

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

Councillors:

Hammerton (Chairman) (P)

Allgood (P)

Nelmes (P)

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1. **APPLICATION 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 pub'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***

5. 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 minimize 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