 10.00am.

Chairman

LICENSING SUB-COMMITTEE**9 August 2005**Attendance:

Councillors:

Allgood (Chairman) (P)

Pines (P)

Sutton (P)

332. **RENEWAL OF PUBLIC ENTERTAINMENT LICENCE FOR THE DOVE INN, ANDOVER ROAD, MICHELDEVER STATION, WINCHESTER**
(Report LR127 refers)

The Chairman welcomed to the meeting the applicant, Mr Carley together with 11 members of the public.

In introducing the application, the City Secretary and Solicitor reminded the meeting that the existing Public Entertainment Licence for the premises had been in force since January 2005 for a 6 month period. There was no application to vary the licence. Attention was also drawn to the number of representations received regarding the proposals. These included complaints of increased noise disturbance during events as well as those in support of the application. Reference was also made to the recommendations of the Director of Communities for the applicant to appoint a specialist acoustic advisor regarding the noise disturbance from the premises.

Following a question, the City Secretary and Solicitor confirmed that there were no constraints on the number of events held within the specified hours as part of the conditions of the original licence, as long as the Council was given prior notification of events. The Director of Communities also clarified that complaints regarding persistent noise disturbance were generally from residents of Brunel Close and that sound recording equipment installed at one of the properties had substantiated these concerns.

At the invitation of the Chairman, Mr Carley detailed to the Sub-Committee proposed and ongoing structural changes to the premises to improve acoustics as so to attenuate the concerns raised by some residents. These included the moving of the band area away from the rear of pub, closest to Brunel Close. He also confirmed that he would be employing the services of a specialist acoustic advisor as recommended by the Director of Communities. Responding to questions, he reported that as far as he was aware, car parking was not an issue and that some customers came by train. He also advised that he had recently cancelled those live bands that he considered might be excessively loud.

At the invitation of the Chairman, seven members of the public including local residents and neighbours of the public house addressed the Sub-Committee:

- (i) Mr Herrity, a resident of Andover Road spoke in support of the application. He stated that he was satisfied the landlord was doing his best to address the concerns raised of noise disturbance.
- (ii) Mrs Roberts, a resident of Andover Road close to the public house, also spoke in support of the application. She stated that the majority of residents of Micheldever appreciated the public house as a community facility and that it was run well by the applicant.
- (iii) Mr Hudson, a resident of Brunel Close, stated that although there had been an increase in noise when the Mr Carley first became licensee, this had been swiftly addressed. He stated that he supported the application as the public house had become a good community facility.
- (iv) Mrs Smith, also a resident of Brunel Close, reiterated her concerns regarding the premises as detailed in her letters as appended to the report. In summary she reported that the noise disturbance occurred every time an event was held. She stated that she had observed customers leaving the premises noisily with bottles. Following questions, she reported that in her experience, neither the remedial works to improve sound insulation nor relocating the band area within the premises had been effective.
- (v) Mr Smith (husband of Mrs Smith) stated that the application should not be for entertainment seven days a week due to the noise disturbance apparent during each event.
- (vi) Mrs Goff (daughter of Mrs Smith) advised that her daughter had been unable to stay with her grandparents as she had been disturbed by the noise.
- (vii) Mr White, also a resident of Brunel Close, reported that Mr Carley had quickly addressed his concerns of noise disturbance when he first took over the premises. Since that time he had experienced no problems. He also stated that parking in the vicinity had only become a problem from the customers of the railway station.

The Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the application to renew the Public Entertainment Licence as requested with a number of conditions as set out below.

RESOLVED:

1. That the application to renew the Public Entertainment Licence is granted subject to the following conditions:-

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

Mondays to Saturdays 1200 to 2400

Sundays 1200 to 2300

- (ii) The maximum number of persons permitted to be admitted whilst the premises are in use for the purposes of this Licence, shall not exceed 110 persons;
- (iii) The Licensee must notify the City Secretary and Solicitor of any event when this Licence is to be used at least seven days in advance of any proposed use. There is no limitation on the number of events held on the premises.
- (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 any mechanical, electrical or other device, at any time whilst the premises are in use for the purposes of this licence.
- (v) The applicant shall appoint a specialist acoustic advisor to undertake a noise report of the premises with a view to making recommendations for noise attenuation. The Licence shall not be used until such measures have been put in place to the satisfaction of the Director of Communities.
- (vi) The Licensee or his representative shall monitor noise levels at the boundary of the site whenever the Licence is being used to assess whether the noise is likely to disturb nearest residential property. If levels are likely to cause disturbance, suitable action shall be taken which could include reducing the volume of music.
- (vii) The entertainment shall finish promptly at the times stated in the Licence.
- (viii) The Licensee should erect notices at the exits to the premises reminding customers of the residential nature of the neighbourhood and asking them to leave quietly.

Informative

The Licensee should publicise locally all events to be held on the premises.

The meeting commenced at 6pm and concluded at 7.10pm

Chairman

LICENSING SUB-COMMITTEE**16 August 2005**Attendance:

Councillors:

Hammerton (Chairman) (P)

Allgood (P)

Nelmes (P)

333. APPLICATION TO VARY THE PREMISES LICENCE FOR THE CART AND HORSES, LONDON ROAD, KINGSWORTHY, WINCHESTER

(Report LR128 refers)

The Sub-Committee met to consider an application by Greene King Brewing & Retailing Limited for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the hours for the sale of alcohol and regulated entertainment for The Cart and Horses, London Road, Kings Worthy, Winchester.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964 and to remove all conditions imposed by the Public Entertainment Licence except any which were reflected in the Licensing Objectives.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: the Applicants (represented by the designated premises supervisor Mr Longley) and Mrs Blazdell from the Council's Environmental Protection Team.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the representations made by Responsible Authorities and 3 letters from Interested Parties as set out as Appendices to the Report. In summary these referred to issues related to possibility of noise disturbance, apparent intrusion from lighting and concern of 'off-sales' of alcohol.

The Licensing Manager circulated to the Sub-Committee an email recently received from the applicant was that confirmed that Greene King accepted the recommendations made by Mrs Blazdell (as set out at Appendix 2.1 of the Report) and that the additional hour was intended for the public house's existing customer base to enjoy a more leisurely evening.

Responding to questions, the Licensing Manager advised that Mrs Blazdell's recommendations had been incorporated into the applicants' proposed operating schedule. He reminded the meeting that the Public Safety Recommendations were not enforceable by the Council. Referring to the concerns expressed in the letters from interested parties, he reported that provisions for 'off-sales' was a continuation of that currently licenced. Furthermore, he confirmed the restrictions on children on

the premises (including the restaurant and skittle alley areas) as set out in the Licensing Act 2003 and previous legislation.

