

LICENSING SUB-COMMITTEE

7 September 2005

Attendance:

Councillors:

Pines (Chairman) (P)

Cook (P)

Macmillan (P)

1. **HARVEST HOME, SOUTHWICK ROAD, DENMEAD**
(Report LR144 refers)

The Licensing and Registration Manager advised that the application for the Harvest Home, Denmead, had been withdrawn as the police were no longer submitting a representation. The Sub-Committee agreed that the item (which sought to vary the Premises Licence) be withdrawn and the application be determined by the City Secretary and Solicitor under delegated authority.

RESOLVED:

That the application be determined by the City Secretary and Solicitor under delegated authority.

2. **NEW INN, CHAPEL ROAD, SWANMORE**
(Report LR145 refers)

The Sub-Committee met to consider an application by Greene King Brewing & Retailing Ltd for variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003, to extend the hours when the above premises are open to the public and for the sale of alcohol.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Paul Tyrrell (Designated Premises Supervisor), Tim Probert-Wood (Counsel for the applicant) and Mr Wright as an interested party. There were no Responsible Authorities present.

The Licensing and Registration Manager explained that the application was for a variation of the Premises Licence, with the conversion of the existing licence being granted under delegated powers on 30 August 2005. The premises did not currently hold a Public Entertainment Licence and the application sought for extended hours for the supply of alcohol Friday and Saturday, and for live music Saturday 2000 to 2330. There was no application to remove the embedded restrictions inherent in the Licensing Act 1964.

In response to Members' questions, the Licensing and Registration Manager confirmed that as far as he was aware there had been no previous problems reported to either himself or the Environmental Protection Team Manager, and that he had

received no representations from Responsible Authorities. He also stated that the letter received from Greene King with the application was a generic letter to cover all their applications and did not specifically relate to this particular application.

Mr Wright spoke as a local resident and raised a number of concerns about the application. He stated that his main concerns related to excessive noise and vandalism in the village, although he commented that he could not attribute these problems to this particular premises. He clarified that the problems mentioned in his letter about excessive noise from the pub garden related to a time when the premises were managed by a previous landlord.

In summary, Mr Wright expressed concern about the feared effects of longer opening hours and asked that if possible the hours could be reduced slightly. He also requested that no music should be played in the garden.

A Member queried the strength of feeling in Swanmore as there had only been one letter of objection received. In response to this Mr Wright reported that he had spoken to many residents of the village about their concerns but that they had not felt the need to put these objections into writing.

Mr Probert-Wood (as a representative of the applicant) spoke in support of the application and stated that several letters had been received supporting the application. However the Licensing and Registration Manager reported that he had not received any such letters, otherwise they would have been included in the report.

Mr Probert-Wood continued that the New Inn was a very well run village pub and that in the two years that the current licensee had been there, no problems had been reported. He stated that the premises were small and therefore did not have the capacity for large scale bands only soloists, and on occasion, duets. Mr Probert-Wood commented on points three and four in Mr Wright's letter, clarifying that the problems outlined were related to the previous licensee and not Mr Tyrrell. He also confirmed that there would be no outside speakers playing music and that there would be no dramatic change from the way the pub was currently operated.

In response to Members' questions, Mr Tyrrell confirmed that there was a notice posted within the premises about their policy on children entering the premises. Children were only allowed entry with a supervising adult and then only when purchasing food, service of which finished at 2100. Mr Tyrrell added that although they also had a children's play area in the garden, this could be accessed without having to go through the bar itself. He also stated that they had a strict policy on under age drinking although the pub predominantly catered for the older clientele.

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 renewal license as set out in the report.

The Chairman also drew attention to the second part of the conditions relating to Public Nuisance that specified that regulated entertainment shall be restricted to the inside of the premises.

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.

Additional Conditions

Operating Hours

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

(i) ***Sunday to Thursday*** ***1100 to 2320***

(ii) ***Friday and Saturday*** ***1100 to 0020***

(iii) The above times to be extended to 0020 on Sundays of Bank Holiday weekends, Christmas Eve, Christmas day, Boxing day, and other Bank Holidays.

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

(i) ***Sunday to Thursday*** ***1100 to 2300***

(ii) ***Friday and Saturday*** ***1100 to 0000***

(iii) The above times to be extended to 0000 on Sundays of Bank Holiday weekends, Christmas Eve, Christmas day, Boxing day, and other Bank Holidays.

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

Saturdays only

2000 to 2330

All Licensing Objectives

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. Trained 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 Safety

1. None

Public Nuisance

1. 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.

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

3. No recorded music shall be played at the premises at any time.

Protection of Children

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

2. No unaccompanied children shall be permitted to be on the premises.

3. No children shall be permitted to be on the premises after 2100 hours.

Embedded Restrictions

1. The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall 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 9.30am and concluded at 10.10am

Chairman