# **LICENSING SUB – COMMITTEE**

27 February 2007

Report of City Secretary and Solicitor

Contact Officer: John Myall. Tel No: 01962 848443

Application for a Premises Licence – Licensing Act 2003.

Marriott Meon Valley Hotel and Country Club Sandy Lane Shedfield

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#### Part A.

#### 1. Application

**Applicant:** Marriott Hotels Limited

**Premises:** Marriott Meon Valley Hotel and Country Club

Sandy Lane Shedfield

- 1.1 This application is for a new premises licence to cover the existing buildings at the Marriott Meon Valley Hotel and Country Club, plus a marquee which is adjacent to the main building. Although submitted as a variation, it is not possible to substantially vary the extent of the premises by a variation application. It has therefore been treated as a new application.
- 1.2 The original premises operated, prior to the Licensing Act 2003, under a Justices Licence and Public Entertainment Licence which were converted into a single Premises Licence in November 2005. The converted licence remains in effect.
- 1.3 This application covers the premises included in the current licence, but also includes a marquee in the grounds of the premises. The effect of this application will be to increase the hours for the sale of alcohol to non-residents, and to increase the hours for regulated entertainment and late night refreshment. It also provides an additional licensed area in the marquee. The marquee has been erected for some time and has been used for functions utilising Temporary Event Notices for the sale of alcohol, regulated entertainment and late night refreshment.
- 1.4 The application is also to allow for the times for licensable activities to be extended on up to 25 occasions per year for the main hotel premises and up to 10 occasions per year for the marquee.
- 1.5 Notice of the application was displayed outside of the premises for a period of 28 days until 9 January 2007, and advertised in the Hampshire Chronicle on 21 December 2006.
- 1.6 The application was due to be determined on 2 February 2007, however this was delayed at the request of the applicant to allow for an acoustic survey to be completed.
- 1.7 A previous application was made on 17 August 2006, however this was withdrawn as the applicant wished to amend the application after the consultation period had expired.
- 1.8 On Friday 10 November 2006, a function took place in the marquee at the premises, which involved the sale of alcohol and regulated entertainment. There was no licence in force or a Temporary Event Notice for the function. The Designated Premises Supervisor, George McMenemy, was formally warned for carrying on unlicensed activities.

1.9 There have been representations based on public nuisance caused by noise, from interested parties and the Director of Communities.

- 1.10 Noise monitoring was undertaken by Environmental Protection Officers at noise sensitive properties on 14 and 26 January, and on 2 February 2007. The noise constituted a statutory nuisance under the terms of the Environmental Protection Act 1990. An abatement notice was served on the General Manager and the company on 9 February 2007.
- 1.11 The Operating Schedule, copied at Appendix 1, proposes the Relevant Licensable Activities.

#### **Designated Premises Supervisor**

George Frederick McMenemy

#### **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 25 January 2007.

#### Relevant Representations

#### 2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application and make the following representations which are attached at Appendix 2:

#### **Director of Communities**

A representation has been made as there is concern over current noise nuisance and the potential for further noise nuisance.

#### **Hampshire Constabulary**

No representations received.

#### **Hampshire Fire and Rescue Service**

A representation has been made as there is concern about fire safety provisions.

#### **Child Protection Team**

No representations received.

#### **Director of Development**

No representations received.

#### **Head of Safety Standards**

No representations received.

# 3. <u>Interested Parties</u>

The following interested parties have made representations which are attached at Appendix 3.

- 1. Mr DM Reeves and Ms SR Norris-Reeves
- 2. Mr M Phillimore
- 3. Ms L Carr

#### 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 licence subject to conditions in accordance with the operating schedule (modified to such extent as the authority considers necessary for the promotion of the licensing objectives) and the mandatory conditions;
- 2. exclude from the scope of the licence any of the licensable activities to which the application relates;
- 3. refuse to specify a person in the licence as the premises supervisor;
- 4. Reject the application.

#### 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)

They should also consider the application to include in the licence 25 occasions for extending the hours in the hotel, and 10 occasions in the marquee, in the light of the representations made, taking into account the availability of the temporary event notice procedure.

If the licence is granted with such extensions, they should consider how far in advance of the event that notification should be given to the Police and the Licensing Authority. Any power of veto should rest with the Licensing Authority on recommendation of the Police.

#### 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 licensing policy and the operating schedule.

(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 Licensing Policy, operating schedule and the observations of the Hampshire Fire and Rescue Service.

(Licensing Policy B3, B4)

#### Public Nuisance

The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise pollution from the marquee premises having regard to the Licensing Policy, operating schedule and the observations of the Director of Communities and 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 Licensing Policy and the Operating Schedule.

(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. <u>Conditions</u>

#### **Mandatory Conditions**

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

- 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:

#### Main Building (indoors only)

Films	(i)	Sunday to Saturday	0000 to 0000
Recorded Music	(i)	Sunday to Saturday	1200 to 0100

Live music, performances of dance, entertainment similar to live music, performances of dance, provision of facilities for making music, dancing, entertainment similar to provision of facilities for making music, dancing.

(i)	Sunday to Saturday	0800 to 0200
(ii)	New Year's Eve	0800 to 0800 1 January

#### Marquee (indoors only)

Plays, films, live music, recorded music, performances of dance, entertainment similar to live music, recorded music, performances of dance, provision of facilities for making music, dancing, entertainment similar to provision of facilities for making music, dancing.