Mr Longley responded to questions from the Sub-Committee and in summing up, stated that the extended opening hours would not be regularly utilised. He advised that the additional hour would be beneficial to accommodate occasional parties and skittle alley games. Mr Longley responded to concerns made in letters from interested parties regarding the lighting of the façade of the premises. He stated that he would investigate these concerns; however no upgrading of the lighting had been undertaken.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the Application to vary the Premises Licence as requested with conditions as set out below

RESOLVED:

That the application for the Variation of the Premises Licence be granted subject to the following conditions:

1. The hours the premises may open for other than Licensable Activities shall be:

- (i) *Sunday to Thursday 1000 to 2330
(outside areas 1000 to 2330)*
- (ii) *Friday and Saturday 1000 to 0030
(outside areas 1000 to 2330)*

2. The hours the premises may be used for the sale of alcohol shall be:

- (i) *Sunday to Thursday 1000 to 2300*
- (ii) *Friday and Saturday 1000 to 0000
(outside areas 1000 to 2300)*
- (ii) *New Years Eve 1000 – 0000 2 January
(outside areas 1000 to 2300)*

3. The hours the premises may be used for regulated entertainment shall be:

- (i) Live and recorded music, DJ and karaoke
Sunday to Saturday 1800 to 2300 Inside only

4. The hours the premises may be used the provision of late night refreshment shall be:

- (i) *2300 to 0000 Friday and Saturday Inside only*

6. The outside areas of the premises shall not be used after 2300.

Crime and Disorder

1. All external walkways and car parking areas shall be illuminated during the hours of darkness up to 30 minutes after the premises close.
2. Before they first commence their duties at the premises, all staff shall be trained to deal with a) illegal activities and conflict management b) dealing with customers when service is refused on the basis of drunkenness.
3. A written policy for sensible consumption of alcohol shall be adopted and all staff shall be trained in the implementation of the policy before the premises are used for the purposes of this Licence.
4. The premises shall be a member of a local Pubwatch scheme if available
5. Before the premises are first used for the purpose of this licence, a suitable system shall be installed to summon Police assistance in the event of an emergency or other appropriate event occurring (Advance Protection System).

Public Safety

1. All staff shall maintain a close watch on the trading area and behaviour of customers at all times and shall either a) take appropriate action where needed or b) report concerns to their manager (where they are not authorised to deal personally with an issue).

Public Nuisance

1. No regulated entertainment shall take place outside the premises (other than background music which shall cease at 2100).
2. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
3. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
4. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimise disturbance to local residents.
5. All regulated entertainment with the exception of recorded music shall cease promptly at 2300.
6. Regulated entertainment shall be restricted to the inside of the premises.

7. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.
2. No children shall be permitted to be on the premises after 2200.
3. Children shall only be permitted in the dining area unless it is necessary to pass from one part of the premises to another.

Removal of Embedded Restrictions

1. The provisions of Section 168 Licensing Act 1964 shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.
6. The applicant investigate the angling of the lighting if the façade of the premises to address concerns of local residents.

The meeting commenced at 2pm and concluded at 2.50pm.

Chairman

LICENSING SUB-COMMITTEE**17 August 2005**Attendance:

Councillors:

Pines (Chairman) (P)

Cook (P)

Hammerton (P)

334. THE FOX AND HOUNDS, CRAWLEY
(Report LR129 refers)

Councillor Cook declared a personal (but not prejudicial) interest in this item as he was acquainted with an objector who had made a written representation against the application and he spoke and voted thereon.

The Sub-Committee met to consider an application by Peter and Katherine Airey for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the hours for the sale of alcohol and regulated entertainment for The Fox and Hounds, Crawley. The details of the proposed variations were as set out in the report.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: an Applicant (Mr Airey) and Mrs Blazdell from the Council's Environmental Protection Team, Directorate of Communities and five local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the representations made by Responsible Authorities and 23 letters from Interested Parties as set out as Appendices to the Report. In summary these referred to issues related to noise and car parking.

During debate, Members were concerned about the car parking on the narrow road outside the Fox and Hounds and Inspector Sargent confirmed that the Police had made no representations with regard to the application. It was also noted that the car park to the rear of the public house had a capacity for 17 vehicles and that most of the on-street parking was related to the surrounding residential properties.

The Director of Communities explained that a number of recommended conditions within the report sought to alleviate the potential of noise nuisance from the public house. In response to a question, it was confirmed that the structure of the building was suitable to contain noise, so long as the external doors and windows were kept

shut. The applicant should continuously monitor the noise level to ensure that it did not disturb nearby residents. Noise-limiter devices were not effective in controlling the volume of live acts which, under the conditions of the application, could be held at the public house. The applicant was requested to inform the Council when live acts were booked to play, so that the Environmental Health team could make the necessary checks.

At the invitation of the Chairman, Mr Davis spoke in objection to the application. As a local resident, Mr Davis stated that the variation sought in the license was likely to increase traffic and parking problems in the area. Members noted the narrow road outside the public house, and that the car parking made it difficult for large vehicles to pass and that it was also difficult for residents to safely exit their private driveways. Mr Davis also commented on the likely increase in noise (especially from the Fox and Hound's garden), a concern on the type of music to be played and a possible disturbance from an increased number of service vehicles.

At the invitation of the Chairman, Mr Fratter (on behalf of Crawley Parish Council) spoke in objection to the proposed variation in the licence. Whilst Mr Fratter acknowledged the importance of maintaining a vibrant public house in the village, he expressed concerns as the proposed licence had the potential, if used to its fullest extent, to unsettle the balance between the needs of local residents and the needs of the public house.

At the invitation of the Chairman, Mr Ely spoke as a local resident in objection to the application. He stated that the proposed application represented a significant extension of its hours and he referred Members to the Council's Policy Document, which amongst other things, asked applicants to demonstrate that a variation would have no adverse effect. Mr Ely also commented on the need for the public house to better consult with local people.

Mr Airey, as one of the applicants, spoke in support. He stated that the number of events likely to be held in the garden would be minimal and that he had no intention to change the manner in which the premises had been successfully run. He explained that the variation was sought so that the public house could better compete with its competitors. With regard to public consultation, Mr Airey explained that he had offered to hold public meetings and had notified the Parish Council, but this had not generated any interest from anyone. With regard to the parking problems, Mr Airey stated that as the restaurant was already operating at full capacity, it was unlikely that the extended hours would result in increased traffic.

In response to a Member's question, Mr Airey explained that a start time of 0700 hours had been sought for occasional champagne breakfasts and sports events.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the Application to vary the Premises Licence as set out in the report (and as below) subject to amended condition to reduce the outdoors operating hours to 12.00 to 22.00 Mondays to Saturdays and 12.00 to 21.00 on Sundays; so as to minimise the potential of noise nuisance for nearby residents. The Chairman advised the members of public present of the licensing review procedures and recommended that their concerns regarding on-street parking should be directed elsewhere.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions:

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premise's licence must be made or authorised by a person who holds a personal licence.

3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions:

Operating Hours:

1. The hours the premises may open for other than Licensable Activities shall be:

Sunday to Thursday 0700 to 0030
Friday and Saturday 0700 to 0130

2. The hours the premises may be used for the sale of alcohol shall be:

Sunday to Thursday 0700 to 0000
Friday and Saturday 0700 to 0100

3. The hours the premises may be used for regulated entertainment shall be:

(i) Sunday to Saturday 0700 to 2330
Films, Indoor sporting events

(ii) Monday to Saturday 1200 to 2330 indoors
12.00 to 22.00 outdoors

Sunday 12.00 to 11.30 indoors
12.00 to 21.00 outdoors

Live Music, Recorded Music, Karaoke, DJ, Comperes for Quiz, Comedians (amplified)

(iii) Sunday to Saturday 1200 to 0000
Facilities for Dancing

4. The hours the premises may be used the provision of late night refreshment shall be:

Sunday to Saturday 2300 to 0030

All Licensing Objectives:

Crime and Disorder:

1. There will be a 30 minute "wind down" period at the end of the sale of alcohol, during which time access to the toilets shall be maintained and non-alcoholic refreshment provided.

2. A personal licence holder shall be present on the premises at all times when they are open for trading.

3. All staff shall receive guidance on the Licensing Act 2003 and drugs awareness training as part of their induction.

4. Hot food and/or drink shall be provided up until 30 minutes before the closure of the premises.

5. Staff shall be present when the premises are closed to disperse customers from the premises to ensure they do not linger and cause public nuisance.

