

LICENSING SUB COMMITTEE

09 August 2005

RENEWAL OF PUBLIC ENTERTAINMENT LICENCE FOR THE DOVE INN, ANDOVER ROAD, MICHELDEVER STATION, WINCHESTER

REPORT OF THE CITY SECRETARY AND SOLICITOR

Contact Officer: Ceri Ponzi Tel No: 01962 848188

RECENT REFERENCES:

none

EXECUTIVE SUMMARY:

This application is to renew the Public Entertainment Licence for the Dove Inn, Andover Road, Micheldever Station, Winchester. The premises already holds a licence allowing entertainment on Mondays to Saturdays between the hours of 1200 and 2400 and on Sundays between the hours of 1200 and 2300 with a maximum capacity of 110 persons. In addition the Licensee must notify the City Secretary and Solicitor of any event at least seven days in advance of any such proposed use.

There have been a number of representations to the renewal of this Licence, and some support from local residents, which are shown in the Appendices.

RECOMMENDATIONS:

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.

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#### Report of The City Secretary and Solicitor

#### DETAIL:

##### 1 Introduction

- 1.1 The Dove Inn is a public house situated on the corner of Andover Road and Brunel Close. It has the benefit of a Justices' Licence for the usual Permitted Hours for the sale of alcohol, and an existing Public Entertainment Licence (PEL) which has been in force since January 2005 for a six month period.
- 1.2 A notice advertising the application to renew the licence was posted, visible from the outside of the premises, for a period of 28 days from 1 June 2005.
- 1.3 The premises are within an area of several residential properties, with Brunel Close situated towards the rear of the Public House and the houses on the Andover Road situated at the side of the Pub car park. On the opposite side of the road is situated Micheldever Station Community Centre.
- 1.4 The PEL was originally granted for a six month period so that an assessment could be made on the impact of the noise and nuisance aspect to the local community before the Licence was granted on an annual basis.
- 1.5 The entertainment is provided under the Licence until 0000 Monday to Saturday (one hour later than normal Permitted hours), and until 2300 on Sundays (30 minutes later than normal Permitted hours).
- 1.6 The application is to renew the Licence under the same conditions as the existing licence.
- 1.7 The Police and Fire Service have been consulted and have no representations to make.
- 1.8 The Director of Communities has been consulted and reports that there have been several noise complaints recorded against the premises. He has made some recommendations in order to limit the disturbance. These are reflected in the recommended conditions, should the application be granted.
- 1.9 There have been a number of representations to the renewal, made by nearby residents. They complain of increased noise disturbance during the events. The letters are attached as Appendices.
- 1.10 There have also been letters and a petition in support of the application from local residents and customers of The Dove Inn. These letters and the petition are also attached as Appendices.

## 2. Issues for Consideration

- 2.1 **The Sub Committee should consider whether the premises is suitable for licensing for public entertainment, considering public safety, noise, proximity to residential property and other relevant issues.** The premises are situated on a crossroads with residential properties on two sides. The Licensee has fitted insulating boards to most of the external windows and doors with the exception of the emergency exit doors. There are a number of walls between the live band area bar and the car park that adjoins Brunel Close. There may be another source for the escape of sound on which a specialist acoustic consultant would be in a position to advise. The Director of Communities recommends that an acoustic report is commissioned and that recommended measures are taken. The Director of Communities also recommends that the Licence includes express conditions to keep all doors (except for access and egress) and windows closed during performances and that the Licensee regularly monitors noise levels from the boundary to the site and towards Brunel Close to ensure that volume is kept to a reasonable level.
- 2.2 **The Sub Committee should consider whether the hours being sought are acceptable. If not should alternative hours be specified or should there be no change to existing hours.** The hours applied for state that entertainment will finish at the time specified. There should be no encores after the terminal hour. Provided the noise issues are addressed, it is considered that the hours which are being sought are acceptable.
- 2.3 **The Sub Committee should consider the concerns of the objectors in respect of the complaints of noise and disturbance emanating from the premises, as well as the letters of support in respect of the premises as a live music venue and its importance to the way of life of the village of Micheldever Station.** The objections to the noise and disturbance levels from the premises have been received mainly from residents of Brunel Close in Micheldever Station which backs on to the rear of the premises. The view of these residents is that their peaceful enjoyment of life has been disturbed. There have been letters of support for the renewal of the Licence from other residents of Micheldever Station who do not seem to be disturbed by the noise aspect of this live music venue, and who enjoy the entertainment The Dove provides, and also from musicians and visitors to The Dove Inn. The view of the musicians is that the Dove provides an important venue for them to be able to perform various types of music.
- 2.4 **The Sub Committee should consider whether there are any human rights issues which are relevant to the decision.** It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicant's right to use of his premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, necessary in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If the recommended conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

### OTHER CONSIDERATIONS:

#### 3. CORPORATE STRATEGY (RELEVANCE TO):

- 3.1 This report covers issues which affect the Community Safety, Economic Prosperity, and Cultural and Leisure Opportunities of the Corporate Strategy.

#### 4. RESOURCE IMPLICATIONS:

- 4.1 None

### BACKGROUND DOCUMENTS:

Application to Renew the Licence and letters of representation in the Appendices.

### APPENDICES:

#### **1. Applicant Correspondence**

- 1.1. Application Form

#### **2. Director of Communities**

- 2.1 Memo from Environmental Protection Manager

#### **3. Letters of objection**

- 3.1 Mrs. C. Smith  
3.2 Mr. and Mrs. T. Fullbrook  
3.3 Mr. C. A. P. and Mrs. D. L. Brown

#### **4. Letters of Support**

- 4.1 Ms. C. Palmer  
4.2 Mr. P. Puntan  
4.3 Ms. Shirley Gradidge  
4.4 Mrs. Lesley Roberts  
4.5 Mr. Alan Harvey  
4.6 Mr. Peter Bingham

- 4.7 Mr. John Clarke
- 4.8 Mr. Don McKay
- 4.9 Mr. Don Richards
- 4.10 Mr. Alan Massey
- 4.11 Other letters and a petition of support

**5. Other Documents**

- 5.1 Letter from Licensing Officer to objectors and supporters 20 July 2005
- 5.2 Copy of an anonymous flyer to residents
- 5.3 Letter from Environmental Health Officer to residents 29 June 2005
- 5.4 List of Events currently being held at The Dove Inn until 18 August 2005
- 5.5 Map showing the location of the premises