

LICENSING SUB-COMMITTEE**6 March 2007**Attendance:

Councillors:

Sutton (Chairman) (P)

Mather (P)

Pearce (P)

1. **FORESTER ARMS, NORTH WALLS, WINCHESTER**
(Report LR215 refers)

The Sub-Committee met to consider an application by Greene King Retailing Limited for the variation of a premises licence for the Forester Arms, which recently changed its name to The North Walls, to extend the hours for the sale of alcohol by one hour and to provide late night refreshment for 20 minutes after the hours for alcohol terminate.

The Parties present at the meeting (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) were Mr Jeremy Veitch (Greene King Licensing Manager) and Ms Penelope Appel-Billsberry (Designated Premises Supervisor). Dr Frederick Bartlett attended as an Interested Party and there were 12 members of the public also in attendance. There were no representatives of the Responsible Authorities present.

The Licensing and Registration Manager presented the application to the Sub-Committee as set out in the report. He explained that the former Justices licence had been converted to a premises licence in November 2005 and that, at a meeting of the Licensing Sub-Committee on 20 October 2005, the licence was varied to increase the hours for the sale of alcohol and regulated entertainment. A condition had been imposed requiring the applicant to conduct an acoustic survey and to carry out any necessary works to the satisfaction of the Director of Communities, before any recorded or live music was to be allowed. No work of this nature had been notified to the Director of Communities. He added that although the report stated that the premises may be used for the sale of alcohol from 2300 hours, this should read 1100 hours and that the times were slightly different for Saturdays and Sundays.

In response to questions from Members, the Licensing and Regulation Manager confirmed that no representation had been received from any of the Responsible Authorities. He explained that this was due to there being no reports of noise nuisance being made to the Director of Communities or the Police since the previous licensee vacated the premises.

Mr Veitch then presented the application. He conceded that there had been management control issues with the previous licensee, who left early in 2006. Since this time, temporary managers had run the premises until the current licensees took over in December 2006. He outlined Ms Appel-Billsberry's past experience in the trade and explained the new direction she intended to take with the premises, which involved a move towards good food. The restaurant would be aimed at a more

mature clientele and did not foresee younger drinkers being attracted to the North Walls.

Mr Veitch explained that there was no intention currently to play live or recorded music but that background music, which was allowed under the current licence, would be played. Under the current licence, the licensee would have to conduct an acoustic survey should they wish to play live or recorded music. He added that the windows had been treated to minimise the ingress of traffic noise from North Walls and that this would also assist with the egress of noise from the premises. Mr Veitch acknowledged the representations made by the interested parties, reiterating that the application was only for a modest extension of the current permitted hours. As a gesture of goodwill, Mr Veitch offered that the door on the corner of Parchment Street and North Walls could be closed to customers from 2300 hours. Egress from the premises would therefore only be allowed from the door opening directly onto North Walls.

Ms Appel-Billsberry had written to all the interested parties, explaining the direction that she wished to take the premises. She had also included her contact details should anyone wish to contact her with any issues they may have.

Responding to Members' questions, Mr Veitch confirmed that the outside seating area was on land belonging to the premises and that, under the current licence, this area could be used until 2200 hours. The Licensing and Regulation Manager stated that he had recommended that this area not be used, in light of previous problems associated with customers utilising the tables and chairs provided, but he was not suggesting a condition be attached to the licence to enforce this. Mr Veitch also confirmed that an acoustic report would have to be completed should they wish to provide live or recorded music, under the conditions of the licence, but that the licensees had no intention of this at the current time.

Ms Appel-Billsberry commented, in response to questions, that there would be seating for up to 50 patrons in the restaurant, with space for a further 20 to stand at the bar if they so wished. She explained that this would be the maximum number of customers that she would like to have in the premises at any one time, as more than this would not provide an environment conducive to eating. Customers would also be encouraged to leave the premises quietly, to reduce noise disturbance to neighbours.

Dr Bartlett, as an Interested Party, then spoke about the application. He stated that Parchment Street was a residential street and that there were no other commercial premises at the Forester Arms end of the road. Even with people leaving quietly, there would still be disturbances to local residents and that, although the type of establishment would be different to that previously operated, an extension of the hours during the week would not be acceptable. He explained that he had lived in the street for six months and added that the offer to close the door opening onto Parchment Street would be a positive move, although would not solve the noise issues completely.

The Sub-Committee retired to deliberate in camera.

In her 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.

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.

Other Conditions

Operating Hours

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

Live music and recorded music (indoors only)

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|------|------------------|--------------|
| (i) | Sunday to Friday | 1100 to 2300 |
| (ii) | Saturday | 1100 to 2330 |

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

Indoors Only

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|-------|---------------------|------------------------|
| (i) | Monday to Thursday | 2300 to 0020 |
| (ii) | Friday | 2300 to 0050 |
| (iii) | Saturday and Sunday | 2300 to 0020 |
| (iv) | New Year's Eve | 2300 to 0500 1 January |

The hours for late night refreshment may be extended to 0050 on Christmas Eve, Christmas day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, all other Bank Holidays and days preceding Bank Holidays.

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

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|------|--------------------|--------------|
| (i) | Monday to Thursday | 1100 to 0000 |
| (ii) | Friday | 1100 to 0030 |

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|-------|----------------|--|
| (iii) | Saturday | 0900 to 0000 |
| (iv) | Sunday | 1100 to 0000 |
| (iv) | New Year's Eve | 1100 to 1100 1 January
(0900 if Saturday) |

The hours for the sale of alcohol may be extended to 0900 to 0030 on Christmas Eve, Christmas day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, all other Bank Holidays and days preceding Bank Holidays.

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

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| (i) | Monday to Thursday | 2300 to 0020 |
| (ii) | Friday | 2300 to 0050 |
| (iii) | Saturday and Sunday | 2300 to 0020 |
| (iv) | New Year's Eve | 1100 to 1100 1 January
(0900 if Saturday) |

The hours the premises may open for other than licensable activities may be extended to 0900 to 0050 on Christmas Eve, Christmas day, Boxing Day, New Year's Day, Good Friday, Easter Saturday, Easter Sunday, Easter Monday, all other Bank Holidays and days preceding Bank Holidays.

All Licensing Objectives

Crime and Disorder

1. 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.

2. There shall be no irresponsible drinks promotions.

Public Safety

1. There shall be at least one member of staff who is trained in first aid.

Public Nuisance

1. The applicant shall conduct an acoustic survey and carry out any required works to the satisfaction of the Director of Communities before recorded or live music is allowed.

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 minimize disturbance to local residents.

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

6. 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.

7. Tables and chairs outside the premises shall not be used after 2200 until opening time the next day.

8. The side-angled door on the corner of Parchment Street and North Walls, is not to be used after 2300 hours.

Protection of Children

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

The meeting commenced at 9.30am and concluded at 10.30am.

Chairman