

LICENSING SUB-COMMITTEE

31 August 2005

APPLICATION FOR A RENEWAL OF THE PUBLIC ENTERTAINMENT LICENCE IN
RESPECT OF UNIVERSITY OF WINCHESTER STUDENTS UNION , WINCHESTER

REPORT OF CITY SECRETARY AND SOLICITOR

Contact Officer: Ceri Ponzi Tel No: 01962 848188

RECENT REFERENCES:

LR 76 -- Application for the Grant of a Public Entertainment Licence in Respect of King Alfred's Students Union at King Alfred's College, Winchester - 25 March 2003

EXECUTIVE SUMMARY:

This report is to consider an application by Mr. Andrew Hodgson and Mr. Andrew Bracey, on behalf of the University of Winchester Students Union, to renew a public entertainment licence at present in force for the Students' Union Building at the University of Winchester, Sparkford Road, Winchester. Following the previous application for a public entertainment licence for these premises and consideration by the Committee on 25 March 2003 (Report LR 76 refers), the licence was granted to Mr. Andrew Hodgson and Ms Cassie Scriven. The licence has been subsequently transferred to Mr. Bracey as co-licensee as of March 2004.

The renewal application does not seek any change to the permitted times of entertainment. There have been complaints from residents regarding noise disturbance and other nuisance. The Director of Communities has been consulted and has no adverse comments. The Police have been consulted and have no reason to object to this application.

RECOMMENDATIONS:

- 1 That the Licence be renewed on the same terms as existing, including the following 'Additional Conditions':-
 - (i) That the hours during which the premises may be used for the purposes of this licence shall be as follows:-

Mondays	from 1100 to 0000
Tuesdays	from 1100 to 2300
Wednesdays	from 1100 to 0000
Thursdays	from 1100 to 2300
Fridays	from 1100 to 0100 (Saturdays)
Saturdays	from 1100 to 2300
Sundays	from 1200 to 2230
 - (ii) That the maximum number of persons permitted to be in the premises whilst in use for the purposes of this Licence shall not exceed 140 in the Round Table Bar and 400 in the remainder of the premises.
 - (iii) That 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 a mechanical or other device whilst the premises are in use for the purposes of this Licence.
 - (iv) The Licensee or another person nominated by him shall be on duty at all times whilst the premises are in use for the purposes of this Licence to receive and respond to any complaints of nuisance received from any person
 - (v) Entertainment shall only be permitted during the normal Academic Term Times (based on a 32 week year) including the Graduation period and Freshers weeks, such dates to be notified to the City Secretary and Solicitor not later than 1 July in each year for the following academic year.
 - (vi) That the applicants are reminded of the need to take all possible steps to reduce any nuisance to any residents or staff and users of the Royal Hampshire County Hospital.

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31 August 2005

RENEWAL OF PUBLIC ENTERTAINMENT LICENCE FOR UNIVERSITY OF WINCHESTER STUDENTS UNION, WINCHESTER

Report of City Secretary and Solicitor

DETAIL:

1 Introduction

1.1 This application is to consider the renewal of a public entertainment licence for the University of Winchester Students Union building at the University of Winchester, Sparkford Road, Winchester.

1.2 The building is situated on the University Campus and contains bars, function rooms and a games area for the use of the Students of the University of Winchester and has the benefit of a Justices licence for the usual Permitted Hours.

1.3 The premises are within an area of residential properties in Sparkford Road.

1.4 The renewal application is in the same terms as the existing licence, which includes the restriction to only being in force for the Academic Year, and is based on 32 weeks of the year. The renewal application does not seek any change to the permitted times of entertainment. The permitted hours of entertainment are:-

Mondays	from 1100 to 0000
Tuesdays	from 1100 to 2300
Wednesdays	from 1100 to 0000
Thursdays	from 1100 to 2300
Fridays	from 1100 to 0100 (Saturdays)
Saturdays	from 1100 to 2300
Sundays	from 1200 to 2230

1.5 A notice advertising the application to renew the licence was posted, visible from outside the premises, for a period of 28 days from 18 February 2005.

1.6 The Police and Fire Services have been consulted and have no representations to make.

1.7 The Director of Communities has been consulted and has no adverse comments to make. He confirms that no complaints have been received in respect of the premises since the last renewal. Regular termly meetings have continued with residents, the College, the Students' Union and City Council Members and officers. These meetings are intended to provide an opportunity for open and frank discussion on the

College and its activities. Since these meetings started, the relationship between residents and the College has improved.

- 1.8 There have been two representations to the renewal of the public entertainment licence made by nearby residents. They complain of noise disturbance during midweek evenings. These letters are attached as Appendices 2.1 and 2.2.

2 Issues for Consideration

- 2.1 **Are the premises suitable for licensing for public entertainment, considering public safety, noise, proximity to residential property and other relevant issues?** When the application for the grant of public entertainment licence for King Alfred's Students Union (as it was then known) was first considered in March 2002, 25 letters were received from residents living in Milnthorpe Lane, Sparkford Road, Sparkford Close and Sleepers Delle Gardens, making representations concerning the application for this licence. The main reason for objections at that time was that noise is emphasised across the valley to Milnthorpe Lane, including loud music and noise from clearing up late into the night. The Council has not received any complaints from residents of Milnthorpe Lane concerning these premises since the licence was granted. The Director of Communities is satisfied that there are no noise issues emanating from the premises themselves.

In April 2005 two letters of complaint with regard to noise disturbance late at night during the week have been received from two residents of Sleepers Delle Gardens, objecting to the renewal of the public entertainment licence, which has led to the application being brought to the Sub-Committee. These complaints relate to movement of pedestrians late at night along Sparkford Road, rather than noise from the premises themselves. It is not clear whether these complaints arise from customers of the premises, or customers of city centre premises.

- 2.2 **Are the hours being sought acceptable for should alternative hours be specified or should there be no change to existing hours?** The hours applied for appear to be reasonable. There should be no encores after the terminal hour.
- 2.3 **Are there 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 applicants right to use his or her 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 form and representations (Appendices 1, 2 and 3)

APPENDICES:

1. **Applicant Correspondence**

1.1 Application Form

1.2 Letter from Poppleston Allen 01 June 2005 with Term dates for 2005/2006 Academic year

2. **Letters of Objection**

2.1 Mr. L. R. V. Burwood

2.2 Ms. Carol A. Brady

3. **Other Documents**

3.1 Map showing location of premises