

LICENSING SUB – COMMITTEE

15 September 2005

Report of City Secretary and Solicitor

Contact Officer: John Myall. Tel No: 01962 848443

Application to Vary the Premises Licence for:

**The Thomas Lord
High Street
West Meon
Nr. Petersfield
Hampshire**

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Part A.**1. Application****Applicant: Keith Jacobs****Premises: The Thomas Lord****Conversion of the Existing Licence/s.**

The conversion of the existing licence(s) was granted under delegated powers on 24 August 2005

The current permitted hours are;

Monday to Saturday	1000 to 2300
Sunday and Good Friday	1200 to 2230
Christmas Day	1200 to 1500 1900 to 2230
New Year's Eve	1000 to 2300 1 January

The Premises do not hold a Public Entertainment Licence

Application for Variation.

The application is 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 premises are open to the public, for the sale of alcohol and regulated entertainment.

Removal of Embedded Restrictions

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

Notice of the application was displayed outside of the premises for a period of 28 days until 23 August 2005, and advertised in the Hampshire Chronicle on 29 July 2005

The Operating Schedule, copied at Appendix 1, proposes the Relevant Licensable Activities as:

1 Regulated Entertainment (B,C,E,F,G,H,I,J,K,)

Video and TV entertainment and Amusement Machines, pub games which may attract an audience, performance of dance within the opening hours, live music until 2300 Sunday to Thursday and 0000 Friday and Saturday, and until 0100 on New Years Day, recorded music including karaoke until 0030 Sunday to Thursday and 0100 Friday and Saturday, and until 0300 on New Years Day, quiz nights, talks, comedy until 0000 Sunday to Thursday and 0030 Friday and Saturday, dancing until 0000 Sunday to Thursday and 0030 Friday and Saturday and until 0300 on New Years Day

2. Supply of Alcohol (M)

From 1000 every day until 0000 Sunday to Thursday and 0030 Friday and Saturday

The above times to be extended until 0100 on Friday, Saturday, Sunday and Monday of Bank Holiday weekends, Christmas Eve and Boxing Day until 0100 the following morning, Burns Night, St. Patrick's Day, St. David's Day and St. George's Day until 0100 the following morning. New Year's Eve from 1100 until 2359 on 1 January.

3. Hours Premises Open To The Public (O)

From 1000 until 0045 Sunday to Thursday and 0115 Friday and Saturday
The above times to be extended until 0145 on Public Holidays, Bank Holiday weekends and other notable days.

The applicant also wishes the freedom to extend these hours on days of any national celebration. The applicant will need to explain the details of this part of the application.

(The above letters in brackets refer to the relevant sections of the application form)

Designated Premises Supervisor

Keith Jacobs

Steps to promote the Licensing Objectives

Please see Section Q Appendix 1

Removal of Embedded Restrictions

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

In respect of these premises, these relate to the following matters:-

- (a) Permitted hours (limitation of sale of alcohol to the standard permitted hours for licensed premises under the 1964 Act).
- (b) Section 168 Licensing Act 1964 - Children prohibited from bars (Note that Section 145 Licensing Act 2003 restricts unaccompanied children in premises supplying alcohol).
- (c) Children's Certificates (Section 168A(1) of the 1964 Act (as amended)) provides for children's certificates to be issued, allowing children into designated areas of licensed premises. No Children's Certificate submitted with this application).
- (d) The Cinematograph (Safety) Regulations 1955 would not apply to these premises.
- (e) The Children and Young Persons Act 1933 relates to the prohibition of giving alcohol to a child under 5 years, children employed on licensed premises and tobacco sales to children.

Notice of Hearing

Notices of the hearing were sent to all Parties on 31 August 2005.

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application and make the following representations:

Director of Communities

There are no representations from the Director of Communities

Hampshire Constabulary

The representations from Hampshire Constabulary to address the Crime and Disorder objective recommend that any premises selling alcohol after midnight will have a condition stating that a CCTV system will be installed.

Hampshire Constabulary are also concerned about the requested 45 minutes drinking up time and that there should be sufficient door staff to ensure that patrons leave the area with a minimum of noise and disorder.

(Appendix 2.1)

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Director of Development

No representations received.

Head of Safety Standards

No representations received.

3. **Interested Parties**

None

4. Observations

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to all of the representations.

The Sub-Committee must take such of the following steps it considers necessary to promote the Licensing Objectives:

1. Grant the application as per the application, or
2. Modify the conditions of the licence by alteration or addition, or
3. Reject the whole or part of the application.

Decisions made under 2 or 3 above must actually be necessary to promote the Licensing Objectives.

Terminal hours.

The Sub-Committee should take account of the National Guidance and the Council's Licensing Policy with regard to terminal hours and take such steps as it considers necessary to promote the Licensing Objectives.

