

**LICENSING SUB-COMMITTEE**

**20 September 2005**

Attendance:

Councillors:

Hammerton (Chairman) (P)

Mather (P)

Pearson (P)

Others in attendance who did not address the meeting:

Councillor Verney

**1. THE SHIP INN, OWLESBURY**

(Report LR125 refers)

The Sub-Committee met to consider an application by Greene King 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 and regulated entertainment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mrs Sandra Juggins (Applicant) and Mr Ken Joyce (Area Manager for Greene King). There were no representatives of the Interested Parties or 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 12 September 2005.

In response to Members' questions, the Licensing and Registration Manager confirmed that there was no set number of National recognised Events, such as sporting events, and that it was up to the licensee's discretion as to how many were held. He added that a condition could be imposed that required the applicant to notify the Council and the police in advance of any such event, in addition to the 12 already permitted per year.

Mr Joyce spoke in support of the application, stating that The Ship was a well established rural pub, catering for families and the local community. He commented that there had not been any incidents at the premises that involved the Police or the Environment Division, and that the premises were very well run. Mr Joyce continued that Mrs Juggins wanted to offer her customers more flexibility, especially at weekends, with the extended hours applied for.

In response to Members' questions, Mr Joyce confirmed that music would be played very occasionally at events such as weddings and BBQs and that there was no intention of this becoming regular. He also commented that all activities ceased in the garden area by 2330, but that the garden was large and did not adjoin any residential dwellings. Mr Joyce added that if a condition was imposed regulating the noise in the garden there would be no objection to this.

#### 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***

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***

The above times for the sale of alcohol and opening may be extended by one hour on Bank Holiday weekends and other notable days.

The above times for the sale of alcohol and opening may be extended by one hour before and after any Nationally recognised event or major TV sporting event.

The above extensions shall be notified to the Police and the Licensing Authority 10 working days before the event. If the police object to the event within three working days of being served with notice, the event may only take place with the consent of the licensing authority.

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

(i) ***Special Events and Bank Holidays 1900 to 2300***

(ii) ***Sundays 1100 to 1500***

The above events shall be notified to the Police and the Licensing Authority 10 working days before the event. If the police object to the event within three working days of being served with notice, the event may only take place with the consent of the licensing authority

## **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. All 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**

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. All live and recorded music shall cease at 2300.

3. No music or speech shall be relayed via external speakers other than for events with the prior approval of the Licensing Authority.

4. Any artificial lighting on the premises shall not cause nuisance due to glare unless it is considered necessary by the Police to prevent crime and disorder.

5. All activities in the garden shall cease at 2300.

### **Protection of Children**

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

### **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.

## **2. THE TICHBORNE ARMS, ALRESFORD**

(Report LR154 refers)

The Sub-Committee met to consider an application by Nigel and Sarah Burt 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 and regulated entertainment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr and Mrs Burt (Applicants), and Mrs Salter (representing Tichborne Parish Council and residents). 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 9 September 2005. He continued that the premises did not have a Public Entertainment Licence, although the applicants had the right to provide entertainment in the form of recorded music or two live performers.

In response to Members' questions, the Licensing and Registration Manager confirmed that the application did not include requests for holding a certain amount of 'special occasions' events each year.

Mrs Salter then spoke opposing the application, representing both Tichborne Parish Council and local residents. She reiterated the concerns of the Parish Council set out in their letter of representation (shown in Appendix 2 of the report) and added that the Parish Council had received complaints from local residents regarding the noise of patrons in the pub garden, as well as the sound of people leaving the premises late at night.

Mrs Salter continued that the Parish Council objected to the application as there was a concern that the extended hours would attract people from outside the area, causing more disturbances, and that hours of this nature were not appropriate for the surrounding environment.

Mr Burt spoke in support of the application, representing himself and his wife, stating that the application was aimed at providing more flexibility in service provision, because many customers arrived later in the evening due to work commitments. He commented that as the pub attracted an older clientele, they left the premises quietly and they had not received any complaints to contradict this. The applicant also confirmed that any customers arriving after 2300 hours would not be served alcohol. Mr Burt continued that, since they acquired the premises, there had not been any incidents that had occurred which required the police.

In response to Members' questions, Mr Burt confirmed that the garden was very rarely used by patrons, and that the busiest time for the use of the garden was at lunchtimes during the summer. He commented that there had not been any loud speakers in the garden to play music and that there was no intention of introducing this. Mr Burt added that The Tichborne Arms did not have attractions for younger customers, such as a jukebox or fruit machines.

Mr Burt continued that they did not have any notices up asking customers to leave the premises quietly, as they had not received any complaints to indicate that this was necessary. However, he agreed that this could be done if required.

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:

### **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 0100***

(ii) ***Friday and Saturday 1100 to 0130***

(iii) ***New Years Eve 1100 to closing***

***on 2 January***

(iv) ***Christmas Eve 1100 to 0230***

***Christmas Day***

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

(i) ***Sunday to Thursday 1100 to 0030***

(ii) ***Friday and Saturday 1100 to 0100***

(iii) ***New Years Eve 1100 to closing  
on 2 January***

(iv) ***Christmas Eve 1100 to 0200  
Christmas Day***

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

(i) ***Monday to Thursday 1100 to 0030***

(ii) ***Friday and Saturday 1100 to 0100***

### **All Licensing Objectives**

#### **Crime and Disorder**

None

#### **Public Safety**

None

#### **Public Nuisance**

1. 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.

2. Background music only may be played outside between the months of May and September. All activities in the garden shall cease no later than 2300.



## **Protection of Children**

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

2. 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 10.40am

Chairman