6. Not less than ten working days' notice shall be given to the Police before any day when the Licensee wishes to open the premises outside the operating hours set out above.

Public Safety

1. The number of persons allowed at any function shall not exceed 100.

2. The number of persons allowed on the premises shall not at any time exceed 150 persons.

3. The Licensee shall employ suitable methods of recording the number of persons on the premises, such methods to be agreed with the Police and the Licensing Authority.

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.

2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.

4. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes to regulated entertainment.

5. All live and recorded music inside the premises shall cease promptly at 2330.

6. All live and recorded music in the garden shall cease prior to 2200 (Monday to Saturday) and 2100 on Sundays, when the garden will be closed.

7. All kitchen extractor fans will be cleaned at least once a week.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Removal of Embedded Restrictions:

1. The embedded restrictions included in the provisions of the Licensing Act 1964, the Children and Young Persons Act 1933 and the Cinematograph (Safety) Regulations 1955 shall not apply.

Informatives:

The following measures are recommended to the Licensee and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. All doors on escape routes should be free from fastenings, or if fitted should be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.

2. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.

3. Copies of fire test results on any fabrics should be held on the premises for inspection if required.

4. If the premises are not fitted with a fire alarm and detection system, then a written procedure for raising the alarm should be kept on the premises.

335. **THE JOLLY FARMER, ANDOVER ROAD, WINCHESTER**
(Report LR130 refers)

The Sub-Committee met to consider an application by Greene King Brewing and Retailing Ltd under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the hours for the sale of alcohol and regulated entertainment for The Jolly Farmer, Andover Road, Winchester. The details of the proposal were as set out in the report.

The application was also to remove all embedded restrictions inherent in Section 168 of the Licensing Act 1964.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: a representative of the applicant (Ms Britton), Mrs Blazdell from the Council's Environmental Protection Team, Directorate of Communities and three local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the representations made by Responsible Authorities and 16 letters from Interested Parties as set out as Appendices to the Report. In summary, these referred to issues related to noise and disturbance from patrons leaving the premises. Other than the Director of Communities, no comments had been received from the responsible authorities, such as the Police.

The Director of Communities stated that there had been no previous complaints received against the public house and that the building was suitable to contain noise, so long as the external windows and doors were kept shut. Ms Britton had, subsequent to the publication of the report, agreed to limit the number of karaoke nights to one per week except weeks which included a Bank Holiday when she agreed to inform the Council's Licensing Officer 10 days in advance if a karaoke event was also to take place on the Bank Holiday.

At the invitation of the Chairman, Mr Palacio spoke on behalf of Mr Parker, a local resident, in objection to the application. In summary, Mr Palacio requested that the line of trees which bordered the Jolly Farmer's car park and the rear of Brassey Road properties should be reinstated and that the adjoining rear pathway should also be repaired by the applicant. He explained that this would help reduce the noise nuisance from the car park and beer garden and that relations with neighbouring properties could be further improved if the public house could inform residents of forthcoming events that were likely to be noisy.

At the invitation of the Chairman, Mr Edwards spoke as a local resident in objection to the application. Whilst Mr Edwards congratulated the current tenants on their good management of the premises, he raised concerns regarding to the potential for increased noise if the sought licence was used to its fullest extent. He further commented on the associated problems regarding increased service vehicles and the noise from the car park and noise from the late night disposal of bottles.

Ms Britton, as a representative of the applicant, spoke in support of the application. She stated that in eight years of managing the premises there had been no serious complaints regarding noise. She further explained that the trees behind the public house had been removed by the previous managing company, at the request of a resident. Ms Britton also stated that bottles had not been emptied into recycling bins late at night and agreed to post a list of forthcoming events in the window of the premises.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the Application to vary the Premises Licence as set out in the report (and as below) subject to amended conditions which:

- a) limited the hours that the garden could be used to 2300;
- b) limited karaoke events to once a week, Bank Holidays excepted, when the Council's Licensing Officer would be informed 10 days in advance if a further such event was to take place.
- c) prevented the disposal of empty bottles outside during the hours 2300-0700.

The Chairman also drew Ms Britton's attention to the condition that required all external doors and windows to be kept shut during regulated entertainment.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions:

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premise's licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions:

Operating Hours:

1. The hours the premises may open for other than Licensable Activities shall be:

Sunday to Thursday 1000 to 2330 (outside areas 1000 to **2300**)
Friday and Saturday 1000 to 0030 (outside areas 1000 to **2300**)

2. The hours the premises may be used for the sale of alcohol shall be:

Sunday to Thursday 1100 to 2300

Friday and Saturday 1100 to 0000 (outside areas 1100 to 2300)

New Years Eve 1100-0000 2 January (outside areas 1100 to 2300)

3. The hours the premises may be used for regulated entertainment shall be:

Live Music, DJ and Karaoke
1800 to 2300 every day (indoors only)

Recorded Music
1800 to 2300 Sunday to Thursday indoors; and 1800 to 2100 outdoors.
1800 to 0000 Friday and Saturday indoors; and 1800 to 2100 outdoors.

4. The hours the premises may be used the provision of late night refreshment shall be:

2300 to 0000 Friday and Saturday inside only.

5. The above times may be extended by one hour on Public Holidays, Bank Holiday Weekends and other notable days (as set out in the application).

6. The above times may further be extended at other times to coincide with any special sporting event of national or international importance, subject to the Licensee giving 14 days prior notice to the Police who shall have an absolute power of veto.

7. The outside areas of the premises shall not be used after 2300.

Crime and Disorder:

1. All external walkways and car parking areas shall be illuminated during the hours of darkness up to 30 minutes after the premises close.

2. Before they first commence their duties at the premises, all staff shall be trained to deal with a) illegal activities and conflict management b) dealing with customers when service is refused on the basis of drunkenness.

3. A written policy for sensible consumption of alcohol shall be adopted and all staff shall be trained in the implementation of the policy before the premises are used for the purposes of this Licence.

4. The premises shall be a member of the local Pubwatch Scheme.

5. Before the premises are first used for the purpose of this licence, a suitable system shall be installed to summon Police assistance in the event of an emergency or other appropriate event occurring (Advance Protection System).

Public Safety

1. All staff shall maintain a close watch on the trading area and behaviour of customers at all times and shall either a) take appropriate action where needed or b) report concerns to their manager (where they are not authorised to deal personally with an issue).

Public Nuisance

1. No regulated entertainment shall take place outside the premises (other than background music which shall cease at 2100).

2. No alcohol shall be consumed outside the premises after 2300.

3. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.

4. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

5. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimise disturbance to local residents.

6. All regulated entertainment with the exception of recorded music shall cease promptly at 2300.

7. Regulated entertainment shall be restricted to the inside of the premises.

8. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes to regulated entertainment.

9. Karaoke events shall be limited to one per week, Bank Holidays excepted, when the Council's Licensing Officer would be informed 10 days in advance if a further such event was to take place on the Bank Holiday.

10. Empty bottles shall not be disposed of outside between the hours of 2300 and 0700.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

2. No children shall be permitted to be on the premises after 2200.

3. Children shall only be permitted in the dining area unless it is necessary to pass from one part of the premises to another.

Removal of Embedded Restrictions:

1. The embedded restrictions included in the provisions of Section 168 Licensing Act 1964 shall not apply.

Informatives:

The following measures are recommended to the Licensee and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.

2. All doors on escape routes should be free from fastenings, or if fitted should be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.

3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.

4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.

5. If the premises are not fitted with a fire alarm and detection system, then a written procedure for raising the alarm should be kept on the premises.

