

LICENSING SUB-COMMITTEE

29 September 2005

Attendance:

Councillors:

Pines (Chairman) (P)

Lipscomb (P)

Wagner (P)

Others in attendance who did not address the meeting:

Councillor Davies

1. **THE MASH TUN, 60 EASTGATE STREET, WINCHESTER**

(Report LR177 refers)

It was noted that consideration of the above premises had been deferred to a further meeting of the Sub Committee to be held later in the day.

2. **THE STANMORE HOTEL, STANMORE LANE, WINCHESTER**

(Report LR178 refers)

The Sub-Committee met to consider an application by Eldridge Pope and Company 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, late night refreshment and regulated entertainment. The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr Aitchley (Counsel for the Applicants) and Mr Ward (Area Manager for Eldridge Pope). Also in attendance were Mrs Hull, Mr Russell and Mrs Wood as Interested Parties. There were no Responsible Authorities represented at the meeting.

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 16 September 2005.

In response to a Members' question about the lack of a submitted Children's Certificate, the Assistant Solicitor explained that the applicant had opted to comply with the Licensing Act 2003 in that respect, which in fact had more stringent conditions than the Licensing Act 1964.

Mrs Wood, resident of Olivers Battery Road North, spoke against the application and drew particular attention to the noise and vandalism which she believed was caused by some customers from the Stanmore Hotel, who left the premises in an inebriated condition at or near closing time. Although she could not be absolutely certain that such persons had been drinking at the Stanmore Hotel, it was very likely, given that the next nearest public house was some distance away and that there was no logic in

terms of pedestrian routes to customers from those premises using her road to get home. In summary, Mrs Wood asserted that extending the hours of operation could only exacerbate the current problems.

Mrs Hull, another resident of Olivers Battery Road North, also spoke against the application. She recalled that the problems commenced about two years ago and, since that time, she had experienced regular disturbances through very loud music emanating from the premises, fights in the road and car park, abusive language, vandalism, vomit and litter. Particularly disruptive events held by the pub included a motor cycle 'meet' in the pub car park on a Sunday, which attracted over 100 bikers, and a charity 'bungee jump' from a mobile crane on a May Bank Holiday Sunday. Both events had been very intrusive in terms of noise, abusive language and general disturbance which lasted for most of the day. In fact, her family had been forced to leave their house for the day once the bungee jumping commenced, but she knew that the above problems had continued after they left because this was confirmed by her neighbours.

Mrs Hull continued that interior changes to the Stanmore Hotel meant that the main bar had been moved from facing Stanmore Lane, to facing the residential properties at the rear of the site. As the windows and doors of the bar were often left open, the loud music at the premises on Friday and Saturday nights in particular was almost unbearable; there was also considerable noise generated from customers watching 'big screen' sporting events. Mrs Hull had contacted the pub manager by telephone on such occasions, but he was generally unhelpful and the music level was rarely reduced. She had also contacted the Environment Division and now maintained a log sheet of such incidents, but that was in the early stages of completion and would be submitted in due course. Mrs Hull had also approached the Police about certain incidents.

Mr Russell, a resident of Monmouth Square, spoke as Chairman of the Monmouth Square Residents Association, which was opposed to the application. He considered that the comments of Mrs Hull accurately represented the concerns of his Association about the Stanmore Hotel. He emphasised that many residents of the Square were elderly and needed undisturbed sleep; therefore he asked that the pub's activities conclude at 11pm. Mr Russell also had tried to contact the manager of the pub about various concerns, but he was often unavailable and any remedial action taken was not especially effective.

On behalf of the applicant, Mr Aitchley responded that the new owners of Eldridge Pope breweries assumed control last year and they had appointed the current manager in May 2005. This meant that the bikers event was under the previous management. The bungee jumping was organised by the current manager but it was a one-off event which ended before 6pm.

Mr Aitchley continued that the current application represented a relatively small increase in trading hours, which was designed to provide flexibility, to cater for particular occasions – for example the screening of World Cup matches. It was certainly not intended to use the maximum hours every week throughout the year. With regard to dealing with any complaints, a telephone contact number for the pub manager would be circulated to local residents. The manager would be required to maintain a log of any complaints received from the public and how they were dealt with. Doors and windows would be closed when entertainment was in progress and notices would be placed at exit points, asking customers to leave quietly.

Mr Ward added that his company took seriously the good management of its premises and any substantiated problems, such as serving customers who already appeared inebriated, would be dealt with appropriately. The company encouraged a 30 minute 'chill out' period before pubs closed, when only soft drinks would be served. They also supported the Challenge 21 initiative to prevent under age drinking and believed in good communications with residents and, to this end, agreed to circulate a letter clarifying a number of issues.

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 Application to vary the Premises Licence as set out in the report and as 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.

Other Conditions

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:
 - (i) ***Sunday to Wednesday 1000 to 2330***
 - (ii) ***Thursday to Saturday 1000 to 0030***
 - (iii) ***New Years Eve 1000 to 0030 2 January***
 - (iv) ***On each Thursday, Friday and Saturday of a Bank Holiday weekend until 0130 hours and on Sunday and Monday of a Bank Holiday weekend until 0030***

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

- (i) **Sunday to Wednesday** 1000 to 2300
- (ii) **Thursday to Saturday** 1000 to 0000
- (iv) **New Years Eve** 1000 to 0000 1/2 January
- (iv) **On each Thursday, Friday and Saturday of a Bank Holiday weekend until 0100 hours and on Sunday and Monday of a Bank Holiday weekend until 0000**

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

- (i) **Monday to Wednesday** 1000 to 2300 – indoors only
- (ii) **Thursday to Saturday** 1000 to 0000 – indoors only
- (iii) **Sunday** 1100 to 2300 – indoors only
- (iv) **New Years Eve** 1000 to 0000 2 January- indoors only
- (iv) **On each Thursday, Friday and Saturday of a Bank Holiday weekend until 0100 hours and on Sunday and Monday of a Bank Holiday weekend until 0000** – indoors only

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

- (i) **Thursday to Saturday** 2300 to 0000
- (ii) **New Years Eve** 2300 to 0000 2 January
- (iii) **On each Thursday, Friday and Saturday of a Bank Holiday weekend until 0100 hours and on Sunday and Monday of a Bank Holiday weekend until 0000**

5. In addition, for all the above Conditions on Hours:-

(a) The Licence Holder may extend the above hours by 30 minutes before and one hour after, any live international sporting event which is to be shown, by way of TV broadcast, at the premises.

(b) The Licence Holder may extend the above hours by a further additional hour on the occasion of events such as private parties, bookings and other similar events at management discretion.

(c) That (a) and (b) above shall be subject to the Licensee serving at least ten working days' notice on the Police and the licensing authority. 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.

(d) There shall be no restriction on the hours which alcohol can be supplied to residents or their guests on the premises.

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

1. There shall be a 30 minute “cooling down period” at the end of the licensable activities.
2. During televised sporting events the applicants shall ensure that table service is provided.

Public Safety

1. 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 external doors and windows must be kept closed, other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
6. Soft drinks and coffee shall be made available during the cooling down period.
7. A full acoustic survey shall be undertaken by the Licensee and any appropriate noise reduction measures identified in that survey shall be installed to the satisfaction of the Director of Communities before any of the variations hereby permitted take effect.

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 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 licence holder 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. A telephone contact number for the premises manager should be circulated to all local residents, for use should they have concerns about the operation of the premises and a log should be maintained at the premises of any representations made by local residents, whether via the contact telephone number or in person.

The meeting commenced at 9.30am and concluded at 11.15am

Chairman