

**LICENSING SUB-COMMITTEE****14 September 2005**

Attendance:

Councillors:

Allgood (Chairman) (P)

Mather (P)

Nelmes (P)

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1. **KING CHARLES, LOVEDEN LANE, KINGS WORTHY**  
(Report LR141 refers)

The Sub-Committee met to consider an application by George Gale and Co Ltd 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 operating hours and the hours the premises may be used for the sale of alcohol, for regulated entertainment and the provision of late night refreshment. The details of the proposed variations were as set out in the report.

The Sub-Committee noted that the application had been deferred from the 6 September 2005 meeting, as the hearing notices had not been received by the interested parties

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Mr Makin (a representative of the applicant, George Gales and Co Ltd) Ms Figgins (the designated premises supervisor) and three local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the seven letters from Interested Parties as set out as the Appendices to the report. In summary, these referred to issues related to the potential harm to the disturbance, crime and disorder the extended hours might pose. The Sub-Committee also noted that no representations had been received from the Responsible Authorities.

At the conclusion of his presentation, the Licensing and Registration Manager advised that a correction was required to the proposed conditions on page 7 of the Report, which should read: "Operating Hours: 2(ii) Friday, Saturday and Sunday 1000 to 0100."

At the invitation of the Chairman, Mr Chainey spoke (as a neighbour to the premises) in objection to the application. In summary he stated that the proposals were contrary to the character of the area and that there was a potential for late night noise nuisance (through noise emanating from the premises and as its patrons left after its

closure) if the application was granted. He added that the area was predominately populated by young families and older people.

In response to Members' questions, Mr Chainey confirmed that although there had been little cause to complain against the noise from the premises, the later hours and potential for a future landlord to use the permissions to its fullest extent was a cause of concern.

At the invitation of the Chairman, Mr Wilson spoke as a neighbour to the premises in objection to the application. In addition to the issues raised by Mr Chainey, he reported that there had been a problem with young children using the premises' green unsupervised late into the evening.

At the invitation of the Chairman, Mr Johnston spoke as a neighbour to the premises in objection to the application. He also supported the comments that were made by his neighbours and added that most residents did not complain at the current level of noise as they knew it would stop at a reasonable time. If granted, he suggested that the premises' neighbours would be kept awake by its noise until much later into the night which was unacceptable in a residential area.

At the invitation of the Chairman, Mr Makin (as a representative of George Gale and Co Ltd) spoke in support of the application. He explained that, because of its type of tenure, the premises supervisor had a much greater level of control than most other public houses. He also explained that the premises supervisor had a young child of her own and that as such she was unlikely to permit a level of noise from the premises that could nuisance neighbours. He confirmed that it was not her intention to change the character of the premises and convert it to a late night music venue.

Mr Makin also spoke in support of the applicant's request for an hour-long wind down period after the sale of alcohol ceased. This he suggested would mean patrons were more likely to leave the premises in a more dispersed, sober and neighbourly manner.

During their discussion, the Sub-Committee noted the distance between the source of noise in the premises, the car park and the residential properties. It further noted that most of its clientele was, and would remain, local people.

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 approve the application as set out in the report with the following amendments as set out below in bold below.

The Sub-Committee had agreed to reduce the requested hour-long wind down period to reflect the concerns of local residents and in regard to its duties to protect children under the 2003 Licensing Act, Members included an additional informative in bold 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.

### Additional Conditions

#### Operating Hours

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

(i)	<i>Monday to Thursday</i>	<i>0700 to <b>1230</b></i>
(ii)	<i>Friday, Saturday, Sunday</i>	<i>0700 to <b>0130</b></i>
(iii)	<i>New Years Eve</i>	<i>0700 – 0200 (2 January)</i>
(iv)	<i>Bank Holidays</i> <i>Christmas Eve and Boxing Day</i>	<i>0700 to 0200</i>
2. The hours the premises may be used for the sale of alcohol shall be:
 

(i)	<i>Monday to Thursday</i>	<i>1000 to 0000</i>
(ii)	<i>Friday, Saturday <b>and Sunday</b></i>	<i>1000 to 0100</i>
(iii)	<i>New Years Eve</i>	<i>1000 – 0100 (2 January)</i>
(v)	<i>Bank Holidays</i> <i>Christmas Eve and Boxing Day</i>	<i>1000 to 0100</i>
3. The hours the premises may be used for regulated entertainment shall be:
 

(i)	<i>Monday to Thursday</i>	<i>0700 to <b>1230</b></i>
(ii)	<i>Friday, Saturday, Sunday</i>	<i>0700 to <b>0130</b></i>
(iii)	<i>New Years Eve</i>	<i>0700 – 0200 (2 January)</i>
(iv)	<i>Bank Holidays, Christmas Eve</i> <i>and Boxing Day</i>	<i>0700 to 0200</i>

*Live music, amplified voice, until 0000 every day, Bank holidays until 0100.*

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

(i)	<i>Monday to Thursday</i>	<i>2300 to 0030</i>
(ii)	<i>Friday, Saturday, Sunday</i>	<i>2300 to 0130</i>
(iii)	<i>New Years Eve</i>	<i>2300 – 0200 (2 January)</i>
(iv)	<i>Bank Holidays Christmas Eve and Boxing Day</i>	<i>2300 to 0200</i>

#### All Licensing Objectives

[Dealt with in relevant sections below].