The meeting commenced at 9.00am and concluded at 11.30am

Chairman

LICENSING SUB-COMMITTEE**25 August 2005**Attendance:

Councillors:

Johnston (Chairman) (P)

Bennetts (P)

Mather (P)

Others in attendance who did not address the meeting:

Councillor Pearson

336. THE OLD GAOLHOUSE, JEWRY STREET, WINCHESTER
(Report LR132 refers)

The Sub-Committee met to consider an application by JD Wetherspoon Plc for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the hours for the sale of alcohol and regulated entertainment for The Old Gaolhouse, Jewry Street, Winchester. The details of the proposed variations were as set out in the report.

The application was also to remove certain embedded restrictions inherent in the Licensing Act 1964 with regard to allowing accompanied children in the bar and credit sales. However, since the publication of the report, the applicant had agreed with the Police proposed changes regarding the credit sales, as set out below.

The parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: representatives of the applicant (Mr T Ball, Regional Manager JD Wetherspoon; Mr G Hughes, Licensee; and Ms K Hughes, Legal Representative); and PC T O'Brien, Hampshire Constabulary.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the representations made by Responsible Authorities as set out in the Appendices to the Report. In summary these referred to issues raised by Hampshire Constabulary relating to a request for extended opening hours on no more than 12 occasions per year, removing restrictions on credit sales and the provision of door staff. There were no representations received from interested parties.

In response to Members' questions, the Licensing and Registration Manager clarified that, as the premises did not have a Public Entertainment Licence, there was no mandatory requirement for them to employ door staff. However, if the Sub-Committee decided to include a condition that door staff were in place at certain times, it was a statutory requirement that all door staff be Security Industry Authority (SIA) registered.

PC O'Brien advised that following discussions with the applicant, the Police were now satisfied with the arrangements regarding credit sales because the applicant had confirmed that credit sales would only be allowed on production of a credit card (which would be left behind the bar with the bar staff). PC O'Brien also reported that Hampshire Constabulary were requesting that two SIA registered door staff were in place from 10pm until closing time on Friday and Saturday nights, and that four door staff were in place for the same hours on any occasions when the premises remained open for extended hours. In addition, the door staff should wear reflective jackets.

In response to Members' questions, PC O'Brien advised that since the beginning of 2005, 10 offences could be linked to the Old Gaolhouse, although it was often difficult to specifically link offences to a particular premise. PC O'Brien confirmed that Hampshire Constabulary would not raise any objections to the application as amended.

Ms Hughes advised that the applicant intended to alter their application from that outlined in the report by withdrawing their request for extended hours. In addition, the opening hours should be reduced by 30 minutes (i.e. reduce the "drinking up time" from the one hour originally proposed to 30 minutes).

With regard to the provision of door staff, Ms Hughes advised that the applicant believed that there was no need for the imposition of a condition requiring door staff. This was because The Old Gaolhouse had a good reputation as a responsible, well-managed premises and would employ door staff when it considered necessary (as it did in practice already). However, if the Sub-Committee considered a condition was required, it could specify that JD Wetherspoons undertake its own risk assessment as to on what occasions door staff should be employed. If this was unacceptable to Members, Ms Hughes suggested that the condition include a provision that the need for door staff on a particular night could be waived, with the agreement of the Police (for example, on an exceptionally quiet Friday or Saturday night). Ms Hughes confirmed that the applicant was willing for any door staff to wear reflective jackets whilst on duty.

With regard to the public safety recommendations from the Council's Environmental Protection Team for a recommended maximum occupancy of 300 persons (Appendix 2.1 of the Report refers), Ms Hughes reported that JD Wetherspoons had had independent advice that the premises could allow 990 persons to escape safely in the event of a fire, which was in excess of the number of persons that could be accommodated within the premises. The Licensing and Registration Manager advised that as there was no Public Entertainment Licence, the Council could not impose a limit on the maximum occupancy. However, this would be controlled under Environmental Health and Health and Safety legislation.

The applicant responded to Members' questions regarding their policy on preventing under-age drinking and confirmed that all front-house staff were trained under the 'Challenge 21' Scheme. During discussions about door-staff, one Member commented that it was necessary to have regard to the potential impact from the other licensed premises in and around Jewry Street.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the

hearing. The Sub-Committee agreed to grant the Application to vary the Premises Licence as set out in the report and as amended below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions:

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority (SIA).

Additional Conditions:

Operating Hours:

1. The hours the premises may open for other than Licensable Activities shall be:

Sunday to Thursday	0700 to 0100
Friday and Saturday	0700 to 0130

2. The hours the premises may be used for the sale of alcohol shall be:

Sunday to Thursday	0900 to 0030
Friday and Saturday	0900 to 0100

Additional hours as shown below:

On Christmas Eve until 2.00 am

On Boxing Day until 2.00 am

For an additional hour to the finish times on the following days:-

Burns Night - 25 January

Australia Day - 26 January

St David's Day - 1 March

St Patrick's Day - 17 March

St George's Day - 23 April

St Andrew's Day - 30 November

For an additional 30 minutes to the finish times on the following days:-

Thursday immediately preceding Good Friday

Sunday immediately preceding a Bank Holiday Monday

3. The hours the premises may be used the provision of late night refreshment shall be:

Sunday to Thursday	2300 to 0030
Friday and Saturday	2300 to 0100

All Licensing Objectives:

Crime and Disorder:

1. All staff shall comply with the policy entitled "JDW's Approach to Responsible Drinks Retailing".

2. A CCTV system shall be maintained and in operation at all times that the premises are used for licensable activities, except in circumstances beyond the applicant's control. The tapes or images shall be retained for 30 days and be made available to the Police or Authorised Officers on request.

3. Before they first commence their duties at the premises, all managers shall be trained to deal with a) illegal activities and conflict management b) dealing with customers when service is refused on the basis of drunkenness.

4. The premises shall be a member of a local Pubwatch scheme if available.

Public Safety:

1. Whilst the premises are open for licensable activities, there shall be at least TWO SIA registered door staff on duty from 2200 hours until closing on Friday and Saturday, and on the occasions when the premises are open for additional hours, unless otherwise agreed with the Police. All door staff are to wear reflective jackets whilst on duty.

2. All bar staff shall maintain a close watch on the trading area and behaviour of customers at all times and shall either a) take appropriate action where needed or b) report concerns to their manager (where they are not authorised to deal personally with an issue).

Public Nuisance

1. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

2. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimise disturbance to local residents.

Protection of Children

1. Children shall vacate the bar no later than 2100 hours on any day unless they are eating a table meal, in which case they shall vacate the bar no later than 2130 hours.

2. The premises shall adopt and implement the Challenge 21 Scheme.

Removal of Embedded Restrictions:

1. The provisions of Sections 60, 63(1), 168, 168A and 171 of the Licensing Act 1964 shall not apply.

Informatives:

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.

2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.

3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.

4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.

5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

The meeting commenced at 2.10pm and concluded at 3.40pm

Chairman

LICENSING SUB-COMMITTEE**31 August 2005**Attendance:

Councillors:

Pines (Chairman) (P)

Nelmes (P)

Sutton (P)

Others in attendance who did not address the meeting:

Councillor Pearson

337. UNIVERSITY OF WINCHESTER STUDENTS' UNION BUILDING, WINCHESTER

(Report LR131 refers)

The Sub-Committee met to consider an application by the University of Winchester Students' Union for the renewal of a public entertainment licence (PEL) for the Students' Union Building, Sparkford Road, Winchester.

The Chairman welcomed to the meeting Mr Hodgson (one of the applicants), Mr Geddes (Pro-Vice Chancellor of the University) and Mrs Smith and Mr Hedin (local residents).

