

**LICENSING SUB-COMMITTEE**

**19 September 2005**

Attendance:

Councillors:

Pines (Chairman) (P)

Lipscomb (P)

Pearson (P)

Others in attendance who did not address the meeting

Councillor Bennetts

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1. **THE GEORGE AND FALCON, ALTON ROAD, WARNFORD**  
(Report LR152 refers)

The Sub-Committee met to consider an application by Eldridge Pope and Company Limited 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 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 only Interested Party (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing was Ms Winston who represented Miss Gibbs, an Interested Party. There were no representatives of the applicant at the meeting.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted that one letter had been received from Miss Gibbs as set out as the Appendices to the Report. In summary, the letter raised concerns regarding late night noise nuisance and that the application would be detrimental to the character for the village. The Sub-Committee also noted that no representations had been received from the Responsible Authorities.

The Sub-Committee noted a letter tabled by the Licensing and Registration Officer from the applicant's solicitors in support of the proposals.

Ms Winston spoke on behalf of Miss Gibbs as a neighbour to the premises against the application. She explained that whilst local residents supported the George and Falcon, they considered that the application for extended hours was likely to disturb local residents and that the landlord should therefore take measures to reduce the noise nuisance from the premises.

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.

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)	<b>Every Day</b>	<i>1000 to 0030</i>
(ii)	<i>New Years Eve</i>	<i>1000 to 0030 (2 January)</i>
2. The hours the premises may be used for the sale of alcohol shall be:
 

(i)	<b>Every Day</b>	<i>1000 to 0000</i>
(ii)	<i>New Years Eve</i>	<i>1000 to 0000 (1 January)</i>
3. The hours the premises may be used for regulated entertainment shall be:
 

(i)	<b>Every Day</b>	<i>1000 to 0000</i>
(ii)	<i>New Years Eve</i>	<i>1000 to 0000 (1 January)</i>
4. The hours the premises may be used the provision of late night refreshment shall be:
 

(i)	<b>Every Day</b>	<i>2300 to 0000</i>
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(ii) *New Years Eve*

*2300 to 0500 (1 January)*

All Licensing Objectives

Crime and Disorder

There shall be a 30 minute 'cool down period' at the end of all licensable activities.

Public Safety

1. Adequate first aid equipment and facilities shall be provided.
2. No more than 300 persons shall be permitted on the premises whilst regulated entertainment is being provided.

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

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.
2. Children shall be allowed in designated areas, such areas to be non-smoking and exclude the areas around any hot catering equipment.
3. No children shall be allowed on the premises except when accompanied by an adult.

Removal of Embedded Restrictions

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.

## 2. **FULFLOOD ARMS, 28 CHERITON ROAD, WINCHESTER** (Report LR153 refers)

The Sub-Committee met to consider an application by Greene King Brewing and Retailing 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 and the Local Government (Miscellaneous Provisions) Act 1982.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Miss Naqshbandi (a representative of the applicant), Mr Cooper (the designated premises supervisor) and Ms Barton (a licensee of the premises). As representatives of the Responsible Authorities, Mrs Blazdell (Environmental Health Officer) and PC Miller (Police) were in attendance along with approximately 30 local residents as Interested Parties.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted the 84 letters of representation from Interested Parties against the application as set out as Appendices to the Report. The Sub-Committee also noted the representations that had been received from the Responsible Authorities.

Miss Naqshbandi reported that approximately 13 letters in support of the application had been received by Greene King Brewing and Retailing Ltd from local residents, and asked that these be considered by the Sub-Committee. However, as these had not been forwarded to the Council within the procedural time limit, they could not be

considered by the Sub-Committee without the consent of all parties. The Interested Parties at the meeting refused to give consent to the submission of these documents and the Sub-Committee therefore declined to accept them for consideration.

The Licensing and Registration Manager introduced the Report and agreed to clarify the hours permitted on Bank Holidays within the conditions below.

The Environmental Health Team Manager advised that the Council had received a number of complaints over a sustained period regarding noise nuisance emanating from the premises. In light of this, she recommended a condition that the applicant should employ an independent noise consultant to investigate what measures, if any, could be used to minimise noise. She advised that without the completion of this survey and any resultant works, no regulated entertainment should be permitted, beyond that authorised by the existing Public Entertainment Licence (as converted under the Grandfather Rights); namely two Sundays per month from 2000hrs-2230hrs.

During debate, the Environmental Health Team Manager confirmed that the applicant had submitted a list of forthcoming events as requested at the Licensing Sub-Committee hearing held on 20 July 2005. However, due to a shortage of available resources, the Environmental Health Team had not yet been able to conduct their own survey of the noise from the premises during an event.

PC Miller spoke as a representative of the Police against the application. He advised that the premises were located in a dense residential area with no customer parking. The Police had received a number of complaints from local residents regarding noise and criminal damage to vehicles. He recommended that the regulated entertainment should be restricted to Friday and Saturday nights only and that the premises should close at midnight.

