

LICENSING SUB – COMMITTEE

9 October 2006

Report of City Secretary and Solicitor

Contact Officer: John Myall. Tel No: 01962 848443

Variation of a Premises Licence

**The Chestnut Horse
Avington Park Lane
Easton
Winchester**

Part A. Report *Buff*

- 1 Application**
- 2 Responsible Authorities**
- 3 Interested Parties**
- 4 Observations**
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Part B. Appendices

- Appendix 1 Application** *White*
- Appendix 2 Representations from Interested Parties** *Cream*
- Appendix 3 Other Appendices** *White*

Part A.**1. Application****Applicant:** Hall and Woodhouse Limited**Premises:** Chestnut Horse, Easton

The Chestnut Horse is a village public house with substantial dining areas providing quality meals. There is also an open air decked terrace to the rear of the premises.

The previous licence holder converted the Justices Licence to a Premises Licence in May 2005 without variation. There was no provision for public entertainment and no application was made to vary the licence.

The current Premises Licence allows the sale of alcohol as follows:

- | | | |
|-------|----------------------------------|---|
| (i) | Monday to Saturday | 1000 to 2300 |
| (ii) | Sunday | 1200 to 2230 |
| (iii) | Christmas Day | 1200 to 1500
1900 to 2230 |
| (iv) | Good Friday | 1200 to 2230 |
| (v) | New Years Eve
Sunday) | 1000 to 2300 1 January (2230 if on a
Sunday) |

There are currently no conditions attached to the licence other than the statutory conditions.

The Operating Schedule, copied at Appendix 1, proposes the variation to the Relevant Licensable Activities.

The application is also to remove any condition that is not relevant to one or more licensing objective, duplicates a statutory provision or is not shown to be necessary for this particular premises. There are a number of restrictions in place from the Licensing Act 2003, however the applicant has not stated which, if any, he wishes to be removed.

Notice of the application was displayed outside of the premises for a period of 28 days until 19 September 2006, and advertised in the Mid Hants Observer on 24 August 2006.

Steps to promote the Licensing Objectives

Please see Section Q Appendix 1

Notice of Hearing

Notices of the hearing were sent to all Parties on 20 September 2006.

Relevant Representations**2. Responsible Authorities**

All of the Responsible Authorities have been served with a copy of the application and make the following representations:

Director of Communities

No representations received.

Hampshire Constabulary

No representations received.

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Director of Development

No representations received.

Head of Safety Standards

No representations received.

3. Interested Parties

1. Mr &
Mrs B Collis
2. H & G Fox
3. Mr D H G Ince
4. Mr H P Labram
5. Mr M S R Napier
6. Mr W D Phillips
7. Mrs G Phillips
8. Mrs I Pinder
9. Mr &
Mrs D H G Reid
10. Mr J Toner

4. Observations

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to all of the representations.

The Sub-Committee must take such of the following steps it considers necessary to promote the Licensing Objectives:

1. Grant the application as per the application, or
2. Modify the conditions of the licence by alteration or addition, or
3. Reject the whole or part of the application.

Decisions made under 2 or 3 above must actually be necessary to promote the Licensing Objectives.

Terminal hours.

The Sub-Committee should take account of the National Guidance and the Council's Licensing Policy with regard to terminal hours and take such steps as it considers necessary to promote the Licensing Objectives.

(Licensing Policy A8)

Licensing Objectives.

Crime and Disorder

The Sub-Committee should consider any necessary conditions to prevent crime and public disorder relating to the premises having regard to the observations the interested parties.

(Licensing Policy 1.6, 2.11, 2.17)

Public Safety

The Sub-Committee should consider any necessary conditions relating to public safety having regard to the observations of the interested parties.

(Licensing Policy B3, B4)

Public Nuisance

The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise pollution from the premises having regard to the observations of the Interested Parties.

(Licensing Policy Section C)

Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children having regard to the Operating observations of the Interested Parties.

(Licensing Policy D6, D7)

Human Rights

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, necessary in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

5. Conditions

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be retained 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.

Possible Conditions

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule:

Operating Hours

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

Films, Live Music, Recorded Music, Performances of Dance, Provision of Facilities for Making Music, Provision of Facilities for Dancing.

(i) ***Monday to Sunday 1000 to 0000***

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

(i) ***Monday to Sunday 2300 to 0000***

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

(i) ***Monday to Sunday 1000 to 0000***

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

(i) ***Monday to Sunday 1000 to 0030***

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

None

Public Safety

None

Public Nuisance

The applicant has stated in the operating schedule *“Noise from licensable activities will be controlled so as not to cause a nuisance to any neighbouring property in separate ownership or occupation.”*

If the application is granted, the Sub-Committee may wish to consider all or any of the following conditions to reflect the Public Nuisance objective:

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

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. Other Considerations**Corporate Strategy (Relevance To:)**

This report covers issues which affect the Community safety, Economic Prosperity, and Cultural and Leisure Opportunities of the Corporate Strategy.

Resource Implications

None

Appendices

1. Application by
2. Representations by Responsible Authorities
3. Representations by Interested Parties
4. Map of premises location.