

LICENSING SUB-COMMITTEE**20 October 2005**Attendance:

Councillors:

Allgood (Chairman) (P)

Johnston (P)

Lipscomb (P)

1. THE FORESTER ARMS, NORTH WALLS, WINCHESTER

(Report LR181 refers)

The Sub-Committee met to consider an application by Greene King Retailing Limited for a new 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 and regulated entertainment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr M Meijer (Designated Premises Supervisor), Mr J Rankin (the applicant's representative from Greene King Retailing Limited). Also in attendance were Ms S Walker, Miss Bardwell and Ms Robinson as Interested Parties.

The Licensing and Registration Manager explained that Ms Robinson had sent in her request to speak at the hearing but that it had been received by the Council outside the required deadline. It was agreed, however, that as there were no objections by Members or the applicant that Ms Robinson would be able to speak.

The Licensing and Registration Manager outlined the details of the existing Justices' Licence as set out in the report, and added that a representation from the Police about public nuisance and eight representations from Interested Parties had been received. The Licensing and Registration Manager requested that Members disregard the representation made by Linda Gregory and Andrew Wright, as it had been withdrawn and replaced by an email that was distributed at the meeting.

PC Miller from Hampshire Constabulary stated that many complaints from local residents had been received in the past in relation to The Forester Arms, and the objection by the Police was mainly related to the issue of public nuisance. He continued that there was nothing in the operating schedule that would address the problem of noise emitting from the premises, and suggested that all music other than background music should cease at 2300 hours. He also suggested the possibility of installing a noise limiter.

In response to Members' questions, PC Miller confirmed that the chairs and tables outside the premises were on an area of land owned by the pub, and that there was no obstruction to the public highway. He continued that a noise limiter would only be relevant for recorded music or DJ's, not any live performers.

Ms Walker of Parchment Street spoke against the application, representing herself and Mr and Mrs Sirl. She stated that the noise emitting from the premises was unacceptable, and that during the summer months doors and windows had been left open. Ms Walker added that the premises were in a residential area, and that Parchment Street was also used as a cut through to the town centre, meaning that residents had to experience shouting and swearing late at night. Ms Walker expressed her concerns that these issues would be exacerbated by the extended hours, and questioned how staff would be able to deal with any anti-social behaviour. She continued that the problem was increased by the use of chairs and tables outside the premises that were there all year round.

Miss Bardwell also spoke against the application, stating that she had been woken on many occasions by people sitting outside the premises. She continued that she had also witnessed people urinating in the street and then re-entering the premises after closing time. Miss Bardwell added that she did expect a certain level of noise from the premises but that she did not feel they had complied with current regulations.

Ms Robinson, a resident of Parchment Street spoke against the application on the basis of public nuisance. She stated that she had been woken on several occasions, both during the week and at weekends, by loud music and people outside the premises. She continued that although she had spoken to the Designated Premises Supervisor, nothing had been done to resolve the issues of noise. Ms Robinson added that the problem was worse during the summer months, and that she had also been woken in the early hours of the morning by music being played while the premises were being cleaned.

In response to a Members' question, Ms Robinson confirmed that whilst she had spoken to the manager in the past about the issues, she had not reported any incidents to the police.

On behalf of the applicant, Mr Rankin stated that Mr Meijer had been running the premises for nearly three years. He continued that before Mr Meijer arrived, the premises had been frequented by predominantly male drinkers that would intimidate any other patrons of the pub, and that there had been a history of drug dealing. Since taking over, Mr Meijer had refurbished the premises and changed the operating style to attract a more mature clientele.

Mr Rankin explained that they only envisaged having music after 2330 hours twice a month, and that they requested the extended hours so that they could serve people later if they wished to. He continued that the relationship between the premises and local residents had improved since Mr Meijer reopened it after the refurbishment, and that he was committed to keeping the doors and windows shut to reduce noise emissions. Mr Rankin added that the applicant had no objection to agreeing to a condition that the outside area be closed for licensable activities after 2200, and that they would also put signs up to this effect.

In response to Member's questions, Mr Rankin confirmed that the premises did not have double glazing or a noise limiter, but that there was adequate ventilation inside so doors and windows did not need to be open. Mr Meijer added that Parchment Street was used by students returning to Erasmus Park and that it would be unfair to say all the noise was as a result of The Forester Arms.

