

LICENSING SUB – COMMITTEE

22 September 2005

Report of City Secretary and Solicitor

Contact Officer: John Myall. Tel No: 01962 848443

Application to Vary the Premises Licence for:

**The Guildhall Tavern
57 Colebrook Street
Winchester**

Part A.	Report	<i>Buff</i>
1	Application	
2	Responsible Authorities	
3	Interested Parties	
4	Observations	
5	Conditions	
6	Other Considerations	
Part B.	Appendices	
Appendix 1	Application	<i>White</i>
Appendix 2	Representations from Responsible Authorities	<i>Green</i>
Appendix 3	Representations from Interested Parties	<i>Cream</i>
Appendix 4	Other Appendices	<i>White</i>

Part A.**1. Application****Applicant:** Eldridge Pope and Company Limited**Premises:** The Guildhall Tavern**Conversion of the Existing Licence/s.**

The conversion of the existing licence(s) was granted under delegated powers on 13 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

[Note: there is no application to convert any Supper Hour or Special Hours Certificate, therefore the hours for the sale of alcohol will be as stated above.]

The premises have the benefit of a Public Entertainment Licence.

Monday to Wednesday	1100 to 0000
Thursday	1100 to 0100
Friday	1100 to 0200
Saturday	1100 to 0100
Sunday	1430 to 2300

No entertainment is permitted on Good Friday or Christmas Day.

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

Notice of the application was displayed outside of the premises for a period of 28 days until 28 August 2005, and advertised in the Hampshire Chronicle on 5 August 2005.

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

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

Live and recorded music, dancing, disco, compere for quiz nights

Monday to Wednesday	1100 to 0000
Thursday	1100 to 0100
Friday	1100 to 0200
Saturday	1100 to 0100
Sunday	1200 to 2300
New Years Eve	1100 to 0000/0100 on 2 January

2 Late Night Refreshment (L)

Monday to Wednesday	2300 to 0000
Thursday	2300 to 0100
Friday	2300 to 0200
Saturday	2300 to 0100
New Years Eve	2300 to 0000/0100/0200 on 2 January

3 Supply of Alcohol (M)

Monday to Wednesday	1100 to 0000
Thursday	1100 to 0100
Friday	1100 to 0200
Saturday	1100 to 0100
Sunday	1200 to 2300
New Years Eve	1100 to 0000/0100/0200 2 January

4. Hours Premises Open To The Public (O)

Monday to Wednesday	1100 to 0030
Thursday	1100 to 0130
Friday	1100 to 0230
Saturday	1100 to 0130
Sunday	1200 to 2330
New Years Eve	1100 to 0030/0130/0230 2 January

The above times to be extended by one hour on each Thursday, Friday, Saturday and Sunday of all Bank Holiday weekends and on all Bank Holiday Mondays until 0100.

The above times to 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.

An extension of a further additional hour on the occasion of events such as private parties, and other similar events.

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

Designated Premises Supervisor

Jeremy Taylor

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, and the Local Government (Miscellaneous Provisions) Act 1982.

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.
- (f) The conditions included in the Premises Licence as a result of the conversion of the public entertainment licence.

Notice of Hearing

Notices of the hearing were sent to all Parties on 7 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

None

Hampshire Constabulary

Hampshire Constabulary have recommended conditions to address the Prevention of Crime and Disorder and Public Safety Licensing Objectives

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

1. Alec and Margaret Fry

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, the Operating Schedule 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 Police and 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 pollution from the premises having regard to the observations of the Interested Parties 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:

Operating Hours

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

(i)	Monday to Wednesday	1100 to 0300
(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)	New Years Eve	1100 to 0000/0100/0200 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 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) **New Years Eve** 2300 to 0000/0100 on 2 January
5. The above times may be extended by one hour on each Thursday, Friday, Saturday and Sunday of all Bank Holiday weekends and on all Bank Holiday Mondays until 0100.
6. 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.
7. The above times may be extended further additional hour on the occasion of events such as private parties, and other similar events.
8. Any extensions at 5. and 6. above shall be notified to the Police not less than 10 working days before the event. The Police shall have the power of veto.

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

1. There shall be at least two SIA registered Door Staff on duty at weekends or when the premises are open after 0030. 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 persons.

Public Safety

None
Part A

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.

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 Eldridge Pope and Company Limited
2. Representations by Responsible Authorities
3. Representations by Interested Parties
4. Map of premises location.