(i)	Sunday to Saturday	0900 to 0000	
(ii)	New Year's Eve	0900 to 0900 1 January	

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

Main Building (indoors only)

(i) Sunday to Saturday 2300 to 0200

(ii) New Year's Eve 2300 to 0500 1 January

Marquee (indoors only)

(i) Sunday to Saturday 2300 to 0000

(ii) New Year's Eve 2300 to 0500 1 January

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

#### **Main Building**

Marquee

(i)	Sunday to Saturday	0730 to 0020
(ii)	New Year's Eve	0730 to 0730 1 January
(i)	Sunday to Saturday	0800 to 0000

(ii) New Year's Eve 0800 to 0800 1 January

On the day each year when BST starts, the terminal hour in each case may be extended by one hour.

[The Sub Committee should consider whether the following condition should apply or not]

The above hours may be extended, either at the start or end of the licensed hours, on up to 25 occasions per year in the main hotel, and 10 occasions per year in the marquee, provided that at least 10 working days notice is given to the Police and the Licensing Authority. If the Police object to the extension, the extension may only go ahead with the written consent of the Licensing authority.

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

(i) Sunday to Saturday 0000 to 0000

#### All Licensing Objectives

[Dealt with in relevant sections below].

**Crime and Disorder** 

None

**Public Safety** 

None

#### **Public Nuisance**

The following possible conditions have been compiled having regard to the operating schedule provided by the applicant. However it is the view of the Director of Communities that these will not address the public nuisance objective.

- Whilst music is being played as part of regulated entertainment in the marquee, 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 in the marquee requesting customers to respect the needs of local residents, to leave the premises and the area quietly. Where appropriate, an announcement in similar terms shall be made over the internal public address system.
- 3. Regulated entertainment shall be restricted to the inside of the main building and the marquee. There shall be no outside speakers.
- 4. All doors and windows in the marquee that are capable of being opened directly to the outside of the premises shall be kept closed whilst the premises are in use for the purposes of regulated entertainment consisting of live or amplified music, except for access and egress.
- 5. A noise limiting device shall be installed in the marquee and all live and amplified music shall be routed through the device. The device shall be set to a level so as to minimise the impact on local residents, to the satisfaction of the Director of Communities.
- 6. Any air conditioning systems or cooking extraction systems used in connection with the marquee shall be turned off when not required or not in use.
- 7. Appropriate arrangements shall be operated for the removal and disposal of bottles and rubbish from the marquee area so as to ensure that local residents are not unduly disturbed.

#### **Protection of Children**

None

# 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

# <u>Appendices</u>

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

#### Application to vary a premises licence under the Licensing Act 2003

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

We MARRIOTT HOTELS LIMITED being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises Licence number	PREM705/01442/LAPRMC	

#### Part 1 - Premises Details

	· · · · · · · · · · · · · · · · · · ·				
Post Town   Southampton   Post Code   S032 2HQ					

Telephone number at premises (if any)	01733 371 111
Non-domestic rateable value of premises	£490,000.00

#### Part 2 - Applicant details

Daytime contact telephone number		01329 833 455		
E-mail address (optional)				
Current postal address if different from premises address		Marriott Hotels Limited 7 Albermarle Street		
Post Town	London		Postcode	W1S 4HQ

#### Part 3 - Variation

Please tick yes Do you want the proposed variation to have effect as soon as possible? Day Month Year If not do you want the variation to take effect from Please describe briefly the nature of the proposed variation (Please see guidance note 1) 1. To extend the hours for the sale or supply of alcohol to non-residents on or off the premises from 07.30 - 02.00 daily. 2. To increase the hours when late night refreshment to non-residents may be provided until 02.00 daily. 3. To vary the hours when regulated entertainment to non residents may be provided from 08.00 -02.00 daily. 4. To remove the ancillary nature of alcohol sales and supply. 5. To allow films to be shown. 6. To remove all embedded restrictions under the Licensing Act 1964. 7. To allow accompanied children under 16 in the bar in line with the provisions of the Licensing Act 2003. 8. To allow licensable activity to be extended on up to 25 occasions per year. 9. To licence the external marguee for the sale or supply of alcohol, late night refreshment, regulated entertainment, plays and films between the maximum hours of 08.00 and 00.00 and throughout the night on New Year's Eve.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state

the number expected to attend

# Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision	on or regulated entertainment	Please tick yes
a)	plays (if ticking yes, fill in box A)	<b>✓</b>
b)	films (if ticking yes, fill in box B)	<b>✓</b>
c)	indoor sporting events (if ticking yes, fill in box C)	
d)	boxing or wrestling entertainment (if ticking yes, fill in box D)	
e)	live music (if ticking yes, fill in box E)	<b>✓</b>
f)	recorded music (if ticking yes, fill in box F)	<b>✓</b>
g)	performances of dance (if ticking yes, fill in box G)	<b>✓</b>
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box $H$ )	<b>V</b>
Provision	on of entertainment facilities	
i)	making music (if ticking yes, fill in box I)	$\checkmark$
j)	dancing (if ticking yes, fill in box J)	~
k)	entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box $K$ )	<b>✓</b>
Provision	on of late night refreshment (if ticking yes, fill in box L)	<b>✓</b>
Sale by	retail of alcohol (if ticking yes, fill in box M)	~
In all ca	ases complete boxes N, O and P	<b>V</b>

Plays Standard days and timings (please read guidance note 6)		read	Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read	guidance note 3)	•
			The provision of plays will take place in the marqu	uee area only - please	e see
Tue			attached schedule for details and times.		
Wed			State any seasonal variations for performing guidance note 4)	g plays (please read	
Thur					
Fri			Non standard timings. Where you intend to the performance of plays at different times column on the left, please list (please read gu	to those listed in the	
Sat			-		
Sun					

	rd days a		Will the exhibition of films take place indoors or outdoors or both – please tick	Indoors	7
. ~	(please r ce note 6		(please read guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon	00.00	23.59	Please give further details here (please read to allow films to be shown in guest bedrooms on area (the times applicable to the marquee are set	y and within the marc	quee
Tue	00.00	23.59	schedule).		
Wed	00.00	23.59	State any seasonal variations for the exhibit guidance note 4)	tion of films (please	read
Thur	00.00	23.59			
Fri	00.00	23.59	Non-standard timings. Where you intend to the exhibition of films at different times to column on the left, please list (please read gu	those listed in the	for
Sat	00.00	23.59	·		
Sun	00.00	23.59			