#### Crime and Disorder

1. All staff shall be trained in the requirements of the Licensing Act 2003 and receive drugs awareness training as part of their induction.
2. There shall be a **30** minute “wind down period” after the end of alcohol sales.
3. The Designated Premises Supervisor shall be a member of the local Pubwatch scheme so long as it exists.
4. Any person who is drunk, violent or disorderly shall be refused admission to the premises.

#### Public Safety

1. The capacity of the premises, including staff and performers, shall not exceed 120 persons.
2. All staff shall be trained in fire drill and the procedure for notifying the fire service in the event of fire.

#### Public Nuisance

1. Live music, karaoke and live acts involving disc jockeys shall cease at 0000 except on New Year’s Eve and New Year’s Day.
2. The volume of recorded music shall be reduced to background level during the “wind down period”.
3. The manager shall inform the Licensing Authority of any intended promotional evenings involving karaoke and disc jockeys at least 10 days before the event is scheduled to take place.
4. Regulated entertainment shall be restricted to the inside of the premises.
5. 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.

### Protection of Children

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

### Removal of Embedded Restrictions

1. The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 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. Maintained emergency lighting should be provided over exits.
  6. **The licensee is reminded of her duties in regard to the health and safety of any children using the outside area of the premises, including the garden to the front the premises.**
2. **BRIDGE HOTEL, SHAWFORD**  
(Report LR148 refers)

The Sub-Committee met to consider an application by Spirit Group Ltd 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 operating hours, the hours the premises may be used for the sale of alcohol, regulated entertainment and provision of late night refreshment. The details of the proposed variations were as set out in the report.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Mr Miller (a representative of the applicant), Mr Hussey (the premises' manager) and three local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the eleven letters from Interested Parties as set out as Appendices to the report. In summary these referred to issues related to the potential harm to the disturbance and crime and disorder issues the extended hours might pose. Other issues included concerns about parking, lack of suitable public transport, policing. The Sub-Committee also noted that no representations had been received from the Responsible Authorities.

At the invitation of the Chairman, Mr Miller (on behalf of the applicant) spoke in support of the application. He reported that following consultation with local residents and subsequent to the publication of the report, the applicant had agreed to all the public nuisance conditions and that all entertainment should cease at midnight, every day, with a half-hour wind down/drinking-up time. However he added that the applicant sought an hour extension on the following dates: St Patrick's Day, St George's Day, Easter Bank Holiday Sunday and Monday, August Bank Holiday Monday, May Day and Spring Bank Holiday Monday.

At the invitation of the Chairman, Mrs Caffyn spoke as a neighbour and representative of Shawford Parish Council. In summary she welcomed the compromise offered by the applicant and noted the Interested Parties' right of review. The Sub-Committee heard similar representations from Mr Streat and Mr Hadyn who spoke as Interested Parties.

Because of the agreement between the applicant and the Interested Parties the Sub-Committee agreed that it was unnecessary 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 approve the application as set out in the report with the agreed amendments set out below in bold.

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

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

- |      |                              |                                      |
|------|------------------------------|--------------------------------------|
| (i)  | <i>Sunday to Saturday</i>    | <i>0900 to 0030</i>                  |
| (ii) | <b><i>New Year's Eve</i></b> | <b><i>0900 to 0030 2 January</i></b> |

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

- |      |                              |                                      |
|------|------------------------------|--------------------------------------|
| (i)  | <i>Sunday to Saturday</i>    | <i>1000 to 0000</i>                  |
| (ii) | <b><i>New Year's Eve</i></b> | <b><i>0900 to 0000 2 January</i></b> |

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

- |     |                           |                     |
|-----|---------------------------|---------------------|
| (i) | <i>Sunday to Saturday</i> | <i>1000 to 0000</i> |
|-----|---------------------------|---------------------|

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

- |     |                                  |                            |
|-----|----------------------------------|----------------------------|
| (i) | <b><i>Sunday to Saturday</i></b> | <b><i>2300 to 0000</i></b> |
|-----|----------------------------------|----------------------------|

**All the above hours may be extended by one hour on Easter Sunday, Easter Monday, May Day Bank Holiday, Spring Bank Holiday and August Bank Holiday, St Patrick's Day and St George's Day.**

#### All Licensing Objectives

##### Crime and Disorder

All staff shall be trained and comply with the Spirit Group Approach to Sensible Drinking.

