

LICENSING SUB-COMMITTEE**26 September 2005**Attendance:

Councillors:

Hammerton (Chairman) (P)

Cook (P)

Pearson (P)

1. WINCHESTER KEBAB HOUSE, STOCKBRIDGE ROAD, WINCHESTER
(Report LR175 refers)

The Sub-Committee met to consider an application by for a new Premises Licence during the Transitional Period under Schedule 8 paragraph 7 (b) of the Licensing Act 2003, to permit the hours when the premises are open to the public and late night refreshment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr Hanifi Edebali (Applicant), Mr David Atwell (speaking on behalf of the applicant) and PC Gary Miller from the Police. No other representative of the Interested Parties attended..

The Assistant Licensing and Registration Officer explained that the Premises had not previously held a late night licence as this was not necessary under the old Licensing Act. She commented that a representation had been received from the Police, but that the Police had negotiated with the applicant a new set of conditions and the Police had withdrawn their representation.

In response to Members' questions, the Assistant Licensing and Registration Officer confirmed that no formal complaints relating to the premises had been made to the Council.

Mr Atwell spoke on behalf of the applicant, stating that he had been a near neighbour of the premises for many years. In that time the applicant had refurbished the premises and was applying for the new licence in response to market forces. He commented that as pubs in the area closed later than before, customers leaving those premises wanted food and on finding the Kebab House shut would bang on the doors and windows, shouting and swearing. Mr Atwell stated that if the premises were allowed to open longer, it could reduce the amount of Public Order Offences being committed.

Mr Atwell continued that the applicant had agreed in conjunction with the police to install CCTV inside the premises, and outside subject to planning permission being granted. He acknowledged Mr Hartley-Raven's letter of representation and agreed that there was a litter problem in the vicinity. He stated however, that this could not be solely attributable to the Kebab House, as there were other fast food premises nearby, and that the applicant was happy to improve the frequency of cleaning up litter outside the Kebab House. Mr Atwell also commented that the concern over anti-social behaviour was, in his opinion, related more to alcohol than the serving of food,

but that the applicant had agreed with the Police to encourage customers to disperse from the area more frequently.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

None

Additional Conditions

Operating Hours

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

- | | | |
|-------|-----------------------------------|----------------------------|
| (i) | <i>Sunday to Wednesday</i> | <i>1100 to 0000</i> |
| (ii) | <i>Thursday</i> | <i>1100 to 0100</i> |
| (iii) | <i>Friday and Saturday</i> | <i>1100 to 0200</i> |

On recognised Public Holidays the opening hours to be 1100 to 0000 daily

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

- | | | |
|-------|-----------------------------------|----------------------------|
| (i) | <i>Sunday to Wednesday</i> | <i>2300 to 0000</i> |
| (ii) | <i>Thursday</i> | <i>2300 to 0100</i> |
| (iii) | <i>Friday and Saturday</i> | <i>2300 to 0200</i> |

On recognised Public Holidays the hours during which premises may be used for late night refreshment shall be 1100 to 0000 daily

The above hours are in line with the Planning Permission granted to the premises under the Town and Country Planning 1990 which expires on 31 January 2007.

All Licensing Objectives

Crime and Disorder

Subject to planning permission being granted but not otherwise, a CCTV system shall be maintained and in operation outside the premises during the busiest trading periods when the premises are used for licensable activities. The tapes shall be retained for 30 days and be made available to the Police or Authorised Officers on request. In addition, a CCTV system shall be maintained and in operation inside the premises during the busiest trading periods when the premises are used for licensable activities

Public Safety

None

Public Nuisance

1. Prominent, clear notices shall be displayed at all exits and leaflets made available requesting customers to respect the needs of local residents, to leave the premises and the area quietly and to dispose of litter responsibly.

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. Litter bins should be provided for the use of customers.

Protection of Children

None.