The Assistant Licensing and Registration Officer explained that the renewal application was in the same terms as the existing licence and did not seek any change to the current permitted times of entertainment. She added that the existing licence would be replaced by a new premises licence by November 2005 (in accordance with the Licensing Act 2003), which would be the subject of a separate application.

In response to Members' questions, the Assistant Licensing and Registration Officer confirmed that since the current PEL was granted in March 2002, only two complaints had been received from local residents (in response to the current application) and that these related to the movement of pedestrians, rather than noise from the premises themselves. With regard to the building, it was confirmed that the applicant had undertaken significant works to reduce the level of noise that could escape from the building.

At the invitation of the Chairman, Mr Hodgson spoke in support of the application. He stated that the Students' Union took its role within the local community seriously and had therefore organised regular meetings with local residents. These discussions had led to a number of improvements and initiatives which had significantly reduced the number of complaints from residents concerning the Students' Union. He added that relevant staff were licensed by the Security Industry Authority and that all staff ensured that the doors and windows were kept shut to reduce noise nuisance. Mr Hodgson also explained that after a wind-down period within the premises, on leaving patrons were given bottles of water, lollipops, pizzas and sweets to encourage them to walk home quietly. The Students Union was part

of the town's PubWatch Scheme and had been instrumental in promoting its SSHH Campaign (Silent Students, Happy Homes) with local residents.

In response to Members' questions, Mr Hodgson confirmed that the Students' Union was used by students of the University and its guests only.

At the invitation of the Chairman, Mr Geddes (Pro-Vice Chancellor of the University) also spoke in support of the application. In summary, he stated that members of the University's staff had unofficially patrolled the area to assist local residents but, as this had been discouraged by the Police, he suggested that the University might become involved in the City Council's new Neighbourhood Warden Scheme. This was welcomed by Members.

In response to Members' questions, Mr Geddes confirmed that it was likely that the majority of the noise nuisance to residents was caused by a small number of students returning home from the Students' Union. However, in his closing remarks, he stated that the Union provided a safer and more controlled environment for students who would otherwise frequent commercial premises in the town centre and that would be likely to result in more, not fewer, complaints from local residents as students returned home.

At the invitation of the Chairman, Mrs Smith spoke as a local resident against the application. She stated that the noise of students walking past her property in the early hours of the morning had made it difficult to sleep, that it prevented her from opening windows in the evening and that she was concerned that the value of her property might be affected. She also commented that the Police might not have received any complaints regarding the premises because of the high tolerance level of local residents and the pleasant nature of most students when sober.

Mr Hedin spoke as a local resident against the application. In echoing the issues raised by Mrs Smith above, Mr Hedin raised concerns that the views of local residents were not taken seriously by the University.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the application to renew the licence as set out in the report with an additional condition for the Union to post notices at the exits requesting patrons to leave quietly.

The Chairman also reminded the applicant of their duty not to supply alcohol to drunk patrons and reminded the local residents present of their right to apply for a review of any premises licence which might be granted under the terms of the Licensing Act 2003.

RESOLVED:

That the Licence be renewed on the same terms as existing, including the following 'Additional Conditions':-

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

Mondays from 1100 to 0000

Tuesdays	from 1100 to 2300
Wednesdays	from 1100 to 0000
Thursdays	from 1100 to 2300
Fridays	from 1100 to 0100 (Saturdays)
Saturdays	from 1100 to 2300
Sundays	from 1200 to 2230

(xvi) The maximum number of persons permitted to be in the premises whilst in use for the purposes of this Licence shall not exceed 140 in the Round Table Bar and 400 in the remainder of the premises.

(xvii) 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 or other device whilst the premises are in use for the purposes of this Licence.

(xviii) The Licensee or another person nominated by him 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 nuisance received from any person

(xix) Entertainment shall only be permitted during the normal Academic Term Times (based on a 32 week year) including the Graduation period and Freshers weeks, such dates to be notified to the City Secretary and Solicitor not later than 1 July in each year for the following academic year.

(xx) The Licensees are reminded of the need to take all possible steps to reduce any nuisance to any residents or staff and users of the Royal Hampshire County Hospital.

(xxi) Notices shall be displayed at the exits if the premises, advising patrons to leave the premises quietly so as not to cause nuisance to local residents.

338. **THE HORSE AND JOCKEY, CURDRIDGE**
(Report LR133 refers)

The Licensing and Registration Manager stated that since the publication of the above report, the applicant had met with local objectors and satisfied them regarding areas of concern about the future operation of the premises. The Sub-Committee therefore agreed that the item (which sought to vary the Premises Licence) be withdrawn and the application be determined by the City Secretary and Solicitor under delegated authority.

RESOLVED:

That the application be determined by the City Secretary and Solicitor under delegated authority.

The meeting commenced at 6.00pm and concluded at 7.00pm

Chairman

LICENSING SUB-COMMITTEE**5 September 2005**Attendance:

Councillors:

Evans (Chairman) (P)

Pearson (P)

Wright (P)

339. THE WHITE HART, DENMEAD
(Report LR136 refers)

The Sub-Committee met to consider an application by Mr Burridge and Ms Hodgkins for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003, by extending the hours for the sale of alcohol and regulated entertainment for The White Hart, Denmead. The details of the proposed variations were as set out in the report.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Mr Burridge (one of the applicants), Mr Seymour (from McCoys Pub Brokers Ltd on behalf of the applicants) Mr Duthie (the designated premises supervisor) and approximately five local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted the two letters from Interested Parties as set out as Appendices to the Report. In summary, these referred to the potential harm of the application to the village's character, disturbance, crime and disorder, and concerns regarding the extended hours. The Sub-Committee also noted that no representations had been received from the Responsible Authorities.

At the invitation of the Chairman, Mr Seymour spoke in support of the application. He explained that Mr Burridge had 12 years of experience successfully managing premises in the New Forest and recently refurbished the White Hart at considerable cost, which included the creation of disabled toilets and improved disabled access. Whilst requesting the additional hours of operation, the applicant did not intend to change the character of the premises but to regularise the hours with regarding to the serving of food and alcohol. Prior to the submission of the application, Mr Seymour reported that the applicant had met with the Police and withdrawn a request for later hours on bank holidays and karaoke nights.

In response to Members' questions, Mr Seymour confirmed that under the current licensing legislation, the premises were permitted to provide entertainment through

recorded music and/or two live performers. The current application sought to reinstate this right and it was noted that on rare occasions live music would be played (such as at Christmas) the type of music would be “middle-of-the-road.”

The Sub-Committee discussed its duties to protect children under the 2003 Licensing Act and Mr Seymour explained that the premises already adhered to the policies promoted by Hampshire Constabulary’s “Challenge 21 Scheme”.

Mr Seymour also stated that a condition which demanded door staff at the premises would be unnecessary; given the character of the establishment and that the majority of its trade was food. He added that currently 70% of the trade was food sales.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the Report with an additional condition as set out below in bold. The Chairman also stated the rights to an appeal by interested parties granted by the 2003 Licensing Act.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

(i)	<i>Monday to Saturday</i>	<i>1000 to 0030</i>
(ii)	<i>Sunday</i>	<i>1200 to 0000</i>

2. The hours the premises may be used for the sale of alcohol shall be:

(i) *Monday to Saturday* 1000 to 0000

(ii) *Sunday* 1200 to 2330

3. The hours the premises may be used for regulated entertainment shall be:

Video, Amusement Machines, Indoor Sporting Events, Recorded Music, Quiz Compere, Comedians (amplified)

(i) *Monday to Saturday* 1000 to 0030

(ii) *Sunday* 1200 to 0000

Live Music

(i) *Monday to Saturday* 1000 to 2300

(ii) *Sunday* 1200 to 2200

Facilities for Dancing

(i) *Monday to Saturday* 1000 to 0000

(ii) *Sunday* 1200 to 2330

4. The hours the premises may be used the provision of late night refreshment shall be:

(i) *Monday to Saturday* 1000 to 0030

(ii) *Sunday* 1200 to 0000

The above times shall be extended by one hour on Christmas Eve, Boxing Day and New Year's Eve until 0000 hours 1 January each year.

