

LICENSING SUB-COMMITTEE**22 September 2005**Attendance:

Councillors:

Evans (Chairman) (P)

Macmillan (P)

Sutton (P)

Others in attendance who did not address the meeting:

Councillor Pearson

1. **WINE BAR AND BISTRO, HIGH STREET, BISHOPS WALTHAM**
(Report LR173 refers)

The Sub-Committee met to consider an application by Stephen Brookwell 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 sale of alcohol and regulated entertainment for the Wine Bar and Bistro, High Street, Bishops Waltham. The details of the proposed variations were as set out in the report subject to the amendments set out by the Licensing and Registration Manager below.

The application was also to remove certain restrictions inherent in the Supper Hours Certificate, although the Licensing and Registration Manager clarified that the converted licence did not refer to this as the Certificate was not attached with the application. However, if the Committee agreed to the extended hours sought, there would be no need for the Certificate to be submitted. The application was also to remove the restrictions in the Public Entertainment Licence relating to adult entertainment.

The parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were the applicant, Mr S Brookwell and two local residents, Mrs A Green and Mr S Fowler.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted that no representations had been made by Responsible Authorities. Two representations had been received from interested parties as set out in the Appendices to the Report.

The Licensing and Registration Manager stated that the possible conditions relating to operating hours (as outlined on page 9, paragraph 3 of the above Report) should be corrected to specify that the hours the premises could be used for all regulated entertainment should be as follows:

- | | | |
|-------|------------------------------|--------------|
| (i) | Sunday, Monday and Wednesday | 0730 to 2330 |
| (ii) | Tuesday <i>and</i> Thursday | 0730 to 0000 |
| (iii) | Friday and Saturday | 0730 to 0100 |

(iv) New Years Eve

0730 to 2330 1 January
or 0000/0100 2 January

The paragraphs specifying different hours for different types of entertainment should be disregarded.

The Sub-Committee heard from those Interested Parties who wished to speak in support of their representations as appended to the Report. In summary, Mr Fowler stated that he had lived in the flat above the Wine Bar for the past six years and experienced problems with noise from live music as the sound resonated through the building. He also mentioned noise caused by people leaving the premises late at night. Further to questions, Mr Fowler advised that he had contacted the Environmental Division, the licensee and Police on a number of occasions.

In summary, Mrs Green explained that she lived in Brook Street, close to the Wine Bar, and her bedrooms were opposite some car parking and the rear doors to the premises. In addition, she also highlighted the problems she experienced because of the noise from the kitchen extractor fan, which operated from when the premises opened until after it closed. Mrs Green mentioned noise caused by staff leaving after the premises shut and also when there was live entertainment because the rear door was not kept closed.

Mr Brookwell gave a presentation in support of his application and answered questions from Members. He stated that he had contacted the Police at Bishops Waltham who had advised that there had been no recordable incidents at the premises since 1978. He confirmed that there was a notice displayed at the Bar asking customers to leave quietly and he would take steps to remind his staff of this too. In addition, taxis advertising from the premises were advised that they must collect their customers from the High Street and not Brook Street.

Mr Brookwell advised that he did not wish to alter the current operations of the Wine Bar, in particular attracting an older clientele and normally only selling alcohol with meals. However, on various themed evenings, where tickets would be sold in advance, there would be entertainment and more use of the bar for alcohol sales only, as opposed to the restaurant.

In response to questions, Mr Brookwell explained that there was a small outside seating area at the rear of the premises which could be accessed from a corridor at the rear of the Bar, which also led to the toilets. He confirmed that this door, which was also a fire exit, was closed at 11.00pm, and consequently the outside seating area was not used after this time. It was not possible to access the premises via this door once closed. He mentioned that the new requirements regarding disabled access might necessitate some alterations.

The Licensing and Registration Manager reminded Members that one of the proposed conditions stipulated that all doors and windows should remain closed when the premises were used for the purposes of regulated entertainment, and this would include the rear door.

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 and amended below. The Chairman also stated the rights to an appeal by interested parties granted by the 2003 Licensing Act.

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 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.

Additional Conditions

Operating Hours

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

- | | | |
|-------|---------------------------|-------------------------------|
| (i) | Monday to Saturday | 0730 to 0130 |
| (ii) | Sunday | 0730 to 0000 |
| (iii) | New Years Eve | 0730 to 0130 2 January |

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

- | | | |
|-------|---------------------------|-------------------------------|
| (i) | Monday to Saturday | 1000 to 0100 |
| (ii) | Sunday | 1000 to 2330 |
| (iii) | New Years Eve | 1000 to 0100 2 January |

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

- | | | |
|-------|-------------------------------------|--|
| (i) | Sunday, Monday and Wednesday | 0730 to 2330 |
| (ii) | Tuesday and Thursday | 0730 to 0000 |
| (iii) | Friday and Saturday | 0730 to 0100 |
| (iv) | New Years Eve | 0730 to 2330 1 January
or 0000/0100 2 January |

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

- | | | |
|-----|---------------------------|---------------------|
| (i) | Monday to Saturday | 2300 to 0130 |
|-----|---------------------------|---------------------|

(ii)	Sunday	2300 to 0000
(iii)	New Years Eve	2300 to 0130 1January

No drink or hot food shall be served on any outside tables connected with the premises after 2300.