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:-

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) | <i>Sunday to Thursday</i> | <i>1100 to 2320</i> |
| (ii) | <i>Friday</i> | <i>1100 to 0050</i> |
| (iii) | <i>Saturday</i> | <i>0900 to 0020</i> |

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

- | | | |
|-------|---------------------------|---------------------|
| (i) | <i>Sunday to Thursday</i> | <i>1100 to 2300</i> |
| (ii) | <i>Friday</i> | <i>1100 to 0030</i> |
| (iii) | <i>Saturday</i> | <i>0900 to 0000</i> |

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

Live and Recorded Music

- | | | |
|------|-------------------------|---------------------|
| (i) | <i>Sunday to Friday</i> | <i>1100 to 2300</i> |
| (ii) | <i>Saturday</i> | <i>1100 to 2330</i> |

All Licensing Objectives

Crime and Disorder

1. Before they first commence their duties at the premises, all staff shall be trained to deal with a) illegal activities and conflict management b) dealing with customers when service is refused on the basis of drunkenness.

Public Safety

None

Public Nuisance

1. The applicant shall conduct an acoustic survey and carry out any required works to the satisfaction of the Director of Communities before recorded or live music is allowed.

2. 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.

3. 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.

4. 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.

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

6. 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.

7. Tables and chairs outside the premises shall not be used after 2200 until opening time the next day.

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 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. Maintained illuminated exit signs should be installed over the exits.

2. **AVINGTON PARK, WINCHESTER** (Report LR182 refers)

The Sub-Committee met to consider an application by Avington Park Limited for the grant of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7 (b) of the Licensing Act 2003, for the hours when the premises are open to the public, for the sale of alcohol, late night refreshment and regulated entertainment.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mrs S Bullen (the applicant) and Mr J Hiscock (the applicant's representative). Also in attendance were Mrs C Littlewood, Mrs L Brooker, Ms S Shirley and Colonel M Fisher as Interested Parties. There were no representatives of the Responsible Parties in attendance.

The Assistant Licensing and Registration Officer outlined the application as set out in the report and explained that, in the past, the premises had held events where occasional public entertainment licences had been issued. She continued that a maximum of 15 licensable activities had been applied for but that it had been advertised as 12 in the official press notice.

Mrs Littlewood spoke against the application as her concern was that the level of disruption to the village would be increased. She stated that she lived opposite the rear entrance car park, which was situated on a narrow road, making it difficult for larger vehicles to get onto the site. Mrs Littlewood added that this was not safe and that the noise of heavy vehicles got unbearable, especially in the early hours of the morning. She commented that she did not feel that there was any means of controlling the noise and that, if the application was granted, the situation would only get worse.

In response to a Members' question, Mrs Littlewood confirmed that she had complained on several occasions to the Environment Health department regarding the level of noise caused by vehicles.

Mrs Brooker also spoke against the application supporting the comments made by Mrs Littlewood. She commented that the noise problem had increased over recent years, and that guests at events had been known to walk around the village disturbing residents. Mrs Brooker stated that she would like tighter controls on which gate guests leave from.

Ms Shirley spoke against the application, stating that although she did not hear much noise emitting from the premises, that during the summer she often had to close her windows. She added that her main concern was about the level of traffic in the area and how the new licence may affect this problem.

Colonel Fisher also spoke against the application, stating that the frequency of events at Avington Park had increased considerably, and that the rear gate was used by large vehicles which grounded along the drive. He reported that on one occasion, a marquee had been partially dismantled at 0200 hours, waking local residents. Colonel Fisher added that music from the premises could be heard in his living room, drowning out the television, and he felt that

there had been a lack of professionalism in the way events had been supervised and run.

Mrs Bullen then spoke supporting the application, stating that the application had been made so that they would not have to apply for several temporary event notices in a year. She stressed that she had no intention of increasing the number of events per year. Mrs Bullen continued that she had approached the local residents and discussed the issues of noise with them and that she had agreed to turn the music down if it got too loud.