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for the indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments		_	Will the boxing or wrestling entertainment take place indoors or	Indoors	
Standa timings	rd days a (please i ce note 6	nd read	outdoors or both – please tick (please read guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read	guidance note	3)
Tue					
Wed			State any seasonal variations for boxing or (please read guidance note 4)	wrestling ent	<u>tertainment</u>
Thur					
Fri			Non-standard timings. Where you intend to boxing or wrestling entertainment at different in the column on the left, please list (please	ent times to t	hose listed
Sat			··	_	·
Sun					

<b>Live music</b> Standard days and			Will the performance of live music take place indoors or outdoors or both – please	Indoors	7		
_	s (please i ce note 6		<u>tick</u> (please read guidance note 2)	Outdoors			
Day	Start	Finish		Both			
Mon	08.00	02.00	<u>Please give further details here</u> (please read to Live performers or bands. The times applicable to out on the attached schedule.				
Tue	08.00	02.00					
Wed	08.00	02.00	State any seasonal variations for the performance of live music (please read guidance note 4) As converted, The Regulatory Reform (Special Occasions Licensing) Order				
Thur	08.00	02.00	New Year's Day and private entertainment has no	2002 allows this to take place on New Year's Eve until the start of hours on New Year's Day and private entertainment has no limitation. For an additional hour on the morning of the day the clocks go forward (in order to			
Fri	08.00	02.00	Non-standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)				
Sat	08.00	02.00	The premises may vary either the start or the end of the permitted hours on up to 25 occasions per year as agreed with the Police and subject to the Police's consent where at least 48 hours, but ordinarily 10 days, notice has				
Sun	08.00	02.00	been provided to the Police.				

Recorded music Standard days and timings (please read guidance note 6)			Will the performance of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors . Outdoors			
Day	Start	Finish		Both			
Mon			Please give further details here (please read of For the avoidance of doubt, it is intended that recorded without limitation in accordance with the	corded music may still be			
Tue			respect of the main hotel. Concerning the marque schedule.	respect of the main hotel. Concerning the marquee, please see attached			
Wed			State any seasonal variations for the performusic (please read guidance note 4)	mance of rec	orded		
Thur							
Fri			Non standard timings. Where you intend to the playing of recorded music at different ti the column on the left, please list (please rea	mes to those	listed in		
Sat							
Sun							

	Performances of dance		Will the performance of dance take place indoors or outdoors or both – please tick	Indoors	7	
timings	ird days a s (please i ce note 6	read	(please read guidance note 2)	Outdoors		
Day	Start	Finish		Both		
Mon	08.00	02.00	Please give further details here (please read guidance note 3)  Dancing. The timings applicable to the marquee are set out in the attached schedule.			
Tue	08.00	02.00				
Wed	08.00	02.00	State any seasonal variations for the performed guidance note 4) See box E.	mance of dar	ice (please	
Thur	08.00	02.00				
Fri	08.00	02.00	Non-standard timings. Where you intend to performance of dance at different times to to the left, please list (please read guidance no	hose listed in		
Sat	08.00	02.00	See box E.			
Sun	08.00	02.00				

descri falling or (g) Standa timings	ing of a ption to g within and days a s (please note 6	that (e), (f) and read	Please give a description of the type of entert providing	ainment you wi	ll be	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read	Indoors	7	
Mon	08.00	02.00	-	Outdoors		
				Both		
Tue	08.00	02.00	Please give further details here (please read guidance note 3)  The timings applicable to the marquee are set out in the attached schedule.			
Wed	08.00	02.00				
Thur	08.00	02.00	State any seasonal variations for entertainment description to that falling within (e), (f) or (g) 4) See box E.		dance note	
Fri	08.00	02.00				
Sat	08.00	02.00	Non-standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun	08.00	02.00	See box E.			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for providing  Stage and equipment	making music yo	ou will be	
Day	Start	Finish	Will the facilities for making music be indoors or outdoors or both – please tick	Indoors	<b>Y</b>	
Mon	08.00	02.00	(please read guidance note 2	Outdoors		
				Both		
Tue	08.00	02.00	Please give further details here (please read g	uidance note 3)		
			The timings applicable to the marquee are set out in the attached schedule.			
Wed	08.00	02.00				
Thur	08.00	02.00	State any seasonal variations for the provision music (please read guidance note 4) See box E	on of facilities fo	r making	
Fri	08.00	02.00				
Sat	08.00	02.00	Non-standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5) See box E			
Sun	08.00	02.00		400		

Provision of facilities for dancing			Will the performance for dancing be indoors or outdoors or both – please tick	Indoors	<b>V</b>
timings	rd days a (please ce note 6	read	(please read guidance note 2)	Outdoors	
Day	Start	Finish		Both	
Mon	08.00	02.00	Please give a description of the facilities for providing	dancing you	will be
Tue	08.00	02.00	The timings applicable to the marquee are set out in the attached schedule.		
Wed	08.00	02.00	<u>Please give further details here</u> (please read Floor space.	guidance note	3)
Thur	08.00	02.00			
Fri	08.00	02.00	State any seasonal variations for providing read guidance note 4) See box E.	dancing facil	ities (please
Sat	08.00	02.00			
			Non-standard timings. Where you intend to provision of facilities for dancing at different		
Sun	08.00	02.00	the column on the left, please list (please real See box E.		