The above hours shall also be extended by one hour on 12 occasions per year. The licence holder shall provide details of the event to the Police at least 7 days beforehand and the Police shall have the power to veto the event.

Crime and Disorder

1. Not less than seven days notice shall be given to the Police for "Event Days", with the Police having the power to veto the event.

2. There shall be a 30 minute "wind down" period at the end of alcohol sales.

Public Safety

1. None

Public Nuisance

7. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
8. Local taxi company telephone numbers shall be prominently displayed on the premises near exits and the licensee shall liaise with taxi firms to alleviating possible disturbance and a payphone shall be provided for the use of customers.
9. Regulated entertainment shall be restricted to the inside of the premises.
10. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.

Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Removal of Embedded Restrictions

1. The provisions of the Licensing Act 1964, except Section 62(2) and 62(3), The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, as they would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

6. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
7. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
8. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
9. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
10. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

340. **THE FOREST OF BERE, DENMEAD**
(Report LR137 refers)

The Sub-Committee met to consider an application by Punch Taverns Plc under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the hours for the sale of alcohol and regulated entertainment for The Forest of Bere, Denmead. The details of the proposal were as set out in the report.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Mr (the designated premises supervisor) and Mrs Boulton, Mr Easton (a representative of the applicant) and approximately five local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the representations made by Responsible Authorities and nine letters from Interested Parties as set out as Appendices to the Report. In summary, these referred to issues related to concerns regarding the proposed extended hours, crime and disorder issues, noise, disturbance, parking and road safety.

The Licensing and Registration Manager reported that, subsequent to the publication of the report, the Police had withdrawn their representation, subject to amended conditions which were presented to the Sub-Committee. In summary, these referred to the applicant having agreed to amend the application for the provision of extra hours on Bank Holidays, to be replaced with 12 occasions in a calendar year when the applicant may extend hours giving seven days notice to the Police. Additional amendments referred to conditions to reduce the period live music could be played and an additional informative to replace standard glasses with toughened glasses.

The Licensing and Registration Manager confirmed, with the withdrawal of the Police's representation, there were no other representations from the Responsible Authorities.

At the invitation of the Chairman, Mr Gray as an interested party and local resident spoke in opposition to the application. With the permission of Mr Easton (on behalf of the applicant) Mr Gray presented to the Sub-Committee photographs of the premises and the surrounding area and reiterated the points raised in his letter which were set out in the appendix to the Report. During his presentation, Mr Gray also explained that he also represented another neighbour, Mr Phillips, who had had his property damaged by a drunken person.

Although Mr Gray stated that, from his property, he rarely heard noise from the premises, his primary concern related to nuisance caused by patrons on leaving the The Forest of Bere. He reported that residents had their front gardens used as toilets and there had been problems of noise and inconsiderate car parking in the area. However, in response to a question from Mr Easton, Mr Gray stated that, although it was not possible to establish a definite link between the premises and these incidents, it was a logical assumption that some of the area's anti-social issues could be attributed to The Forest of Bere.

At the invitation of the Chairman, Mrs Regan spoke in opposition to the application. She explained that the applicant had sent a letter to local residents, setting out its proposals for the application and the letter was presented to Members at the meeting. Mrs Regan also raised concerns regarding noise and the potential nuisance caused by live performances.

At the invitation of the Chairman, Mr Easton spoke in support of the application. In summary, he stated that the minor changes sought in the application would not alter the character of the premises and that the applicant encouraged good communications with local residents. Mr Easton also suggested that the recommended conditions 1, 2 and 3 set out in the Report referring to Public Nuisance were unnecessary and that the Crime and Disorder condition (which required that all external walkways and car parking areas should be illuminated at night) was unreasonable after the premises had closed.

In his closing remarks, Mr Easton also commented on the Government's encouragement of longer licensing hours and that because the Police had withdrawn their representation, the condition requiring the applicant to adopt and implement the Challenge 21 Scheme was unnecessary. Mr Easton added that as a resident of Denmead for 12 years, the applicant was aware of whether his patrons' were legally able to drink and that his staff questioned those he did not know.

In response to Members' questions, Mr Boulton explained that the premises had never been so full as to require a number check for capacities. He also confirmed that bar-staff called taxis for patrons who appeared over the legal limit to drive and that although the premises did not have disabled toilets, it did have ramped access and as a listed building was compliant with the Disability Discrimination Act.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the Report and matters raised during the hearing. The Sub-Committee agreed to approve the application as set out in the Report with an additional condition as set out below in bold. The Chairman also stated the rights to an appeal by interested parties granted by the 2003 Licensing Act.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional ConditionsOperating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|-----------------------------|---------------------|
| (i) | <i>Monday to Wednesday</i> | <i>1100 to 2330</i> |
| (ii) | <i>Thursday to Saturday</i> | <i>1100 to 0030</i> |
| (iii) | <i>Sunday</i> | <i>1200 to 2300</i> |

2. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|-------|-----------------------------|---------------------|
| (i) | <i>Monday to Wednesday</i> | <i>1100 to 2300</i> |
| (ii) | <i>Thursday to Saturday</i> | <i>1100 to 0000</i> |
| (iii) | <i>Sunday</i> | <i>1200 to 2230</i> |

3. The hours the premises may be used for regulated entertainment shall be:

- | | | |
|-------|----------------------------|---------------------|
| (i) | <i>Monday to Thursday</i> | <i>1100 to 2300</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1100 to 0000</i> |
| (iii) | <i>Sunday</i> | <i>1200 to 2230</i> |

Live and Recorded Music only.

2. The above hours may be extended by one hour on no more than 12 occasions in a calendar year. Such extension of hours shall be notified to the Police not less than seven days before the event and the Police will have the power to veto the event.

All Licensing ObjectivesCrime and Disorder

1. There will be a 30 minute "wind down" period at the end of the sale of alcohol.

2. The premises shall be a member of a local Pubwatch scheme if available

3. All external walkways and car parking areas shall be illuminated during the hours of darkness whilst the premises are open and for 30 minutes after the premises are closed.

Public Safety

None

Public Nuisance

1. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
2. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
3. Regulated entertainment shall be restricted to the inside of the premises.
4. All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open whilst the premises are in use for the purposes of regulated entertainment.
5. All live music will cease no later than 2300 on Monday, Tuesday, Wednesday and Thursday and 2230 on Sunday.

Protection of Children

2. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.
2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

6. The Licensee is advised to replace standard glasses with toughened glasses.

7. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.

The meeting commenced at 6.00pm and concluded at 8.50pm

Chairman

LICENSING SUB-COMMITTEE6 September 2005Attendance:

Councillors:

Hammerton (Chairman) (P)

Johnston (P)

Nelmes (P)

341. THE BAT AND BALL, DROXFORD
(Report LR140 refers)

The Licensing and Registration Manager reported that since publication of the above report, the applicant had met with representatives of Responsible Authorities and satisfied them regarding areas of concern about the future operation of the premises. The Sub-Committee therefore agreed that the item (which sought to vary the Premises Licence) be withdrawn and the application be determined by the City Secretary and Solicitor under delegated authority

RESOLVED:

That the application be determined by the City Secretary and Solicitor under delegated authority.