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. **THE WHITE SWAN, HYDE STREET, WINCHESTER**
(Report LR176 refers)

The Sub-Committee met to consider an application by Greene King Brewing & Retailing Limited 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 application is also to remove all embedded restrictions inherent in S168 of the Licensing Act 1964.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Ms Jo Trotter (Assistant Premises Manager), Mr Mike Gore (Greene King Health Officer) and Mr Nick Hunter (Area Manager for Greene King). There were no representatives of the Responsible Authorities present. There were also four members of the public present.

The Assistant Licensing and Registration Officer explained that the application was to extend the hours as set out in the report, with the conversion of the existing licence being granted under delegated powers on 14 September 2005. She stated that the premises had a Public Entertainment Licence, the hours and conditions of which would remain the same and be carried across as part of the new licence. She continued that no representations had been received from any Responsible Authorities, but that 14 representations from Interested Parties had been received, although none wished to address the sub-committee.

In response to Members' questions, the Assistant Licensing and Registration Officer confirmed that, in the past, Good Friday had been subject to Sunday opening hours but that this would change under the new licensing laws.

Mr Gore (representing Greene King) spoke in support of the application, stating that the premises did not attract a young customer base, despite being situated on a busy crossroads near the centre of town. He commented that the pub sold food until 2000hrs, but were not seeking to extend the hours for the Public Entertainment Licence. Mr Gore explained that the reason for the application was so that the premises could sell tea and coffee to its patrons, once they stopped serving alcohol. He continued that in response to the representations received objecting to the application, they would withdraw their application for the extra hour on a Thursday, leaving an application of an extra 2.5 hours per week.

In response to concerns raised by local residents regarding the noise of taxis outside the premises, Mr Gore stated that they were in the process of arranging a deal with a local taxi firm to provide a considerate service to and from the pub. This would mean that no patrons would need to stand outside calling taxi firms. He continued that they would clear the garden area by 2300hrs so that no noise would emanate from there, and that all doors and windows would be closed to reduce the noise emissions from the premises themselves. He added that there were also notices up requesting patrons to leave quietly.

In response to Members' questions, Mr Gore confirmed that they had not had any problems with complaints being made to either the Police or the Environment Division. Ms Trotter explained that she had only had one instance where a local resident called to complain about the noise and she dealt with the problem straight away. She added that a representative from Homerise House had also come to see her when the notice for the variation was displayed, but that she was not aware of any other complaints.

Mr Gore continued that The White Swan had a stringent proof of age scheme and that they had adopted the Hampshire Constabulary's Challenge 21 scheme. Ms Trotter confirmed that they were also in the process of applying for membership of the Pubwatch Scheme.

The Sub-Committee retired to deliberate in camera.

In her 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

(ii) ***One extra hour before and one extra hour after those times on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and Easter Monday, St. George's Day, St. Patrick's Day and any other publicly declared holiday.***

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

(i) ***Friday and Saturday 2300 to 0000***

(ii) ***One extra hour before and one extra hour after those times on Christmas Eve, Christmas Day, Boxing Day, New Years Day, Spring and August Bank Holidays, Good Friday, Easter Saturday, Easter Sunday and Easter Monday, St. George's Day, St. Patrick's Day and any other publicly declared holiday.***

All Licensing Objectives

Crime and Disorder

1. A written policy for sensible consumption of alcohol shall be adopted and all staff shall be trained in the implementation of the policy before the premises are used for the purposes of this Licence.

1. The premises shall be a member of a local Pubwatch scheme if available.

2. Adequate and sufficient training for staff and managers on dealing with illegal activities and aggressive customers shall be provided, together with training in communication with customers when service is refused for drunkenness.

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. Regulated entertainment shall be restricted to the inside of the premises.

1. 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.

2. No customers shall be allowed to drink in the outside section of the premises after 2300.
3. External background music shall be turned off at 2100.

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 Local Government (Miscellaneous Provisions) Act 1982 and the Children and Young Persons Act 1933 shall apply with the exception of S168 of the Licensing Act 1964.

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 10.45am

Chairman