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			Please give a description of the type of entert be providing	tainment facility	you will	
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick (please read	Indoors	7	
Mon	08.00	02.00	guidance note 2	Outdoors		
				Both		
Tue	08.00	02.00	Please give further details here (please read guidance note 3)  The timings applicable to the marquee are set out in the attached schedule.			
Wed	08.00	02.00				
Thur	08.00	02.00	State any seasonal variations for the provision entertainment of a similar description to that (please read guidance note 4) See box E			
Fri	08.00	02.00				
Sat	08.00	02.00	Non-standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun	08.00	02.00	See box E			

L

1	hment		Will the provision of late night refreshment take place indoors or	Indoors	7			
timings	ard days a s (please i ice note 6	read	outdoors or both - please tick (please read guidance note 2)	Outdoors				
Day	Start	Finish		Both				
Mon	23.00	02.00	Please give further details here (please read guidance note 3) The timings applicable to the marquee are set out in the attached schedule.					
Tue	23.00	02.00						
Wed	23.00	02.00	<u>refreshment</u> (please read guidance note 4)	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) On New Year's Eve in line with the converted right late night refreshment may				
Thur	23.00	02.00		be provided without limitation. For an additional hour on the morning of the day the clocks go forward (in order to negate the loss of one hour's trading on				
Fri	23.00	02.00	Non-standard timings. Where you intend to provision of late night refreshment at differ the column on the left, please list (please rea	ent times to	those listed in			
Sat	23.00	02.00	See box M.					
Sun	23.00	02.00						

Supply of alcohol Standard days and			Will the supply of alcohol be for consumption (please tick) (please read	On the premises			
timings	s (please ce note 6	read	guidance note 7)	Off the premises			
Day	Start	Finish		Both	7		
Mon	07.30	02.00	State any seasonal variations for the supply guidance note 4) For the avoidance of doubt, the standard timings				
Tue	07.30	02.00	Christmas Day. In addition, the current hours on New Year's Eve allowing alcohol to be sold until the commencement of the hours during which alcohol may be sold on New Year's Day is retained as currently permitted under the Licensing Act 1964. For an additional hour on the morning of the day the clocks go forward (in order to negate the loss of one hour's trading on the				
Wed	07.30	02.00	relevant day). The hours mentioned under the standard timings do not apply to residents who may be sold or supplied alcohol without restriction, either for themselves or their bona fide guests. The timings applicable to the marquee are set out in the attached schedule.				
Thur	07.30	02.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)				
Fri	07.30	02.00	The premises may vary either the start or end of the standard hours on up to 25 occasions per year as agreed with the Police and subject to the Police's consent where at least 48 hours notice, but ordinarily 10 days notice, has been provided to both the Police and the Licensing Authority.				
Sat	07.30	02.00					
Sun	07.30	02.00					

# N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)	
None	

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Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	00.00	23.59	
Tue	00.00	23.59	
Wed	00.00	23.59	
Thur	00.00	23.59	Non-standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri	00.00	23.59	In accordance with the converted right, the premises may be open to the public without restriction for non licensable activities/purposes.
Sat	00.00	23.59	
Sun	00.00	23.59	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

To remove all embedded restrictions within the Licensing Act 1964 (including but not limited to Section 166 Licensing Act 1964: credit sales, Section 63 Licensing Act 1964: drinking up time, Section 168, 168A and 171 Licensing Act 1964: Children so as to allow the Licensing Act 2003 to take precedence.) To vary the hours during which alcohol may be sold or supplied.

To vary the hours when late night refreshment may be provided.

To vary the hours when regulated entertainment may be provided.

To remove the ancillary nature of alcohol sales (Section 68 and 69 LA 1964 and Sections 70 to 72 LA 1964).

	Plea	ase tick yes				
•	I have enclosed the premises licence	<b>✓</b>				
•	I have enclosed the relevant part of the premises licence	. 🗸				
If you have not ticked one of these boxes please fill in reasons for not including the licence, or part it, below						
Rea	asons why I have failed to enclose the premises licence or relevant part of premises licence	ce				

<b>P</b> Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:
a) General – all four licensing objectives (b,c, d,e) (please read guidance note 9)
No additional steps required (but with regard to the marquee, please see attached schedule).
b) The prevention of crime and disorder
See box a.
c) Public safety
See box a.
d) The prevention of public nuisance
See box a.
e) The protection of children from harm
See box a.

					Please tick y	Please tick yes	
•	I have ma	ade or enclosed pay	yment of the fee			✓	
•		nt copies of this ap here applicable	pplication and the plan to res	ponsible authorities	and [	<b>✓</b>	
•	I underst		✓				
•	I have en	I have enclosed the premises licence or relevant part of it or explanation					
•	I understand that if I do not comply with the above requirements my application will be rejected						
SCAL	E, UNDE	R SECTION 158 C	CONVICTION TO A FINE OF THE LICENSING ACT 2 THIS APPLICATION				
Part	5 – Signa	atures (please read	d guidance note 10)				
duly	authorise		rrent premises licence ho read guidance note 11). If s			ier	
Signa	ture						
Date		11 December	2006				
Capac	city	Solicitors for a	and on behalf of the applicar	t company			
licen	ce holder	) or 2nd applicar	jointly held signature of nt's solicitor or other autl of the applicant please st	norised agent (ple	ase read guidance	es	
Signa	ture						
Date							
Capac	city						
with Graha Berwi Adela	<b>this appl</b> im Clack	ication (please rean Paisner LLP	viously given) and addres ad guidance note 13)	s for corresponde	ence associated		
Post		London		Post Code	EC4R 9HA		
		mber if any)	020 7427 1105				
If you	u would i	prefer us to corre	espond with you by e-mai	il your e-mail add	ress (optional)		

#### **Notes for Guidance**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

- Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
- 2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
- For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 6. Please give timing in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
- 8. Please give information about anything intended t occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
- 9. Please list here steps you will take to promote all four licensing objectives together.
- 10. The application form must be signed.
- 11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- 13. This is the address which we shall use to correspond with you about this application.

