

LICENSING SUB-COMMITTEE

13 September 2005

Attendance:

Councillors:

Johnston (Chairman) (P)

Hammerton (P)

Sutton (P)

1. **THE BISHOP ON THE BRIDGE, HIGH STREET, WINCHESTER**
(Report LR146 refers)

The Licensing and Registration Manager advised that the application for The Bishop on the Bridge, Winchester had been withdrawn as the police were no longer submitting a representation. The Sub-Committee agreed that the item (which sought to vary the Premises Licence) be withdrawn and the application be determined by the City Secretary and Solicitor under delegated authority.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. **THE MEAD END, 22 MEAD END ROAD, DENMEAD**
(Report LR147 refers)

The Sub-Committee met to consider an application by Mr & Mrs Nicol for a 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 premises were open to the public, for the sale of alcohol, late night refreshment and regulated entertainment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr Joseph Nicol (Applicant), Mr K Beard (representing Mr and Mrs Jennings) and Mr & Mrs Collins as interested parties representing themselves. There were no representatives of the 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 2 September 2005. There was no application to remove the embedded restrictions inherent in the Licensing Act 1964. He commented that letters from 23 interested parties had been received, but there had been no representations from any of the Responsible Authorities.

In response to Members' questions, the Licensing and Registration Manager confirmed that although the log set out in Mr & Mrs Collin's letter of representation was sent to the Environment Division and himself, to his knowledge it was the first complaint received of that nature and that there had not been any previous complaints.

Mr Beard spoke as a representative of Mr & Mrs Jennings who had made a relevant representation regarding the application. He expressed their concerns that the premises were in the middle of a residential area, with houses on all sides of the pub. Residents had endured noise and overspill of people leaving the premises late at night and this would be made worse if an extension of the hours was granted, especially for Mr & Mrs Jennings whose back bedroom overlooked the pub.

In summary, Mr Beard outlined concerns that not only would house prices be affected in the long term, but also that an extension would be detrimental to the quality of life of those that lived in the area.

Mr Collins then spoke opposing the application, representing both himself and his wife, whose property was approximately 25 metres from the premises. He echoed Mr Beard's comments about the close proximity of the premises to the surrounding houses and the noise disturbances they experienced. Mr Collins also commented that he considered the function room, being of a timber construction, was not sufficiently soundproofed against the bass beats of the music played there and, as a result, they often could not get to sleep before 2300. This was shown on the noise log they included in their letter of representation.

In response to Members' questions, Mr Collins confirmed that he had contacted the Environmental Division several times to complain about the noise and, in December 2004, had advised the Environmental Protection Team Manager about the noise log they were keeping. He also added that when they bought the house in 2001, the pub was under the former management and they did not have any problems.

Mr Nicol spoke in support of the application, stating that he had run the premises for the last three years, during which time he had developed the business. He commented that he had allowed several charities to use the function room without charge. He agreed that since he bought the premises, the function room was in use far more frequently than before. However, he only applied for extensions at weekends and never during the week. Mr Nicol continued that everything possible was done to keep the noise levels down, with all doors shut by 2300, and the function room was insulated inside. He stated that there were notices displayed asking people to leave quietly and staff requested patrons to keep noise levels down when leaving. Mr Nicol also commented that when the police visited the premises they did not find any problems.

In response to Members' questions, Mr Nicol confirmed that the function room used to be an old barn, but that he constantly monitored noise levels emitting from the premises. He had consulted the immediate neighbours to the pub and had also been in touch with the Environment Protection Team Manager, who advised that an acoustic survey of the building was not necessary. He also stated that there was always a senior member of staff at the doors when customers were leaving, encouraging people to leave quietly.

Mr Nicol continued that, as part of his current Public Entertainment Licence, music was required to cease at 2300, with only background music allowed after that time. He confirmed that he was happy to continue with this condition.

The Licensing and Regulation Manager added that the Public Entertainment Licence only allowed regulated entertainment until 2300, although when an alcohol extension was obtained the hours permitted under the PEL were also extended. He stated that he had received an email from Mrs Nicol in August 2005 confirming that they were happy to keep music at an acceptable level.

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.

RESOLVED:

That the application be granted, subject to the following conditions:

Mandatory Conditions

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 2330 |
| (ii) | Friday and Saturday | 1100 to 0100 |
| (iii) | New Year's Eve | 1100 to 0030/0130
1 January |

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 0030 |
| (iii) | New Year's Eve | 1100 to 0000/ 0100
1 January |

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

- | | | |
|-----|---------------------------|---------------------|
| (i) | Sunday to Thursday | 1100 to 2300 |
|-----|---------------------------|---------------------|

- | | | |
|-------|-----------------------------------|--|
| (ii) | <i>Friday and Saturday</i> | <i>1100 to 0030</i> |
| (iii) | <i>New Year's Eve</i> | <i>1100 to 0000/ 0100
1 January</i> |

4. The hours the premises may be used the provision of late night refreshment shall be:

- | | | |
|-------|-----------------------------------|--|
| (i) | <i>Sunday to Thursday</i> | <i>2300 to 2330</i> |
| (ii) | <i>Friday and Saturday</i> | <i>2300 to 0100</i> |
| (iii) | <i>New Year's Eve</i> | <i>2300 to 0000/ 0100
1 January</i> |

5. In respect of that part of the premises usually set apart for persons taking table meals, and for the consumption of alcohol in that part as ancillary to such meals, the following hours are permitted:-

- | | | |
|------|----------------------------------|----------------------------|
| (i) | <i>Monday to Saturday</i> | <i>1100 to 0000</i> |
| (ii) | <i>Sundays</i> | <i>1100 to 2330</i> |

All Licensing Objectives

These conditions reflect the operating schedule (as modified by the applicant following discussions with the Director of Communities). Some of these conditions were included in the Public Entertainment Licence. As the variation application did not include an application to remove the remaining PEL conditions, these other PEL conditions will remain and be included in the Premises Licence once it is issued.

Crime and Disorder

1. A CCTV system shall be maintained and in operation at all times that the premises are used for licensable activities. The tapes shall be retained for 30 days and be made available to the Police or Authorised Officers on request.

Public Safety

None

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check noise levels periodically. Such monitoring shall be carried out at the boundary and all noise from the premises shall be inaudible at the boundary of the premises after 2300.

2. 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.

3. 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.

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

5. 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.

6. All outside areas shall cease to be used after 2300 and shall be cleared at that time.

Protection of Children

None.

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 11.15am

Chairman