Mr Taylor spoke as an interested party against the application. Mr Taylor was a local resident and spoke on behalf of the Fulflood Residents' Association. In summary, he stated that the application contravened the Council's Licensing Policy as the applicant would not be able to control noise from the premises, leading to disturbance of nearby residents. He stated that the premises were surrounded and adjoined by Victorian terraced housing and that the design of the building was unable to contain noise as it had single glazed windows, no lobby door and was located within the Conservation Area which restricted changes to the building. The premises did have thick curtains but, as the applicant had stated at the previous meeting, she was reluctant to pull these as they covered three ventilation fans in the front windows. He also stated that noise containment was further reduced as the male toilets were located in the back garden. As a consequence, Mr Taylor concluded that the applicant could not ensure that noise from the premises would be inaudible in surrounding noise sensitive properties.

Further disturbances came from patrons leaving the premises (worsened as few of the surrounding dwellings had front gardens) and the premises' exterior lighting which, Mr Taylor stated, shone into twelve properties opposite.

In his concluding remarks, Mr Taylor commented that the proposals underlined an undesirable change in the character of the premises and that the extended hours sought broke the balance between the needs of the local residents and those of the applicant.

Ms Hurley, Mrs Wilkinson and Mr Abell also spoke as local residents against the application. In addition to the points raised above, they advised Members that there were a number of young families that lived near the premises as well as commuters who needed to get up early. They also advised that there a number of unregulated events (such as quiz nights) that had been held, during which the doors had been jammed open for ventilation.

Miss Naqsbandi spoke in support of the application. During her presentation, she pointed out that the applicant lived at the premises with their young children and that the applicant had no intension to alter the character of the premises.

The applicant vetted live acts before they were booked to play and Miss Naqsbandi confirmed that the applicant would welcome a condition limiting the number of live performers to four persons. She anticipated that the number of regulated entertainment events to be no more than two per week. During the regulated entertainment, Ms Barton confirmed that she checked the sound levels outside the nearest residential properties and would turn the volume down if it was too loud.

Miss Naqshbandi also stated that the applicant agreed with the recommended condition to ensure all windows and doors should be kept shut during regulated entertainment. The applicant confirmed that if it was sufficiently hot in the premises that the doors and windows had to be opened, the regulated entertainment would stop during this period. She added that she welcomed a condition to close the outside area to patrons after 2300hrs.

With regard to proposed acoustic survey, Miss Naqsbandi explained that the applicants could not afford this and suggested that such a survey would be unnecessary, so long as the doors and windows were kept shut to contain the noise.

In response to comments about criminal damage to vehicles and late night disturbance, Ms Barton stated that, given the mostly middle-aged character of the Fulflood's patrons, it was unlikely that these problems were attributable to the premises. She added that her own vehicle had been damaged at a time significantly after the premises had closed and that she displayed a notice asking patrons to leave quietly which was reinforced by a verbal reminder during events.

With regard to the outside lighting, Members noted that the lights had been erected by the previous tenants for security purposes.

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.

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>1100 to 2320</i>        |
| (ii)  | <i>Friday and Saturday</i>  | <i>1100 to <b>0030</b></i> |
| (iii) | <i>Sunday</i>   | <i>1200 to 2320</i>        |
| (iv)  | <i>Christmas Eve, Christmas Day, Easter Saturday, Easter Sunday and Bank Holidays</i> | <i>1100 to 0120</i>        |

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

- |       |   |                            |
|-------|---|----------------------------|
| (i)   | <i>Monday to Thursday</i>   | <i>1100 to 2300</i>        |
| (ii)  | <i>Friday and Saturday</i>  | <i>1100 to <b>0000</b></i> |
| (iii) | <i>Sunday</i>   | <i>1200 to 2300</i>        |
| (iv)  | <i>Christmas Eve, Christmas Day, Easter Saturday, Easter Sunday and Bank Holidays</i> | <i>1100 to 0100</i>        |

**In respect to 1 and 2 above, the hours might be extended by one hour before and after in respect of major TV sporting events, provided the applicant gives seven working days notice to the Licensing Authority and Police and no objection is raised.**

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

- |       |                            |                            |
|-------|----------------------------|----------------------------|
| (i)   | <i>Friday and Saturday</i> | <i>1900 to <b>2300</b></i> |
| (ii)  | <i>Sunday</i>              | <i>1900 to 2300</i>        |
| (iii) | <i>Bank Holidays</i>       | <i>1100 to 0100</i>        |

### All Licensing Objectives

#### Crime and Disorder

1. All staff shall be trained to monitor all trading areas and report any suspicious incidents, criminal activity or disorder.
2. The premises shall be a member of a local Pubwatch scheme if available

#### Public Safety

There shall be no consumption of drinks from bottles in the outside drinking areas.

#### 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. The outside seating areas shall be vacated no later than 2300.
7. The licence holder shall commission a noise impact assessment of the licensable activities. No live music events (**other than between 2000 and 2230 on two Sundays a month**) shall take place until this is carried out to the satisfaction of the Licensing Authority.