342. THE CHAIRMAKERS, WORLDS END, HAMBLEDON
(Report LR139 refers)

The Sub-Committee met to consider an application by George Gale and Co Limited for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the hours for the sale of alcohol and regulated entertainment for Chairmakers, Hambledon. The details of the proposed variations were as set out in the report.

The application was also to remove all embedded restrictions inherent in Section 168 of the Licensing Act 1964 including the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were a representative of the applicant, Mr Heath from George Gale and Co Limited. There were no representatives of Responsible Authorities or Interested Parties present.

The Licensing and Registration Manager reported that as a result of negotiations between the applicant and the Police regarding their representations made as a

Responsible Authority (as appended to the report), these had now been withdrawn due to the application being modified to their satisfaction.

Further to questions, Mr Heath reported that staff on the premises would continue to monitor noise emitted from the premises and at the boundaries. Furthermore, notices were to be placed close to exits reminding customers to be quiet.

Following discussion, Mr Heath agreed that the conditions be further amended to indicate that recorded music shall be reduced to a background level after 2300 except during the period when Christmas functions may be held on the premises (20 November – 3 January inclusive). Furthermore, the ‘wind down period’ after alcohol sales was to be reduced from 60 minutes to 30 minutes.

The Sub-Committee agreed that it was not necessary to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the Application to vary the Premises Licence with a number of conditions as set out in the report and amended below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Possible Conditions

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule and any additional conditions to reflect the representations from the Police and Interested parties:

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- (i) *Sunday to Saturday* 0700 to 0200
 - (ii) *New Years Eve* 0700 – 0200 (2 January)
2. The hours the premises may be used for the sale of alcohol shall be:
- (i) *Sunday to Saturday* 0700 to 0100
 - (ii) *New Years Eve* 0700 – 0100 (2 January)
3. The hours the premises may be used for regulated entertainment shall be:
- (i) *Sunday to Saturday* 0700 to 0200
 - (ii) *New Years Eve* 0700 – 0200 (2 January)
- (See Public Nuisance Conditions below)
4. The hours the premises may be used the provision of late night refreshment shall be:
- (i) *Sunday to Saturday* 2300 to 0200

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

1. All staff shall be trained in the requirements of the Licensing Act 2003 and receive drugs awareness training as part of their induction.
2. There shall be a 30 minute “wind down period” after the end of alcohol sales.
3. The Designated Premises Supervisor shall be a member of the local Pubwatch scheme so long as it exists.

Public Safety

1. The capacity of the premises, including staff and performers, shall not exceed 250 persons.

Public Nuisance

1. Live music shall cease at 0000 except on New Year’s Eve and New Year’s Day.
2. Live and recorded music in the garden shall cease at 2300.
3. Recorded music indoors shall cease at 0200 except on New Year’s and New Year’s Day.

4. The volume of recorded music shall be reduced after 2300 to background level during the “wind down period” except from 20 November – 3 January inclusive.

5. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Removal of Embedded Restrictions

1. The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.

2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.

3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.

4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.

5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

343. **THE WYKEHAM ARMS, KINGSGATE STREET, WINCHESTER** (Report LR138 refers)

The Sub-Committee met to consider an application by George Gale and Co Limited for the variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the hours for the sale of alcohol and regulated entertainment for Wykeham Arms, Kingsgate Street, Winchester. The details of the proposed variations were as set out in the report.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964 including the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: representatives of the applicant (Mr Makin, Area Manager George Gale & Co Limited and Mr Miller, General Manager of the Wykeham Arms) together with 12 local residents of which four had registered to address the meeting.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the 42 letters from Interested Parties as set out as Appendices to the Report. In summary these referred to issues related to potential for noise from the regulated entertainment and disturbance from persons leaving the premises. It was noted that no representations had been made from Responsible Authorities.

The Sub-Committee heard from those Interested Parties who wished to speak in support of their representations as appended to the report. Mrs Graham, Mr Leeder (Chairman of Culver and St Michael's Roads Residents' Association), Mr Matthews and Mr Romans reminded the Sub-Committee that the area was highly residential and that noise and public nuisance was unacceptable.

Further to questions, Mr Makin explained that it was envisaged that 'one off' regulated events would continue to be held only a few times per year. He added that the premises also acted as a hotel and that it would therefore be commercially unproductive for such customers to be regularly disturbed. Continuing, he added that the 60 minute drinking-up time would assist in alleviating the concentration of noise caused by customers leaving the premises at the same time. He also confirmed that all amplified music and live entertainment would cease at 2300 and that after that, only background music would be played. Mr Makin stated that he had consulted with Mr Leeder from Culver & St Michael's Roads Residents' Association regarding the application but accepted that this organisation did not represent many of the streets closest to the premises. Finally, Mr Makin encouraged local residents to bring to the attention to Mr Miller as resident General Manager of the premises, or himself, any concerns that they might have regarding noise and disturbance.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the Application to vary the Premises Licence with a number of conditions as set out below.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

5. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

6. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

7. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

2. The hours the premises may open for other than Licensable Activities shall be:

- (i) *Sunday to Thursday* 0700 to 0000
- (ii) *Friday and Saturday* 0700 to 0200
- (iii) *New Years Eve* 0700 – 0200 (2 January)
- (v) *Friday, Saturday, Sunday, Monday of Bank Holiday weekends
Christmas Eve and Boxing Day* 0700 to 0200

2. The hours the premises may be used for the sale of alcohol shall be:

- (i) *Sunday to Thursday* 0700 to 2330
- (ii) *Friday and Saturday* 0700 to 0100
- (iii) *New Years Eve* 0700 – 0100 (2 January)
- (vi) *Friday, Saturday, Sunday, Monday of Bank Holiday weekends
Christmas Eve and Boxing Day* 0700 to 0100

The supply of alcohol may be available at all times to residents and their guests.

3. The hours the premises may be used for regulated entertainment shall be:

- (i) *Sunday to Thursday* 0700 to 0000
- (ii) *Friday and Saturday* 0700 to 0200
- (iii) *New Years Eve* 0700 – 0200 (2 January)
- (vii) *Friday, Saturday, Sunday, Monday of Bank Holiday weekends
Christmas Eve and Boxing Day* 0700 to 0200

All such entertainment shall only take place indoors.

8. The hours the premises may be used the provision of late night refreshment shall be:

(i) *Sunday to Saturday 2300 to 0500*

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

4. All staff shall be trained in the requirements of the Licensing Act 2003 and receive drugs awareness training as part of their induction.

5. All staff shall be trained in crime prevention methods.

6. There shall be a 60 minute "wind down period" (30 minutes Sunday – Thursday inclusive) after the end of alcohol sales.

Public Safety

None

Public Nuisance

11. Live music shall cease at 2300 except on Friday, Saturday, Sunday, Monday of Bank Holiday weekends, Christmas Eve and Boxing Day.

12. All amplified music and karaoke shall cease at 2300. Only background music should be played after 2300 which shall be inaudible at the boundary of the premises

13. Regulated entertainment shall be restricted to the inside of the premises.

14. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

5. The Licensing and Registration Manager shall be notified at least 7 days in advance of any event when regulated entertainment (other than background music) is to be provided

Protection of Children

3. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Removal of Embedded Restrictions

1. The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation. As a rough guide and taken from the exits widths shown in the plans alone, the recommended maximum capacity is 90 people in the bar and 30 in the dining area.

2. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.

3. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.

