

**LICENSING SUB-COMMITTEE****14 October 2005**Attendance:

Councillors:

Johnston (Chairman) (P)

Pearson (P)

Sutton (P)

Others in attendance who addressed the meeting:

Councillor Beveridge and Tait

Others in attendance who did not address the meeting:

Councillor Mather

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1. **WINCHESTER STUDENT UNION BAR, UNIVERSITY OF WINCHESTER**  
(Report LR180 refers)

The Sub-Committee met to consider an application by Winchester Students Union 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, the Children and Young Persons Act 1933 and the Local Government (Miscellaneous Provisions) Act 1982.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr A Hodgson (the applicant), Mr G Cushion (applicant's solicitor) and Mr T Geddes (Pro-Vice Chancellor of the University). Also in attendance were Mr J Hedin, Mr I Douglass, Dr A Chase and Ms S Smith as Interested Parties. Councillors Beveridge and Tait also attended as representatives of 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 License, with the conversion of the existing license being granted under delegated powers on 3 October 2005, which would allow the Student Union to sell alcohol as set out in the report. He explained that the current Public Entertainment Licence had not been attached to the report but that copies had been handed out before the meeting. The Licensing and Registration Manager added that the Union had also distributed copies of its Venue Noise Reduction Policy and requested that this be taken into consideration.

The Licensing and Registration Manager continued that the Union was restricted by its Public Entertainment Licence to providing entertainment for 32 weeks per year, but that it could sell alcohol all year round under its current licence and was used, for example, to provide for conferences. He added that the application had not taken into account a wind-down period, and suggested that Members could consider cutting back the operating hours to allow for this.

In response to Members' questions the Licensing and Registration Manager confirmed that the Union had the benefit of a full Justices' Licence and could therefore sell alcohol which could be taken off the premises, but that these off-sales were restricted to the people set out on Page 5 of the application. He continued that he was not aware of any recent disturbances being reported to the Police or the Environment Division.

Mr Hedin of Sparkford Road spoke against the application. He commented that music from the Student Union Bar and other venues used could be heard from his residence, and that the noise students made when leaving the premises was unacceptable for such a residential area. Mr Hedin added that there had been incidents of damage to private property, litter and theft at closing time when students left the premises.

Mr Hedin continued that he had complained to both the Police and the Environment Division in the past, as doors and windows to the premises had been left open. He added that many students lived in the Stanmore area and had to walk past his house, but that there appeared to be no controls over their drunken and rowdy behaviour.

Councillor Beveridge also spoke against the application, representing Mr P Walker who had made a written representation. Councillor Beveridge stated that although the University was a valued part of the community, Mr Walker believed that the Student Union should address the problems and concerns of local residents. He continued that the main issue faced by residents was the noise caused by the students returning home, which Mr Hedin had emphasised earlier in the meeting.

Mr Douglass of Airlie Road also spoke against the application. He stated that his property had suffered from a litter problem, with bottles and sweet wrappers thrown into his garden. He also commented that his car had been vandalised in the past, although he did not believe this to be intentional, but due to drunken behaviour. Mr Douglass continued that he objected to the extension of the hours during the week, as many people in the area had to get up early for work, but that he had no objection to the extended hours at weekends.

In response to a Members' question, Mr Douglass confirmed that he had only ever contacted the police to make a complaint when his car was vandalised.

Dr Chase of Sparkford Road also spoke opposing the application. He commented that he did not like being disturbed by noisy students after 2300 hours and that disturbance on a regular basis was not acceptable. Ms Smith, also of Sparkford Road supported those comments, adding that she had suffered broken glass and vomit on her property in the past.

Councillor Tait then spoke, representing Ms Brady and Dr Burwood who had made representations objecting to the application. Repeating previous comments made, Councillor Tait stated that noise and disturbance were the main concerns of Ms Brady and Dr Burwood. He continued that they were not confident that measures put in place to tackle the disturbance issues would be effective, and that they were not sure what powers the college security staff and stewards had.

On behalf of the applicant, Mr Cushion stated that a mistake had been made on the application concerning drinking-up time and that the application should have read as follows:

### Operating Hours

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

(i)	<i>Monday</i>	<i>1100 to 0100</i>
(ii)	<i>Tuesday</i>	<i>1100 to 0030</i>
(iii)	<i>Wednesday</i>	<i>1100 to 0100</i>
(iv)	<i>Thursday</i>	<i>1100 to 0030</i>
(v)	<i>Friday</i>	<i>1100 to 0200</i>
(vi)	<i>Saturday</i>	<i>1100 to 0030</i>
(vii)	<i>Sunday</i>	<i>1100 to 2330</i>

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

(i)	<i>Monday</i>	<i>1100 to 0030</i>
(ii)	<i>Tuesday</i>	<i>1100 to 0000</i>
(iii)	<i>Wednesday</i>	<i>1100 to 0030</i>
(iv)	<i>Thursday</i>	<i>1100 to 0000</i>
(v)	<i>Friday</i>	<i>1100 to 0130</i>
(vi)	<i>Saturday</i>	<i>1100 to 0000</i>
(vii)	<i>Sunday</i>	<i>1100 to 2230</i>

Mr Cushion continued that the Union accept that they were part of the problem concerning noise and disturbances in the local area, but that they were trying to improve the situation. He added that the Mission Statement they had produced for the Venue Noise Reduction Policy was in response to the issues raised by residents, and that the Union building itself had recently been insulated to prevent noise escaping.

