

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

1. 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 is 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 minimize 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