(Licensing Policy A8)

Licensing Objectives.

Crime and Disorder

The Sub-Committee should consider any necessary conditions to prevent crime and public disorder relating to the premises having regard to the observations of the Police

(Licensing Policy 1.6, 2.11, 2.17)

Public Safety

The Sub-Committee should consider any necessary conditions relating to public safety having regard to the Council's Licensing Policy
(Licensing Policy B3, B4)

Public Nuisance

The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise from the premises having regard to the representations of the Police
(Licensing Policy Section C)

Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children having regard to the Operating Schedule
(Licensing Policy D6, D7)

Human Rights

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 of their 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 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.

5. Conditions

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

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.

Possible Conditions

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule:

Operating Hours

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

- | | | |
|-------|--|---------------------------------|
| (i) | Sunday to Thursday | 1000 to 0045 |
| (ii) | Friday and Saturday | 1000 to 0115 |
| (iii) | New Years Eve | 1100 to 0145 (2 January) |
| (iv) | Bank Holidays
Christmas Eve and Boxing
Day and other notable days | 1000 to 0145 |

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

- | | | |
|-------|--|---------------------------------|
| (i) | Sunday to Thursday | 1000 to 0000 |
| (ii) | Friday and Saturday | 1000 to 0030 |
| (iii) | New Years Eve | 1100 to 0000 (1 January) |
| (iv) | Bank Holidays
Christmas Eve and Boxing
Day and other notable days | 1000 to 0100 |

3. The hours the premises may be used for performance of Films shall be:
 - (i) **Sunday to Saturday** **1000 to 0000**
4. The Hours the premises may be used for Indoor Sporting Events shall be:
 - (i) **Sunday to Saturday** **1000 to 0000**
5. The Hours the premises may be used for Live Music shall be:
 - (i) **Sunday to Thursday** **1000 to 2300**
 - (ii) **Friday and Saturday** **1000 to 0000**
 - (iii) **New Years Eve** **1000 to 0100 (1 January)**
6. The Hours the premises may be used for Recorded Music shall be:
 - (i) **Sunday to Thursday** **1000 to 0030**
 - (ii) **Friday and Saturday** **1000 to 0100**
 - (iii) **New Years Eve** **1000 to 0300 (1 January)**
7. The Hours the premises may be used for Performance of Dance shall be:
 - (i) **Sunday to Thursday** **1000 to 2300**
 - (ii) **Friday and Saturday** **1000 to 0000**
8. The Hours the premises may be used for Entertainment of a Similar Description shall be:
 - (i) **Sunday to Thursday** **1000 to 0000**
 - (ii) **Friday and Saturday** **1000 to 0030**
9. The Hours the premises may be used for provision of facilities for making music shall be:
 - (i) **Sunday to Thursday** **1000 to 0000**
 - (ii) **Friday and Saturday** **1000 to 0030**
 - (iii) **New Years Eve plus any other notable day** **1000 to 0300 (1 January)**
10. The Hours the premises may be used for provision of facilities for dancing shall be:
 - (i) **Sunday to Thursday** **1000 to 0000**
 - (ii) **Friday and Saturday** **1000 to 0030**
 - (iii) **New Years Eve plus any other notable day** **1000 to 0300 (1 January)**

11. The Hours the premises may be used for provision of facilities for entertainment of a similar description shall be:

- | | | |
|-------------|----------------------------|---------------------|
| (i) | Sunday to Thursday | 1000 to 0000 |
| (ii) | Friday and Saturday | 1000 to 0030 |

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

1. A CCTV system shall be installed on the premises covering the entrances and exits, the bar area and any dance floor or other area where crowds will congregate in a standing position.
2. There shall be a further 15 minutes of 'wind down' time after the 30 minutes 'drinking- up' time when no alcohol shall be consumed

Public Safety

1. The maximum capacity of the premises shall not exceed 100 persons

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, any live music will finish at 2300 on Sunday to Thursday and 0000 Friday and Saturday.
2. All outside entertainment with amplified music or voice will finish at 2200.
3. Recorded music volume will be lowered 30 minutes before winding down time.
4. Prominent, clear notices shall be displayed at all exits, including the beer garden, requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
5. 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.
6. All external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
7. The applicant shall notify the Licensing Authority at least 10 days in advance of any live music taking place outdoors.

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. 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.
2. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
3. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
4. 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.

6. Other Considerations

Corporate Strategy (Relevance To:)

This report covers issues which affect the Community safety, Economic Prosperity, and Cultural and Leisure Opportunities of the Corporate Strategy.

Resource Implications

None

Appendices

1. Application by **Keith Jacobs**
2. Representations by Responsible Authorities
 - 2.1 **Hampshire Constabulary**
3. Map of premises location.