

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

Officers in attendance:

Mr J Myall: Licensing and Registration Manager

Mrs S Blazdell: Environmental Health Manager

Mrs C Tetstall: Assistant Solicitor

Mr H Bone: Assistant City Secretary (Legal)

1. **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 Member's 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 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