All Licensing Objectives

Crime and Disorder

1. The premises shall have a CCTV system installed covering the entrances and exits, the bar area and any dance floor or other area where crowds congregate in a standing position. The CCTV system shall be maintained to an acceptable level and records available to the Police on request.

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 (including the rear fire door) shall not be kept open, except for access and egress, whilst the premises are in use for the purposes of regulated entertainment. During regulated entertainment, the rear fire door should not be used as a means of access or egress except in an emergency.

6. The noise of the rear extractor fan to be at a level acceptable to the Director of Communities.

Protection of Children

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

2. Children shall be accompanied by an adult at all times.

3. Any adult entertainment on the premises shall be a ticket-only private event and block out blinds or curtains shall be fitted on all windows whilst these events are taking place

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 GUILDHALL TAVERN, COLEBROOK STREET, WINCHESTER** (Report LR174 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 hours for the sale of alcohol and regulated entertainment for The Guildhall Tavern, Colebrook Street, Winchester. The details of the proposed variations were as set out in the report subject to the changes outlined by Mr J. Taylor (one of the current Licensees) below.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, The Cinematograph (Safety) Regulations 1955, the Children and Young Persons Act 1933, and the Local Government (Miscellaneous Provisions) Act 1982.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the representations made by Responsible Authorities as set out in the Appendices to the Report. In summary these referred to issues raised by Hampshire Constabulary relating to ensuring door staff were employed when the premises were open for later opening hours. There was also one representation received from an interested party.

The parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were Mr J Taylor, one of the existing licensees of the premises and PC G Miller, Hampshire Constabulary. There were no interested parties present.

The Licensing and Registration Manager advised that since the Report was prepared, a Supper Hour Certificate had been received. In response to questions, he confirmed that the proposed condition relating to ad-hoc extensions required rewording to reflect the fact that it was the Council and not the Police that had the power of veto (amended wording set out in the resolution below).

Mr Taylor stated that he wished to alter the operating hours contained in the application from those included within the Report. The amended hours he wished to apply for were:

Operating Hours

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

(i) Monday to Wednesday 1100 to 0030 (not 0300 as stated)

(remainder of Section 1 as set out on page 9 of the Report)

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

(insert new section for Sundays as set out below, remainder of Section 2 as set out, subject to renumbering)

(v) Sunday 1200 to 2300

3. *Section 3 to remain unaltered.*

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

(insert new section for Sundays as set out below, remainder of Section 2 as set out, subject to renumbering)

5. *Section 5 regarding Bank Holidays to be deleted.*

6. *Section 6 to remain unaltered, subject to renumbering.*

7. *Section 7 regarding private parties to be deleted.*

8. *Section 8 to remain unaltered, subject to renumbering.*

PC Miller stated that Hampshire Constabulary would request that at least two door staff were present on Friday and Saturday nights and any other night the premises were open after 1.00am. In response to questions, he reported that there had been less recorded incidents relating to the premises since the new licensee had taken over.

Mr Taylor advised that he had taken over as a licensee of the premises in March 2005 and as part of a plan to change its image, had undertaken a major

refurbishment which included removing the dance floor. The premises were no longer a “student-only” venue and were seeking to attract an older clientele by offering live music on a Saturday night and an open-mike session one evening in the week. He confirmed that the door staff were SIA trained.

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 and amended 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 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.

Additional Conditions

Operating Hours

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

(i)	Monday to Wednesday	1100 to 0030
(ii)	Thursday	1100 to 0130
(iii)	Friday	1100 to 0230
(iv)	Saturday	1100 to 0130
(v)	Sunday	1200 to 2330
(vi)	New Years Eve	1100 to 0030/0130/0230
		2 January
2. The hours the premises may be used for the sale of alcohol shall be:

(i)	Monday to Wednesday	1100 to 0000
(ii)	Thursday	1100 to 0100
(iii)	Friday	1100 to 0200

- | | | |
|------|----------------------|--|
| (iv) | Saturday | 1100 to 0100 |
| (v) | Sunday | 1200 to 2300 |
| (vi) | New Years Eve | 1100 to 0000/0100/0200 on
2 January |

