

**LICENSING SUB-COMMITTEE**

**8 November 2005**

Attendance:

Councillors:

Pines (Chairman) (P)

Macmillan (for minute XX only) (P)

Wright (P)

Mather (for minute XX only) (P)

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1. **MISSISSIPPI RESTAURANT, 33 JEWRY STREET, WINCHESTER**  
(Report LR187 refers)

The Sub-Committee met to consider an application by Mr Nguyen Lieu the grant of the Premises Licence under Section 17 of the Licensing Act 2003, for late night refreshment.

The Party (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting was Mr N Lieu. Also in attendance was the Environmental Protection Team Manager as a Responsible Authority.

The Licensing and Registration Manager outlined the application as set out in the report and explained that under the Licensing Act 2003 the restaurant had to apply for a Premises Licence in order to provide late night refreshment after 2300 hours.

In response to Members' questions, the Licensing and Registration Manager confirmed that the premises would not be selling alcohol. He continued that if the application was granted, Mr. Lieu would have to apply for a variation in the planning permission (granted in 2004) under which he operated, as the proposed hours were outside those permitted under the current planning permission.

The Environmental Protection Team Manager made her representation, stating that there had been concerns over the proposed extended hours as this could lead to noise and disturbance in the surrounding area. She continued that the Environment Division did not have any specific evidence that linked the premises to reported problems along Jewry Street.

Mr Lieu stated that an extension to his operating hours was necessary in order for his business to survive. He continued that the majority of his custom came from late night trade and that the extra hour applied for was needed to keep him in line with other premises in the area.

In response to Member's questions, Mr Lieu confirmed that no food deliveries were made from the premises after 2300 hours and that the last order for deliveries was taken at 2230 hours. He added that he had a regular customer base and had not had any problems in the past that involved the police.

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

There are no mandatory conditions which must be applied in respect of this application.

Additional Conditions

Operating Hours

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

- |       |                    |              |
|-------|--------------------|--------------|
| (i)   | Sunday to Thursday | 0800 to 0000 |
| (ii)  | Friday             | 0800 to 0300 |
| (iii) | Saturday           | 0800 to 0200 |

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

- |       |                    |              |
|-------|--------------------|--------------|
| (i)   | Sunday to Thursday | 2300 to 0000 |
| (ii)  | Friday             | 2300 to 0300 |
| (iii) | Saturday           | 2300 to 0200 |

All Licensing Objectives

1. All staff shall be fully trained on the relevant aspects of the Licensing Act 2003

Crime and Disorder

1. A CCTV system shall be installed to the satisfaction of the Police with recording facilities, maintained to an acceptable

standard. The recordings shall be retained for a period of 30 days and be made available upon request by the Police.

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. The applicant shall provide litter bins at the premises 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. 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 advised of the concern about possible rubbish problems and should note that the Council's Environment Division may monitor the situation and call for a review if necessary.

7. The Licensee is reminded that where the hours granted under the Premises Licence are different from current planning permissions, further planning permission must be sought and obtained before using these hours.

## 2. **THE DOG AND CROOK, BRAMBRIDGE**

(Report LR188 and LR188 (supplement) refer)

The Sub-Committee met to consider an application by Mr Kevin Dawkins 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 Mr K Dawkins (Applicant) and Mr and Mrs D'Alton-Harrison as Interested Parties. Also in attendance were four members of the public. There were no representatives of the Responsible Authorities in attendance.

The Licensing and Registration Manager outlined the application as set out in the report. He explained that there had originally been representations from both the Director of Communities and the Police regarding public nuisance, but that after negotiation the hours sought had been changed and that a supplementary report had been circulated with these changes.

The Licensing and Registration Manager also brought to the Sub-Committee's attention that the applicant had reduced his request for 30 special occasions down to 12, in response to the representations made. He continued that the premises also had the benefit of a super licence.

Mrs D'Alton-Harrison spoke against the application, stating that her main concern was about the noise emitted from the premises and that this problem would only be exacerbated by extended hours.