# SCHEDULE OF CONDITIONS AND HOURS RELATING TO THE MARQUEE AREA FOR THE MEON VALLEY HOTEL & COUNTRY CLUB, SANDY LANE, SHEDFIELD, SOUTHAMPTON, HAMPSHIRE

#### 1 SALE AND SUPPLY OF ALCOHOL

- 1.1 The standard timings for the sale and supply of alcohol within the marquee area shall be from 0800 until midnight on Mondays to Sundays.
- 1.2 In relation to non-standard timings for this area, the hours on New Year's Eve shall be until the start of the hours on New Year's Day. In addition, the hours for the sale of alcohol may be extended within this area on up to ten occasions per year following consultation with the Police and the hours shall be extended as agreed with the Police and subject to an absolute right of veto by the Police. At least 48 hours notice shall be provided to the Police but ordinarily ten days notice and the licensing authority shall also be notified.

#### 2 LATE NIGHT REFRESHMENT

- 2.1 Late night refreshment may be provided within the marquee area between the hours of 2300 until midnight on Mondays to Sundays.
- 2.2 In relation to non-standard timings for this area, the hours on New Year's Eve shall be until the start of the hours on New Year's Day. In addition, the hours for late night refreshment may be extended within this area on up to ten occasions per year following consultation with the Police and the hours shall be extended as agreed with the Police and subject to an absolute right of veto to the Police. At least 48 hours notice shall be provided by the Police but ordinarily ten days notice and the licensing authority shall also be notified.

#### 3 REGULATED ENTERTAINMENT

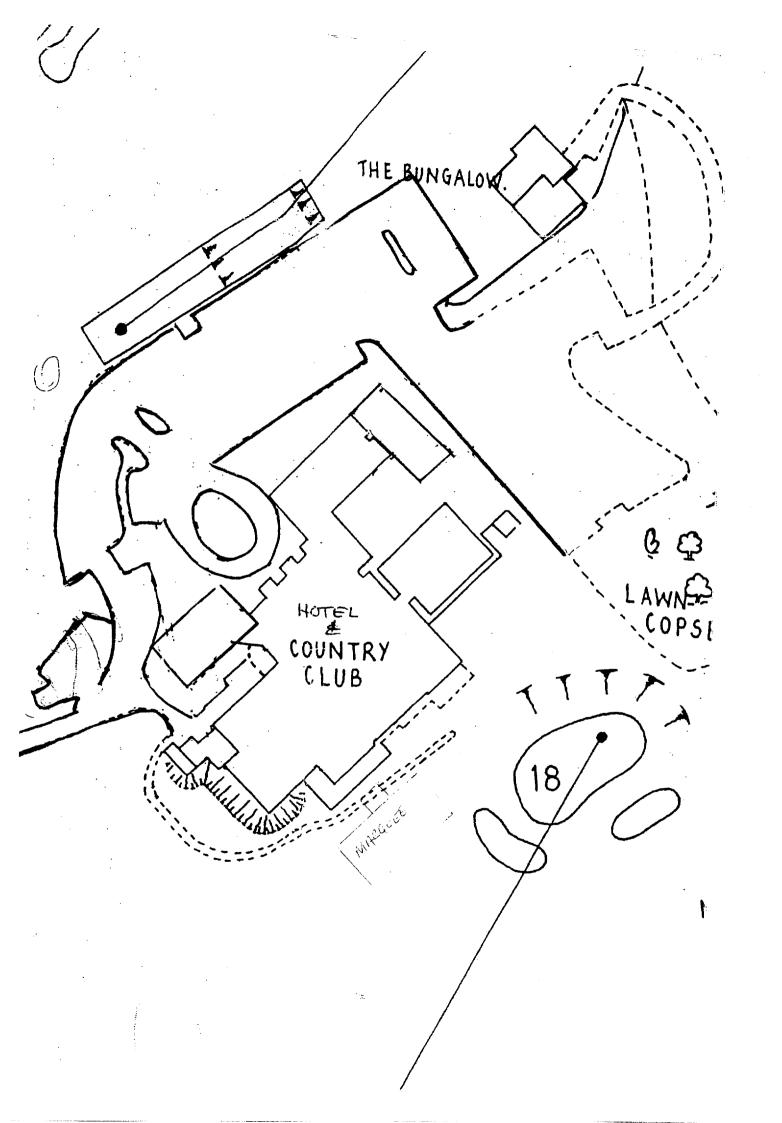
Regulated entertainment consisting of either plays (Box A), films (Box B), live music (Box E), recorded music (Box F), performance of dance (Box G), anything similar to live music, recorded music or performance of dance (Box H), making music (Box I), dancing (Box J) and entertainment of a similar description to making music or dancing (Box K) may be provided between the hours of 0900 and midnight on Mondays to Sundays.

3.2 In relation to non-standard timings for this area, the hours on New Year's Eve shall be until the start of the hours on New Year's Day. In addition, the hours for regulated may be extended within this area on up to ten occasions per year following consultation with the Police and the hours shall be extended as agreed with the Police and subject to an absolute right of veto by the Police. At least 48 hours notice shall be provided to the Police but ordinarily ten days notice and the licensing authority shall also be notified.