4. Copies of fire test results on any fabrics should be held on the premises for inspection if required.

5. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises. Maintained emergency lighting should be provided over exits.

6. The door from the street into the garden should be changed to open in the direction of escape. Emergency lighting should be provided in this area.

The meeting commenced at 9.00pm and concluded at 11.05am.

Chairman

LICENSING SUB-COMMITTEE**6 September 2005**Attendance:

Councillors:

Evans (Chairman) (P)

Bennetts (P)

Mather (P)

344. **THE KING CHARLES, KINGS WORTHY**
(Report LR141 refers)

The Licensing and Registration Manager stated that since the publication of the report, it had become apparent that the Hearing Notices had not been received by the Interested Parties. It was therefore agreed that the consideration of this item be adjourned to the 6.00pm 14 September 2005 meeting of the Sub-Committee.

The Sub-Committee apologised to Mr Makins and Ms Figgins who had attended the meeting as representatives of the applicant.

RESOLVED:

That the application be adjourned to 6.00pm on 14 September 2005.

345. **SAVANNAH, JEWRY STREET, WINCHESTER**
(Report LR142 refers)

The Licensing and Registration Manager stated that since the publication of the above report, the applicant had met with the Responsible Authorities and satisfied them regarding areas of concern about the future operation of the premises. The Sub-Committee therefore agreed that the item (which sought to vary the Premises Licence) be withdrawn and the application be determined by the City Secretary and Solicitor under delegated authority.

RESOLVED:

That the application be determined by the City Secretary and Solicitor under delegated authority.

346. **THE CROWN, BISHOPS WALTHAM**
(Report LR143 refers)

The Licensing and Registration Manager stated that since the publication of the above report, the applicant had met with the Responsible Authorities and satisfied them regarding areas of concern about the future operation of the premises. The Sub-Committee therefore agreed that the item (which sought to vary the Premises Licence) be withdrawn and the application be determined by the City Secretary and Solicitor under delegated authority.

RESOLVED:

That the application be determined by the City Secretary and Solicitor under delegated authority.

The meeting commenced at 1.00pm and concluded at 1.04pm

Chairman

LICENSING SUB-COMMITTEE7 September 2005Attendance:

Councillors:

Pines (Chairman) (P)

Cook (P)

Macmillan (P)

347. THE HARVEST HOME, SOUTHWICK ROAD, DENMEAD
(Report LR144 refers)

The Licensing and Registration Manager advised that the application for the Harvest Home, Denmead, had been withdrawn as the police were no longer submitting a representation. The Sub-Committee agreed that the item (which sought to vary the Premises Licence) be withdrawn and the application be determined by the City Secretary and Solicitor under delegated authority.

RESOLVED:

That the application be determined by the City Secretary and Solicitor under delegated authority.

348. THE NEW INN, CHAPEL ROAD, SWANMORE
(Report LR145 refers)

The Sub-Committee met to consider an application by Greene King Brewing & Retailing Ltd for variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003, to extend the hours when the above premises are open to the public and for the sale of alcohol.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Paul Tyrrell (Designated Premises Supervisor), Tim Probert-Wood (Counsel for the applicant) and Mr Wright as an interested party. There were no Responsible Authorities present.

The Licensing and Registration Manager explained that the application was for a variation of the Premises Licence, with the conversion of the existing licence being granted under delegated powers on 30 August 2005. The premises did not currently hold a Public Entertainment Licence and the application sought for extended hours for the supply of alcohol Friday and Saturday, and for live music Saturday 2000 to 2330. There was no application to remove the embedded restrictions inherent in the Licensing Act 1964.

In response to Members' questions, the Licensing and Registration Manager confirmed that as far as he was aware there had been no previous problems reported to either himself or the Environmental Protection Team Manager, and that he had

received no representations from Responsible Authorities. He also stated that the letter received from Greene King with the application was a generic letter to cover all their applications and did not specifically relate to this particular application.

Mr Wright spoke as a local resident and raised a number of concerns about the application. He stated that his main concerns related to excessive noise and vandalism in the village, although he commented that he could not attribute these problems to this particular premises. He clarified that the problems mentioned in his letter about excessive noise from the public house garden related to a time when the premises were managed by a previous landlord.

In summary, Mr Wright expressed concern about the feared effects of longer opening hours and asked that if possible the hours could be reduced slightly. He also requested that no music should be played in the garden.

A Member queried the strength of feeling in Swanmore as there had only been one letter of objection received. In response to this Mr Wright reported that he had spoken to many residents of the village about their concerns but that they had not felt the need to put these objections into writing.

Mr Probert-Wood (as a representative of the applicant) spoke in support of the application and stated that several letters had been received supporting the application. However the Licensing and Registration Manager reported that he had not received any such letters, otherwise they would have been included in the report.

Mr Probert-Wood continued that the New Inn was a very well run village public house and that in the two years that the current licensee had been there, no problems had been reported. He stated that the premises were small and therefore did not have the capacity for large scale bands only soloists, and on occasion, duets. Mr Probert-Wood commented on points three and four in Mr Wright's letter, clarifying that the problems outlined were related to the previous licensee and not Mr Tyrrell. He also confirmed that there would be no outside speakers playing music and that there would be no dramatic change from the way the public house was currently operated.

In response to Members' questions, Mr Tyrrell confirmed that there was a notice posted within the premises about their policy on children entering the premises. Children were only allowed entry with a supervising adult and then only when purchasing food, service of which finished at 2100. Mr Tyrrell added that although they also had a children's play area in the garden, this could be accessed without having to go through the bar itself. He also stated that they had a strict policy on under age drinking although the public house predominantly catered for the older clientele.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing. The Sub-Committee agreed to grant the renewal license as set out in the report.

The Chairman also drew attention to the second part of the conditions relating to Public Nuisance that specified that regulated entertainment shall be restricted to the inside of the premises.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence:

9. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

10. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

11. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

Operating Hours

3. The hours the premises may open for other than Licensable Activities shall be:

(i) *Sunday to Thursday* *1100 to 2320*

(ii) *Friday and Saturday* *1100 to 0020*

(iii) The above times to be extended to 0020 on Sundays of Bank Holiday weekends, Christmas Eve, Christmas day, Boxing day, and other Bank Holidays.

2. The hours the premises may be used for the sale of alcohol shall be:

(i) *Sunday to Thursday* *1100 to 2300*

(ii) *Friday and Saturday* *1100 to 0000*

(iii) The above times to be extended to 0000 on Sundays of Bank Holiday weekends, Christmas Eve, Christmas day, Boxing day, and other Bank Holidays.

3. The hours the premises may be used for regulated entertainment shall be:

Saturdays only

2000 to 2330

All Licensing Objectives

Crime and Disorder

7. All external walkways and car parking areas shall be illuminated during the hours of darkness up to 30 minutes after the premises close.

2. Trained staff shall maintain a close watch on the trading area and behaviour of customers at all times and shall either a) take appropriate action where needed or b) report concerns to their manager (where they are not authorised to deal personally with an issue).

Public Safety

4. None

Public Nuisance

15. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.

16. Regulated entertainment shall be restricted to the inside of the premises.

3. No recorded music shall be played at the premises at any time.

Protection of Children

4. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

5. No unaccompanied children shall be permitted to be on the premises.

6. No children shall be permitted to be on the premises after 2100 hours.

Embedded Restrictions

1. The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

7. The Licensee is advised to establish the acceptable occupancy for the premises in accordance with fire safety legislation.

8. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.

9. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.

10. Copies of fire test results on any fabrics should be held on the premises for inspection if required.

11. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

The meeting commenced at 9.30am and concluded at 10.10am

Chairman