Mr Cushion continued that the issue of anti-social behaviour was taken seriously. He stated that three students had been suspended from the Union in Fresher's Week, with a further 40 being cautioned. He added that Mr Hodgson had also advised those premises in town that were part of the Pub Watch scheme of problem students, which he was not obliged to do. Mr Cushion commented that if the Union was not granted extended hours, students would go elsewhere in town and disturbances would still occur, perhaps at an even later hour.

Mr Geddes then spoke in support of the application, stating that many measures had been put in place since the last hearing on 31 August 2005. He commented that they had contacted Hampshire County Council regarding a community warden, but that as HCC had advised him a warden would not be permitted to work after 11.00pm, the idea was not viable at the time. Mr Geddes continued that he had been in contact with the Police to discuss the possibility of a community safety officer financed by the University, who would have powers of arrest. This would be in addition to the University stewards. Mr Geddes added that mini buses had been introduced to take students home which had started to have an effect on the level of noise.

In response to Member's questions, Mr Hodgson confirmed that the Union could hold a maximum of 540 people, and that SIA badge staff were present at every entrance. Only an NUS card would be accepted as proof of membership to the University and only photographic ID, such as passports or a driving licence, were accepted as proof of age for students and their guests. He added that only the top and bottom doors to the Union building were ever opened, and that the windows in the bar itself had been sealed to prevent noise escaping from the premises. Signs requesting students to leave quietly were displayed at every egress point, with stewards at all exits and at the campus boundaries verbally reinforcing to students the need to keep noise to a minimum.

Mr Hodgson continued that regular campaigns were run to tackle the issues of substance abuse, and that areas where drugs might be taken were monitored every 15 minutes. He added that the University had a stringent substance abuse policy and that students could be expelled and reported to the Police if caught.

In response to a Members' question, Mr Hodgson confirmed that on Page 14 of the application, the only adult entertainment that might be provided would be comedians who might use strong language.

The Sub-Committee then 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:-

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)	<i>Monday</i>	<i>1100 to 0000</i>
(ii)	<i>Tuesday</i>	<i>1100 to 0000</i>
(iii)	<i>Wednesday</i>	<i>1100 to 0000</i>
(iv)	<i>Thursday</i>	<i>1100 to 0000</i>
(v)	<i>Friday</i>	<i>1100 to 0200</i>
(vi)	<i>Saturday</i>	<i>1100 to 0030</i>
(vii)	<i>Sunday</i>	<i>1100 to 2300</i>

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

(i)	<i>Monday</i>	<i>1100 to 2330</i>
(ii)	<i>Tuesday</i>	<i>1100 to 2330</i>
(iii)	<i>Wednesday</i>	<i>1100 to 2330</i>
(iv)	<i>Thursday</i>	<i>1100 to 2330</i>
(v)	<i>Friday</i>	<i>1100 to 0130</i>
(vi)	<i>Saturday</i>	<i>1100 to 0000</i>
(vii)	<i>Sunday</i>	<i>1100 to 2230</i>

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

(i)	<i>Monday</i>	<i>1100 to 0000</i>
(ii)	<i>Tuesday</i>	<i>1100 to 0000</i>
(iii)	<i>Wednesday</i>	<i>1100 to 0000</i>
(iv)	<i>Thursday</i>	<i>1100 to 0000</i>
(v)	<i>Friday</i>	<i>1100 to 0200</i>
(vi)	<i>Saturday</i>	<i>1100 to 0030</i>
(vii)	<i>Sunday</i>	<i>1100 to 2300</i>

### 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.

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

#### 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. 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.

4. 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.

### 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 the 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. The applicant is advised to implement the Venue Noise Reduction policy and is advised to liaise with the appropriate authorities.

After announcing the decision the Chairman pointed out that the hours authorised for the sale of alcohol by the Special Hours Certificate had not been taken into consideration when the licence was converted. The Applicant was entitled to the existing hours under the Special Hours Certificate, but he had not submitted the Certificate with his application. It was noted that the situation could be rectified by allowing the City Secretary & Solicitor to take the appropriate actions.

### RESOLVED:

That the City Secretary and Solicitor be authorised to include the hours specified in the Special Hours Certificate when the certificate had been produced by the Applicant.

The meeting commenced at 9.30am and concluded at 11.50am

*NOTE: A copy of the Special Hours Certificate was received on 14 October 2005. The amendments therefore made in accordance with the above resolution are underlined in the hours shown below.*

Operating Hours

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

(i)	<u>Monday</u>	1100 to 0030
(ii)	Tuesday	1100 to 0000
(iii)	<u>Wednesday</u>	1100 to 0030
(iv)	Thursday	1100 to 0000
(w)	Friday	1100 to 0200
(vi)	Saturday	1100 to 0030
(vii)	Sunday	1100 to 2300

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

(i)	<u>Monday</u>	1100 to 0000
(ii)	Tuesday	1100 to 2330
(iii)	<u>Wednesday</u>	1100 to 0000
(iv)	Thursday	1100 to 2330
(w)	Friday	1100 to 0130
(vi)	Saturday	1100 to 0000
(vii)	Sunday	1100 to 2330

Chairman