On the issue of traffic noise, Mrs Bullen stated that she had moved one car park to the other side of the building, away from local residents, and that most cars and vans used this entrance. She confirmed that she had applied for planning permission to extend the gate to this car park to allow lorries and coaches through, but that this had been turned down, meaning that they could only enter through the rear gate.

Mrs Bullen continued that she had written to all her contractors asking them to use the front gate where possible, and that she would produce a schedule for all future events in consultation with residents. Mrs Bullen stated that she would also use signage to encourage guests to leave through the front gate after events at Avington Park. She added that some GPS systems lead drivers through the village, over which she had no control.

In response to Member's questions, Mrs Bullen confirmed that she would be happy to accept a condition of no more than 12 occasions per annum when the premises shall be used for licensable activities, and that there would not be any music outside the premises in the future. She continued that all functions and events finished at 0000 hours, and that parking arrangements would be the same for any event held there.

Mrs Bullen continued that she had spoken to the marquee contractors and arranged that marquees would not be taken down on the night of the event, but they would come back the following morning. She confirmed that she had also looked into the possibility of using a small field nearer to the house for car parking, which would prevent noise disturbance from cars.

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.

Other Conditions

Operating Hours

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

- | | | |
|-------|----------------------------|---------------------|
| (i) | <i>Monday to Thursday</i> | <i>1030 to 0030</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1030 to 0050</i> |
| (iii) | <i>Sunday</i> | <i>1030 to 2230</i> |

On the occasion of a Charity Ball Event held once every five years the premises shall close at 0530 on Sunday

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

- | | | |
|------|----------------------------|---------------------|
| (i) | <i>Monday to Thursday</i> | <i>1200 to 2350</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1200 to 0030</i> |

On the occasion of a Charity Ball Event held once every five years the premises shall stop serving alcohol at 0500 on Sunday

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

Plays

*Every Day from 1430 to 1700
And then from 1800 to 2230
Needed on only three days per annum
Live Music*

Monday to Thursday 1200 to 2350

Friday and Saturday 1200 to 0030

Sunday 1200 to 2230

On the occasion of a Charity Ball Event held once every five years the premises shall cease live music at 0200 on Sunday

Recorded Music

Monday to Thursday 1800 to 2350

Friday and Saturday 1800 to 0050

On the occasion of a Charity Ball Event held once every five years the recorded music shall cease at 0500 on Sunday

Performance of Dance

Monday to Thursday 1400 to 2300

Friday and Saturday 1400 to 0030

Anything of a Similar Description

Monday to Thursday 1100 to 2300

Friday and Saturday 1100 to 0050

Provision of Facilities for Dancing

Monday to Thursday 1800 to 2350

Friday and Saturday 1800 to 0050

On the occasion of a Charity Ball Event held once every five years the premises shall cease using the facilities for dancing until 0500 on Sunday

Provision of Facilities for entertainment of a similar description

Monday to Thursday 1200 to 2350

Friday and Saturday 1200 to 0030

Sunday

1200 to 2000

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

- (i) *Monday to Thursday* 2300 to 2330
- (ii) *Friday and Saturday* 2300 to 2350

On the occasion of a Charity Ball Event held once every five years the premises shall cease late night refreshment at 0500 on Sunday

All of the above hours in sections 2, 3 and 4 relate to no more than 12 occasions per annum when the premises shall be used for licensable activities plus a Charity Ball held once every 5 years.

All Licensing Objectives

Crime and Disorder

None

Public Safety

1. All staff shall be trained in evacuation procedures in the event of an emergency

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. 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 after 2300.

5. Where possible vehicles shall arrive and leave by the main entrance of the premises when events are being held for the purposes of licensable activities, and the licence holder shall ensure that traffic movements are monitored so as to minimize any disturbance to neighbours.

6. Parking for cars, other than those staying overnight, when events are being held for the purposes of licensable activities shall not be in the car park by the rear gate, but well away from close neighbours.

7. All outside entertainment shall cease at 2300 with the exception of 6 occasions per year when entertainment is allowed until 0100.

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

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 licensee is encouraged to liaise with local residents regarding the management of possible public nuisance from future licensable events.

The meeting commenced at 9.30am and concluded at 12.05pm

Chairman