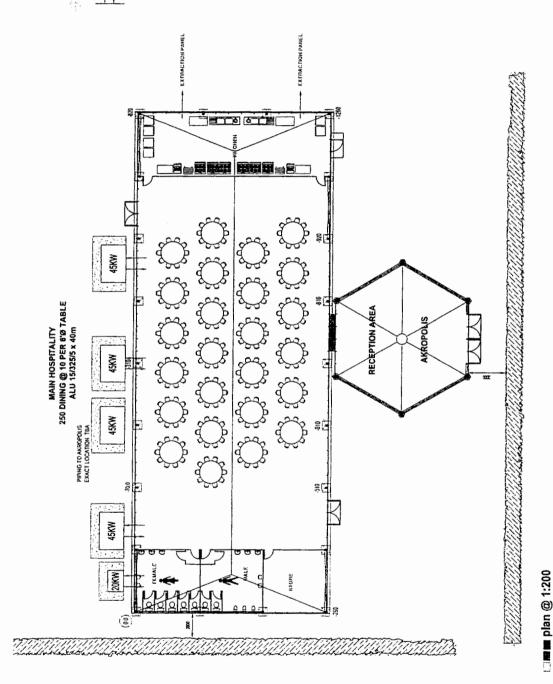
# 4 PROPOSED CONDITIONS TO COMPLY WITH THE LICENSING OBJECTIVE IN RELATION TO THE MARQUEE AREA ONLY

- During any events involving live or amplified music (other than low level background music), any windows, apertures or doors will be arranged and organised in such a manner as to minimise the impact of any live music or amplified music and would ordinarily be kept closed insofar as this is possible, save for the fact that the entrance/exit doors may be open for the purpose of access, egress or in the event of emergency.
- 4.2 Speakers will not be located outside the marquee area at any time.
- 4.3 Any air conditioning systems or cooking extraction systems used in connection with the marquee will be turned off when not required or in use.
- The premises have employed an acoustic consultant who is in the process of completing an acoustic report. Once this is available, a copy will be provided to the Environmental Health Department and a meeting and discussion will take place to consider the contents of the report and see whether any additional practical steps can be implemented within the marquee to assist in mitigating the effect of any regulated entertainment provided within this area.
- 4.5 The premises will procure the installation of a noise limiting device within the marquee and all amplified music will be routed through the system. The noise limiting device will be set to such level so as to minimise the impact on local residents.
- 4.6 Signage will be displayed at the exits to the marquee areas requesting that customers leave the marquee area quietly and respect the fact that there is residential accommodation within the vicinity. In addition, where appropriate, an announcement will be made over the internal public address system, reminding patrons to leave the premises quietly.

- 4.7 The arrangements for removing bottles and refuse from the marquee area will be kept under review to ensure that the system operated avoids undue disturbance to local residents.
- The premises will ensure that duty managers and the hotel security employees monitor the outside external areas in relation to the noise levels generally whenever a function is taking place within the marquee area. In addition, regular checks will be made by members of staff and the duty managers at the hotel to ensure that external noise levels are monitored whenever regulated entertainment is being provided.



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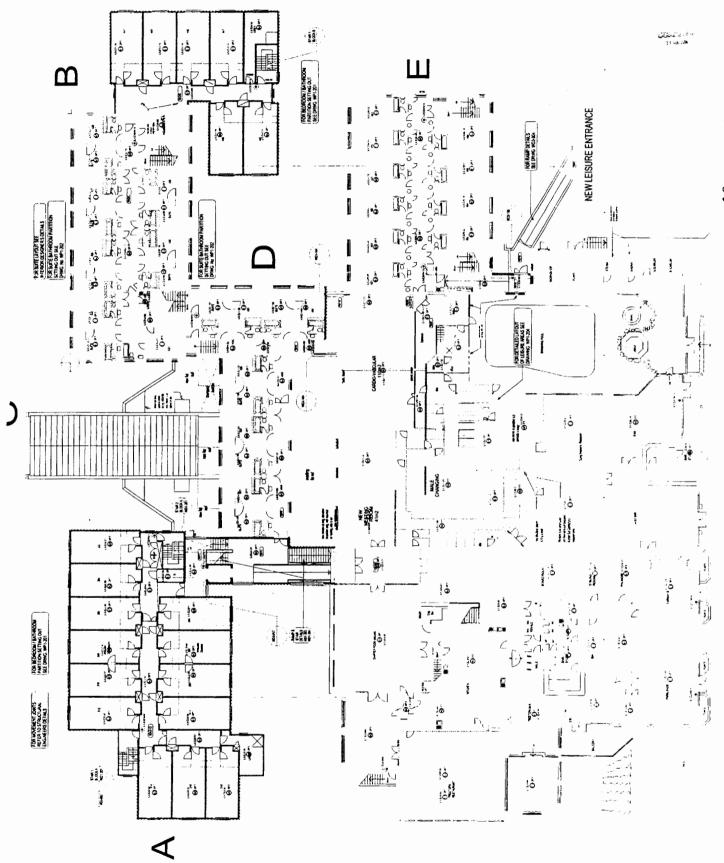