##### 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 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. 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.

#### Protection of Children

The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme or another recognized proof of age policy.

#### Removal of Embedded Restrictions

The provisions of Sections 63(1), 168 and 171 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.



**3 ARLEBURY PARK SPORTS AND SOCIAL CLUB, THE AVENUE, ALRESFORD**  
(Report LR149 refers)

The Sub-Committee met to consider an application by Mr Atkins 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 supply of alcohol and regulated entertainment for Arlebury Park Sports and Social Club. The details of the proposed variations were as set out in the report.

The application was also to remove the restriction on hours. It did not seek the removal of the conditions (other than the limitation of hours) attached to the Public Entertainment Licence, which were transferred to the new Club Premises Certificate, under the application for conversion.

The Assistant Licensing and Registration Officer advised Members that, given the applicant's status as a private club, Condition 1 limiting the operating hours should be deleted as the Club could be open to its Members at all times. The conditions of the application could only affect therefore the hours that alcohol could be supplied and the provision of entertainment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Mr Garton (a representative of the applicant) and three local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted to the eight letters from Interested Parties as set out as Appendices to the report. In summary these referred to issues related to the potential harm to the disturbance, crime and disorder, extended hours and that the notice of the application had not been advertised in a prominent position. The Sub-Committee also noted that no representations had been received from the Responsible Authorities, although the Police had made a representation against the original 24 hour proposal from the applicant. The Assistant Licensing and Registration Officer explained that the Police's representation had been withdrawn in the light of the Club's proposal to limit the 24 hour licence to a total of 24 occasions throughout the year (twelve related to sporting events and a further twelve occasions).

At the invitation of the Chairman, Mr Garton (as a representative of the applicant) spoke in support of the application. He explained that the 24 hour licences were required to offer the Club's members the opportunity to watch international sporting events from different time zones. The twelve sporting events and twelve other occasions that a 24 hour licence would be sought on the basis of the Club notifying the Local Authority and Police ten days before the event, over which the Police could exercise the power of veto.

During debate, Mr Garton confirmed that the Club was open to its members and guests only and that, other than during functions, the Club did not serve food beyond the provision of light snacks.

At the invitation of the Chairman, Mr O'Rorke spoke as local resident in objection to the application. In summary he stated that the application was poorly advertised and that there had been occasions when noise could be heard from the Club.

At the invitation of the Chairman, Mrs O'Callaghan spoke as a local resident against the application. The Sub-Committee noted that Mrs O'Callaghan had not been able to return her representation and intension to speak at the meeting because of her

holiday. Her concerns about the application included the potential for late night public nuisance and noise during entertainment events at the Club as (contrary to the existing conditions) doors and windows had been left open.

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 approve the application as set out in the report with set out below in bold.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

1. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Additional Conditions

The application to vary does not seek the variation of the conditions in the public entertainment licence (other than the limitation on hours). Accordingly, the Premises Licence will include the standard conditions attached to the public entertainment licence, which are set out as Schedule 1 to the PEL, included with the application in Appendix 1.

1. The hours the premises may be used for the **supply** of alcohol shall be:

- (i) Sunday to Thursday 1000 to 0000
- (ii) Friday and Saturday 1000 to 0100
- (iii) New Year's Eve 1000 to 0100 1 January

plus:

12 occasions per annum on a 24 hour basis for sporting events on live TV with a minimum of 10 days notice to the Police and Licensing Authority.

A further 12 occasions per annum on a 24 hour basis for other events with a minimum of 10 days notice to the Police and Licensing Authority.

No such event shall be permitted if the Police indicate their opposition to such extension.

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

- (i) Sunday to Thursday 1000 to 0000

- (ii) Friday and Saturday 1000 to 0100
- (iii) New Year's Eve 1000 to 0100 1 January

plus :

12 occasions per annum on a 24 hour basis for sporting events on live TV with a minimum of 10 days notice to the Police and Licensing Authority.

A further 12 occasions per annum on a 24 hour basis for other events with a minimum of 10 days notice to the Police and Licensing Authority.

No such event shall be permitted if the Police indicate their opposition to such extension.

### All Licensing Objectives

#### Crime and Disorder

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.

CCTV behind the bar for staff to view people entering building and foyer.

#### Public Safety

1. All staff shall be trained in fire drill and the procedure for notifying the fire service in the event of fire.
2. The maximum number of persons permitted to be admitted to the premises whilst in use for the purpose of this licence shall not exceed 175.

#### 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. 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 (including balconies) shall be cleared and not used after 2300.**

Protection of Children

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

Removal of Embedded Restrictions

The limitations on hours in the Club Registration Certificate and the Public Entertainment Licence will be superseded by the hours set out above.

The meeting commenced at 6.00pm and concluded at 8.25pm

Chairman