

LICENSING SUB – COMMITTEE

21 September 2005

Report of City Secretary and Solicitor

Contact Officer: John Myall. Tel No: 01962 848443

Application to Vary the Premises Licence for:

**The Old Coach House
156 – 157 High Street
Winchester**

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Part A.**1. Application****Applicant:** Nicholas Jukes**Premises:** The Old Coach House**Conversion of the Existing Licences.**

The conversion of the existing licences was granted under delegated powers on 12 September 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 |

Alcohol can be served to residents and bona fide guests at any time under Section 63(2) of the Licensing Act 1964.

The premises have the benefit of 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, late night refreshment and regulated entertainment.

Removal of Embedded Restrictions

The application is also to remove all embedded restrictions inherent in the Licensing Act 1964.

Notice of the application was displayed outside of the premises for a period of 28 days until 25 September 2005, and advertised in the Hampshire Chronicle.

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

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

Video, Amusement Machines, Pub Games, Live Music, Amplified Voice, Recorded Music, Comperes.

| | |
|-----------------------------|---------------------|
| Monday to Wednesday | 1100 to 0000 |
| Thursday to Saturday | 1100 to 0200 |

| | | |
|---|------------------------------------|--|
| | <i>Sunday</i> | <i>1100 to 2230</i> |
| 2 | Late Night Refreshment (L) | |
| | <i>Monday to Wednesday</i> | <i>2300 to 0000</i> |
| | <i>Thursday to Saturday</i> | <i>2300 to 0200</i> |
| 3 | Supply of Alcohol (M) | |
| | <i>Monday to Wednesday</i> | <i>1100 to 0000</i> |
| | <i>Thursday to Saturday</i> | <i>1100 to 0200</i> |
| | <i>Sunday</i> | <i>1100 to 2230</i> |
| | <i>New Year's Eve</i> | <i>1000 to terminal hour</i> <i>New Years day</i> |

The supply of alcohol will be available to residents and their guests at all times.

| | | |
|----|--|----------------------------|
| 4. | Hours Premises Open To The Public (O) | |
| | <i>Monday to Wednesday</i> | <i>1100 to 0030</i> |
| | <i>Thursday to Saturday</i> | <i>1100 to 0230</i> |
| | <i>Sunday</i> | <i>1100 to 2300</i> |

Other times to coincide with any special televised sporting event, with 7 working days prior notice to Police.

[If the above application is unsuccessful, to stay open for licensable activities until 0200 on Friday to Monday on Bank Holiday weekends, Christmas Eve, Boxing day and 20 occasions per year upon 7 days notice to the Police.]

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

Designated Premises Supervisor

Nicholas Jukes

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. There is no application to remove the conditions included from the public entertainment licence as part of the conversion process.

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).

Notice of Hearing

Notices of the hearing were sent to all Parties on 6 September 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

The representations from the Director of Communities recommend conditions to address the Public Nuisance objective. He also makes recommendations that the applicant should consider regarding Public Safety.

(Appendix 2.1)

Hampshire Constabulary

The representations from Hampshire Constabulary recommend conditions to address the Crime and Disorder objective, the Public Safety objective and the Prevention of Public Nuisance objective

(Appendix 2.2)

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**

No representations received

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 and the Council's Licensing Policy.

(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 observations of the Director of Communities, the Police and the Council's Licensing Policy. It is suggested that any of the recommendations of the Director of Communities which are not included as conditions in the Premises licence should be added as informatives in any event.

(Licensing Policy B3, B4)

Public Nuisance

The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise pollution from the premises having regard to the observations of the Director of Communities, the Police and the Council's Licensing Policy

(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 and the Council's Licensing Policy.

(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. These conditions reflect the operating schedule, and the representations from the Director of Communities and the Police. 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.

Operating Hours

[The Sub Committee should consider the representation from the Director of Communities regarding the terminal hours for Conditions]

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

- | | | |
|-------|------------------------------------|----------------------------|
| (i) | <i>Monday to Wednesday</i> | <i>1100 to 0030</i> |
| (ii) | <i>Thursday to Saturday</i> | <i>1100 to 0230</i> |
| (iii) | <i>Sunday</i> | <i>1100 to 2300</i> |

The premises will close 30 minutes after the end of the non-standard timings.

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

- | | | |
|-------|------------------------------------|----------------------------|
| (i) | <i>Monday to Wednesday</i> | <i>1100 to 0000</i> |
| (ii) | <i>Thursday to Saturday</i> | <i>1100 to 0200</i> |
| (iii) | <i>Sunday</i> | <i>1100 to 2230</i> |

- (iv) ***New Years Eve*** ***1000 to terminal hour
New Years Day***

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

- (i) ***Monday to Wednesday*** ***1100 to 0000***
- (ii) ***Thursday to Saturday*** ***1100 to 0200***
- (iii) ***Sunday*** ***1100 to 2230***
- (iv) ***When hours for sale of alcohol are extended these hours are also extended.***

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

- (i) ***Monday to Wednesday*** ***2300 to 0000***
- (ii) ***Thursday to Saturday*** ***2300 to 0200***
- (iii) ***Sunday*** ***2300 to 2230***
- (iv) ***When hours for sale of alcohol are extended these hours are also extended.***

Any extension of hours outside normal operating hours shall be notified to the Police and the Licensing Authority at least 10 working days before the event. The Police shall have the power to veto the event.

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

1. The premises shall have on duty SIA registered Door Staff on Thursday, Friday and Saturday from 1900. The door staff shall wear high visibility jackets and will clearly display their name badges whilst on duty.
2. A CCTV system shall be installed to the satisfaction of the Police with recording facilities, and maintained to an acceptable standard. The recordings shall be retained for a period of 30 days and be made available upon request by the Police.
3. No customers carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public, and alcoholic and

other drinks may not be removed from the premises in open containers except for consumption in any external area provided for that purpose.

4. No drinks in open containers shall be removed from the premises except for consumption in any exterior area provided for that purpose.

Public Safety

1. The maximum occupancy of the building (including staff and performers) shall be restricted to 180 persons.
2. The covered way leading from the courtyard to the High Street must be kept clear of all storage and obstructions at all times whilst the premises are in use for the purposes of this licence.

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. 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.
3. The licensee or other person nominated by him shall be on duty at all times whilst the premises are in use for the purposes of this licence to receive and respond to any complaints of noise or other nuisance received from any person.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.
2. No children shall be permitted to be on the premises after 2100.

Embedded Restrictions

1. The provisions of 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. 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 Nicholas Jukes
2. Representations by Responsible Authorities
 - 2.1 The Director of Communities
 - 2.2 Hampshire Constabulary
3. Map of premises location.