Mr D'Alton-Harrison also spoke against the application, commenting that Mr Dawkins had bought the allotment gardens adjacent to the premises and there was concern over the possibility of events taking place on this land. He continued that livestock, which was kept on the land surrounding the premises, could be adversely affected if the hours were extended, as could local property prices.

Mr Dawkins then spoke in support of the application, stating that he had been the licensee at the premises for five years and had turned it into a successful business. He continued that there had only been one incident in those five years that involved the police and that, contrary to representations made, no fights took place inside or outside the premises. Mr Dawkins added that 70%

of his sales were on food and that most of his alcohol sales accompanied meals.

In response to Member's questions, Mr Dawkins confirmed that although the building was very old, he very rarely held events that would involve the playing of loud music and that, if the level of music became excessive, he would request that the DJ or musician turned it down. He added that doors and windows were kept closed as much as possible, but that as he ran a non-smoking establishment, this was not always easy to monitor as customers would go outside to smoke.

Mr Dawkins continued that there was a decking area to the rear of the premises on which speakers were placed to play background music. He explained that they were placed so that music could not be heard beyond the boundary of the decking.

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)   | Monday to Thursday  | 1000 to 0030              |
| (ii)  | Friday and Saturday | 1000 to 0130              |
| (iii) | Sunday              | 1000 to 0000              |
| (iv)  | New Year' Eve       | 1000 to close 1/2 January |

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

- |       |                     |                           |
|-------|---------------------|---------------------------|
| (i)   | Monday to Thursday  | 1000 to 0000              |
| (ii)  | Friday and Saturday | 1000 to 0100              |
| (iii) | Sunday              | 1000 to 2330              |
| (iv)  | New Year' Eve       | 1000 to close 1/2 January |

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

3.1 Films, Indoor Sporting Events,

- |     |                    |              |
|-----|--------------------|--------------|
| (i) | Sunday to Saturday | 2300 to 0130 |
|-----|--------------------|--------------|

3.2 Live Music

- |       |                     |                           |
|-------|---------------------|---------------------------|
| (i)   | Monday to Thursday  | 1000 to 2300              |
| (ii)  | Friday and Saturday | 1000 to 0000              |
| (iii) | Sunday              | 1000 to 2230              |
| (iv)  | New Year' Eve       | 1000 to close 1/2 January |

3.3 Recorded Music and Other Entertainment (Amplified Voice – Not Karaoke)

- |       |                     |                           |
|-------|---------------------|---------------------------|
| (i)   | Monday to Thursday  | 1000 to 2300              |
| (ii)  | Friday and Saturday | 1000 to 0000              |
| (iii) | Sunday              | 1000 to 2230              |
| (iv)  | New Year' Eve       | 1000 to close 1/2 January |

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

- |       |                     |                           |
|-------|---------------------|---------------------------|
| (i)   | Monday to Thursday  | 2300 to 0030              |
| (ii)  | Friday and Saturday | 2300 to 0130              |
| (iii) | Sunday              | 2300 to 0000              |
| (iv)  | New Year' Eve       | 2300 to close 1/2 January |

5. The above hours may be extended on up to 12 occasions per calendar year 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.

#### All Licensing Objectives

##### Crime and Disorder

1. All staff shall be trained in the requirements of the Licensing Act 2003 as part of their induction.

##### Public Safety

1. The maximum number of persons permitted on the premises for function bookings shall not exceed 100.

##### 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 doors and windows that are capable of being opened directly to the outside of the premises shall be kept closed, except for access and egress, whilst the premises are in use for the purposes of regulated entertainment.

6. Disposal of waste bottles into external receptacles where the noise will be audible to neighbouring properties must not occur between 2100 and 0800.

7. All external speakers shall be switched off no later than 2300 hours, and at all times shall not be above a background level.

8. No external areas shall be used after 2300 hours and all customers shall be cleared from such areas at this time.

#### 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.

The meeting commenced at 6.00pm and concluded at 7.45pm

Chairman