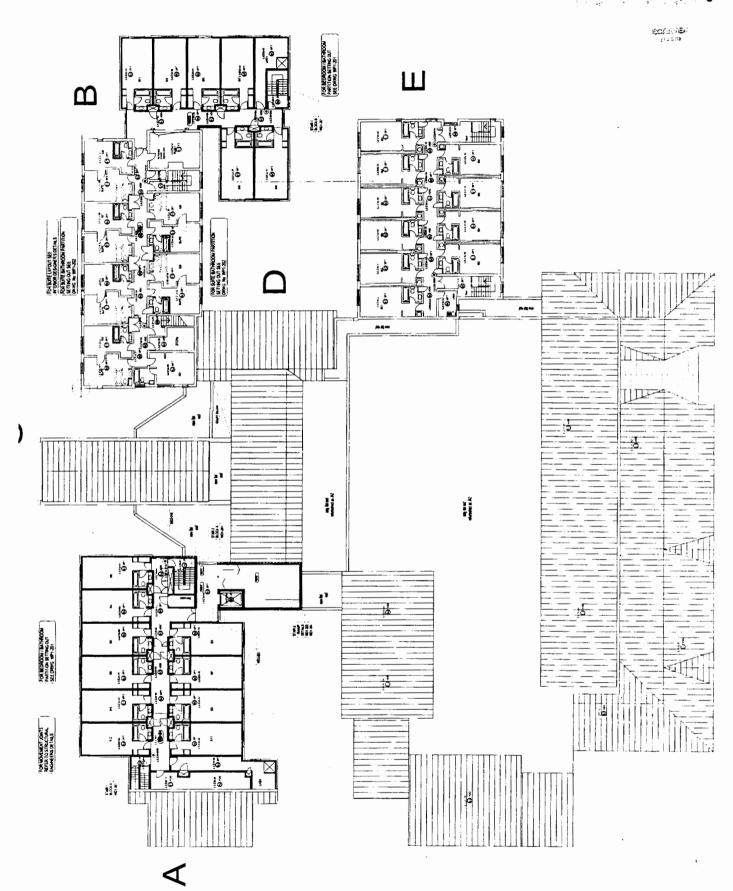






REM 480A







## **MEMORANDUM**

TO: City Secretary and Solicitor

F.A.O: Licensing Dept

FROM: Sue Blazdell

DATE: 8 January 2007

Licensing Act 2003

Application for variation of Premises Licence

Premises Details - Marriott Meon Valley Hotel and Country Club, Sandy Lane, Shedfield Winchester

EH representation

I write in respect of the above application. As you are aware this Department is in receipt of complaints of noise disturbance form the use of the marquee, which to date have not been resolved. I therefore wish to make a representation on behalf of Environmental Health.

If you require any further information with regard to this matter, please contact me on extension 2479.

With regards

Sue Blazdell
Environmental Protection

## **MEMORANDUM**

TO:

City Secretary and Solicitor

F.A.O:

John Myall

FROM:

Sue Blazdell

DATE:

14 February 2007

Licensing Act 2003

Application for variation of Premises Licence

Premises Details - Marriott Meon Valley Hotel and Country Club, Sandy Lane, Shedfield

Winchester

EH representation

I write further to my memorandum of 8 January in respect of the above application. As you are aware this Department is in receipt of a number of complaints of noise disturbance from events being held in the marquee.

Officers from the Environmental Health department have undertaken monitoring visits whilst event were underway and are of the opinion that the noise constituted a statutory nuisance under the Environmental Protection Act 1990.

Accordingly an abatement notice was served on the General Manager of the Marriott Meon Valley Hotel on 9 February 2007 to abate the noise nuisance within 21 days.

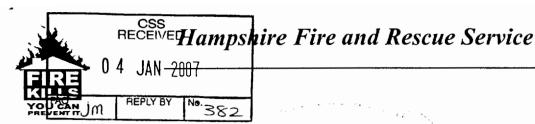
We have received a further complaint of noise nuisance arising from a TEN held in the marquee on 14 February.

In view of the above EH do not withdraw their representation.

If you require any further information with regard to this matter, please contact me on extension 2479.

With regards

Sue Blazdell
Environmental Protection





City Secretary
Winchester City Council
City Offices
Colebrook Street
WINCHESTER
Hampshire
SO23 9LJ

04 JAN 2001

Hampshire Fire and Rescue Service Technical Fire Safety Group North West Ham Close Basingstoke RG22 6PH

> Tel: 01256 818881 Fax: 01256 818889

Date:

27 December 2006

Enquiries To:

Mr Vaine

My Reference:

F6/GV/SAH/B1701964/53142

Extension:

Your Reference:

Dear Sirs

# LICENSING ACT 2003 MARRIOTT VALLEY HOTEL AND COUNTRY CLUB, SANDY LANE, SHEDFIELD, SOUTHAMPTON

I refer to the application dated 11 December 2006 in respect of a Premises Licence for the above premises.

Having examined the application documents and inspected the premises it is my opinion that the public safety objectives of the Act have not been satisfied in respect of fire safety provisions. The Hampshire Fire and Rescue Service (the Fire and Rescue Authority) therefore makes representations to the Licensing Authority over this matter.

I therefore enclose a schedule in which I identify the grounds for my representations.

Any queries concerning these matters may be directed to the inspector named above.

Yours faithfully

for Chief Officer

Encs

cc: Berwin Leighton Paisner LLP, Adelaide House, London Bridge, London, EC4R 9HA

HAMPSHIRE FIRE AND RESCUE SERVICE			
SCHEDULE		Comp Ref: B1701964/53142	
Name and Address of Premises:	Legislation:		
Marriott Valley Hotel & Country Club Sandy Lane Shedfield Southampton	]	Licensing Act 2003	
Inspector:	Date of Inspect	Date of Inspection:	
Mr Vaine	22 December 2	2006	

### **Schedule**

The Fire and Rescue Authority having considered the application and accompanying documents, is of the opinion that the steps listed below should be taken before this authority could consider the promotion of the licensing objectives (the fire safety elements of public safety) are satisfactory.

In respect to the provisional statement and schedule of work, the means of escape, fire warning and emergency lighting provisions, signs and internal linings together with other fire safety measures, should be in accordance with Part B of the Building Regulations and relevant fire safety legislation and British/European Standards.