#### Protection of Children

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

### Removal of Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955, the Children and Young Persons Act 1933 and the Local Government (Miscellaneous Provisions) Act 1982 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. 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.

### 3. **THE RUNNING HORSE, 22 POUND HILL, ALRESFORD** (Report LR151 refers)

The Sub-Committee met to consider an application by Greene King Retailing 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 Licensing and Registration Officer advised that contrary to the written report, the Local Government (Miscellaneous Provisions) Act 1982 did not apply as the premises did not hold a Public Entertainment License.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Miss Naqshbandi (a representative of the applicant), Mr Mitchell (the designated premises supervisor) and with approximately five local residents as Interested Parties.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted the 11 letters of representation from Interested Parties against the application as set out as Appendices to the Report. In summary, these raised concerns regarding the ability of the listed building to retain noise, late night noise nuisance, noise from patrons outside the premises, car parking and that the application was contrary to the

character of the area. The Sub-Committee also noted that no representations had been received from the Responsible Authorities.

Miss Naqshbandi reported that approximately six letters in support of the application had been received by Greene King Retailing Ltd from local residents, and asked that these be considered by the Sub-Committee. However, as these had not been forwarded to the Council within the procedural time limit, they could not be considered by the Sub-Committee without the consent of all parties. The Interested Parties at the meeting refused to give consent to the submission of these documents, and the Sub-Committee therefore declined to accept them for consideration.

During debate, the Sub-Committee agreed to attach a further condition requiring the applicant to contact the Local Authority prior to all regulated entertainment events at the premises.

Mr Rothman spoke as a local resident against the application. In summary, he commented on the premises' inability to contain noise because of their listed status. He also commented on the noise nuisance from the beer garden and car park and a problem relating to car parking to the front of the premises. Mr Rothman also suggested that notices should be placed at the premises asking patrons to leave quietly and to respect the peace of neighbours. In response to Members' questions, Mr Rothman confirmed that he had not previously complained to the Council regarding the premises.

At the invitation of the Chairman, Mr Kimber and Mrs O'Rorke spoke as local residents and against the application. In addition to the issues raised above, the Sub-Committee noted that the application for a late night extension was contrary to the residential and peaceful character of the area, that it contravened residents' human rights, that there were other premises serving alcohol in the area and that the outside cooling unit should be insulated for noise.

Miss Naqshbandi explained that in the six months since Mr Mitchell's arrival as the premises' supervisor a number of improvements had been undertaken and that he lived on the premises with his wife and young children. She explained that Mr Mitchell had a long-term commitment to the area and that he would accept conditions limiting the number of regulated entertainment events to six per month and requiring that the doors and windows should remain shut (other than for patrons leaving and entering the premises). Members noted when the temperature inside the premises was too great and the doors and windows had to be opened, Mr Mitchell had stopped the regulated entertainment. Members also noted that Mr Mitchell checked the sound levels outside the premises. With regard to other comments raised, Miss Naqshbandi confirmed that the applicant was willing to erect notices asking patrons to leave quietly and that no-one entering the premises after 2300hrs would be served alcohol.

Miss Naqshbandi also stated that the premises had 17 car parking spaces for patrons to the rear and that the spaces to the front were usually kept clear for taxis etc.

The applicant had applied for an hour's calm-down/drinking-up time which Mr Mitchell suggested would better control the dispersal of his patrons into Alresford, given that other licensed premises in the area would close at 0100hrs.

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.

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>1000 to 0000</i>
(ii)	<i>Friday and Saturday</i>	<i>1000 to <b>0100</b></i>
(iii)	<i>Sunday</i>	<i>1200 to 2330</i>
(iv)	<i>Christmas Eve, Easter Sunday, Easter Saturday, Bank Holidays, New Year's Eve</i>	<i>1000 to 0200 (<b>next day following</b>)</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 2330</i>
(ii)	<i>Friday and Saturday</i>	<i>1000 to <b>0030</b></i>
(iii)	<i>Sunday</i>	<i>1200 to 2300</i>
(v)	<i>Christmas Eve, Easter Sunday, Easter Saturday, Bank Holidays, New Year's Eve</i>	<i>1000 to 0100 (<b>next day following</b>)</i>
3. The hours the premises may be used for regulated entertainment shall be:

- |       |                           |                                 |
|-------|---------------------------|---------------------------------|
| (i)   | <i>Monday to Saturday</i> | <i>1900 to 2330</i>             |
| (ii)  | <i>Sunday</i>             | <i>1900 to 2230</i>             |
| (iii) | <i>New Year's Eve</i>     | <i>1900 to 0200 (1 January)</i> |

**Events comprising regulated entertainment may be held up to six occasions per month, provided seven working days' written notice is served on the Police and the Licensing Authority and the Licensing Authority does not raise any objection.**

#### All Licensing Objectives

##### Crime and Disorder

None.

##### 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

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.
2. Children shall only be permitted in the Function Room and Saloon bar until 2000 and shall be accompanied by an adult.

##### Embedded Restrictions

The provisions of the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955, 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 2.10pm

Chairman