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

- | | | |
|-------|----------------------------|---|
| (i) | Monday to Wednesday | 1100 to 0000 |
| (ii) | Thursday | 1100 to 0100 |
| (iii) | Friday | 1100 to 0200 |
| (iv) | Saturday | 1100 to 0100 |
| (v) | Sunday | 1200 to 2300 |
| (vi) | New Years Eve | 1100 to 000/0100/0200 on
2 January |

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 | 2300 to 0100 |
| (iii) | Friday | 2300 to 0200 |
| (iv) | Saturday | 2300 to 0100 |
| (v) | Sunday | 2300 to 2330 |
| (v) | New Years Eve | 2300 to 0000/0100 on
2 January |

5. The above times may be extended for the sale of alcohol and, the late night refreshment by 30 minutes before and 1 hour after, any live international sporting event which is to be broadcast on TV.

6. Any extensions at 5. above shall be notified to the Police not less than 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. There shall be at least two SIA registered Door Staff on duty on Fridays and Saturdays or when the premises are open after 0100. All Door Staff shall wear reflective jackets and name badges.
2. During televised sporting events the licence holder shall ensure that table service is provided for patrons

Public Safety

None

Public Nuisance

1. 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.
2. 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.
3. The applicant shall ensure that music is turned down to background level at least 30 minutes before closing time.
4. All external door and windows shall be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place, after 2300.
5. Soft drinks and/or hot drinks such as coffee shall be available during cooling down period.

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, the Children and Young Persons Act 1933 and Local Government (Miscellaneous Provisions) Act 1982 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. **APPLICATION FOR A TRANSFER OF THE PUBLIC ENTERTAINMENT LICENCE IN RESPECT OF MOLOKO BAR, WINCHESTER**

(Report LR171 refers)

Members considered the above licensing application in accordance with the procedure note approved by the Licensing Sub Committee on 18th September 1995 (minute 95 refers).

The applicants were not present at the meeting.

The Licensing and Registration Manager reported that he had met the applicants, Margaret and Charles Collymore, and considered that they were suitable persons to hold the public entertainments licence. Margaret Collymore had been involved in the licensing trade for a number of years.

In response to questions, PC Miller advised that he had also met the applicants and considered that they were suitable persons to hold the licence. He confirmed that the applicants were aware of the problems associated with the premises under its previous management. He also stated that the Police had not experienced any difficulties with the premises since the new licensees had taken over.

In response to questions, the Environmental Health Team Manager confirmed that she had not received any complaints regarding noise since the new licensees had taken over. She confirmed that the previous installation of a sound lobby had also helped reduce noise levels. The Committee therefore agreed that an informative be added that the sound lobby be retained.

In her closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had considered the application, the case presented by the applicant together with the observations of officers and members of the public. They also had regard to the Council's responsibilities under the Human Rights Act and Crime and Disorder Act.

RESOLVED:

1. That in respect of the application to transfer the Public Entertainment licence for the Moloko Bar, Winchester to Margaret Allison Collymore and Charles Alexir Collymore:-

- (a) the application be accepted notwithstanding the fact that less than 28 days notice was given;
- (b) the application be granted.

2. That the City Secretary and Solicitor be authorised to make submissions to the Magistrates' Court in terms that the appeal be allowed, and the public entertainment licence be renewed and varied so as to include the standard conditions and the following additional conditions: -

- (i) The hours during which the premises may be used for the purposes of this Licence shall be as follows:-

Public entertainment may be provided under this Licence during the hours specified in the schedule hereto any day except Christmas Day and Good Friday.

Monday to Wednesday	1100 to 0000.
Thursday	1100 to 0100
Friday	1100 to 0200
Saturday	1100 to 0100
Sunday	1200 to 2300

- (ii) The number of persons permitted to be in the whole premises whilst in use for the purposes of this Licence shall not exceed 330. The maximum number of persons in the Upstairs Bar shall not exceed 120 at any time (or 200 at any one time provided that improvements to the first floor fire escape have been completed to the written satisfaction of City Secretary and Solicitor in consultation with the Head of Building Control and the Hampshire Fire and Rescue Service).
- (iii) A written plan of evacuation of the premises in the event of an emergency shall be maintained. All staff shall be made aware of the plan, which should include the role of each individual member of staff in the event of an emergency evacuation. All staff should be trained in implementation of the plan.
- (iv) All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open, wedged open, or maintained open by a mechanical or other device whilst the premises are in use for the purposes of this Licence. Both sets of doors at the front of the premises shall be kept shut as far as possible whilst music is being played and one set of doors shall be kept shut while people are entering and leaving the premises.

3. That the applicants be reminded that if the premises are refurbished at any time, the existing sound lobby should be retained.

The meeting commenced at 1.00pm and concluded at 3.40pm

Chairman