Details of the following were not shown on the plans or submitted with the application

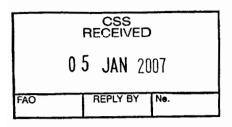
**Emergency Lighting** 

Fire Alarm System

Fire fighting Equipment

Fire Procedures and Safety Training

### D.M. REEVES S. R. NORRIS-REEVES





Shedfield House
Sandy Lane
Shedfield
Hampshire
SO32 2HQ
Phone 01329 833116
Fax 01329 833116
Mobile 07801 909485
Suzie@reeves3.freeserve.co.uk
David@reeves3.freeserve.co.uk

29 th December 2006

Ref: Marriott Hotel and Country club, Shedfield, Hampshire

License application to serve alcohol to non residents from the hours of 7.30am to 2.30 am

Dear Sir/Madam,

We have been experiencing wholly unacceptable noise levels from the Marriott Hotel since the erection and opening of the Marquee, October 2006, particularly at weekends from approx 9.00pm right up until midnight.

On Friday 27<sup>th</sup> October 2006 the noise levels were excessive with our kitchen floor vibrating and our bedrooms experiencing 'boom boom' all evening. Since the 27<sup>th</sup> we have experienced varying intrusive noise levels from live bands and pounding disco music. Ultimately the noise is hindering our ability to sleep, enjoy our evenings and also waking up our children.

Our concerns are obvious and with the summer coming, we assume the Marriott will make use of this new night club and cabaret facility on a daily (evening) basis. It is clear that an environmental nuisance is being created and has now affected our personal enjoyment of our home and garden. I note the application is to serve alcohol and provide entertainment until 2.30am in the morning! Surely this is not acceptable in a rural community and in the middle of the countryside. We are also concerned about the possibility of increased crime levels and disorderly behavior in the area caused by late night drinking.

The Marriott Hotel is situated in the curtilage of a number of listed buildings and I would like to know how planning was obtained in the first instance for an Olympic Pool size marquee which is effectively a permanent structure and is now being used as a night club and cabaret facility already serving alcohol? I would ask that this application be discussed with the conservation office as well as environmental protection.

We wholly object to this application based on the invasive noise levels we have experienced since the marquee was opened and, as such, has affected our use and enjoyment of our home. Each week we are held to ransom depending on who or what is playing and how loud the music and noise levels are. Once in the garden we no longer hear or see the wildlife that we once did due to the proximity of our house to the marquee (and noise). Our quality of life has been impinged upon with the enjoyment of our home and garden being threatened by the excessive noise levels already being witnessed. This license application to extend and serve late night alcohol to non residents until 2.30am will make the matter worse than it already is (and the current situation is not acceptable either).

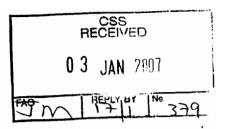
I understand Marriott are also having an acoustic consultant in to assess the noise levels. Our view is the only solution to be zero noise leakage during the evenings and that its day time function as a conference facility should be explored and that this license application be denied.

I question if this (and the marquee) is a 'back door' application for a 'night club' venue in the village of Shedfield?

Yours faithfully

Suzie Norris- Reeves and David Reeves

Shedfield Grange Sandy Lane Shedfield Hampshire SO32 2HO



2<sup>nd</sup> January 2006

Licensing Authority Winchester City Council City Offices Colebrook Street Winchester Hampshire SO23 9LJ



Dear Sir/Madam

# Application for extended licensing by Marriott Meon Valley Hotel and Country Club

I am writing as the landowner and as a near neighbour (400 yards away) of the Marriott Meon Valley Hotel and Country Club in Sandy Lane, Shedfield, regarding its application to increase the licensing hours and extend the licensed premise area at the hotel including the marquee.

I am strongly against this. Sadly, from personal experience, we have found that they have become increasingly unreliable as an organisation over the last few years. Once, the Meon Valley was one of the finest golf and country club hotels in Hampshire and the south coast, but Marriott seem intent on taking it downmarket and the extension of the drinking hours is just part of this move, with a total fixation on short term profits at the expense of the wider environment and their neighbours.

We understood that the marquee was going to be used for weddings and for larger conferences, instead they seem intent on using it as a "disco warehouse". I enclose a leaflet which they have put out, which seems to highlight their encouragement of a noisy, "ladette" drinking culture for this setting. This is something which they have never done before and for a large organisation is disturbing, particularly when there is growing concern about alcoholism in young people, particularly young women.

The noise from the marquee when they hold these events is excessive, especially with live bands and I have already lodged a verbal complaint with the City Council, as well as making strong representations to the hotel. I believe other neighbours have also complained. Marriott is making efforts to reduce this but without proper soundproofing, I can see no solution to this problem. The thought of having 25 events in a year, with excessive noise and drinking is quite unacceptable.

Continued/....

Finally, I also believe the marquee is entirely inappropriate for the countryside and for a historic parkland setting on an estate which will shortly be celebrating 800 years of recorded history. Over the years, the family has been supportive of the respective owners of the hotel and country club, but we have watched this decline in overall standards in recent years with growing concern. I think the licensing authority has a real opportunity to send a strong message to the Marriott Meon Valley to take a more responsible attitude by refusing the overall application and I strongly urge it to do so.

Yours faithfully,

Mark Phillimore

Harle Rollimore

Enc

# This year we are delighted to present to you our new 300 seat deluxe Marquee

- Fri Olst Dec Tom Jones Tribute
- Sat 02nd Dec Queen Tribute
- Fri 08th Dec -The Sliver Beatle Tribute
- Fri 15th Dec The Bog Rolling Stones
- Sat 16th Dec Abba Tribute
- Fri 22nd Dec Saturday Night Fever
- Sat 23rd Dec Blues Brothers Tribute

For further details or to book please call Juliana Marchini on 01329 836829

# Starter

- Smoked salmon & shrimp cocktail

# Intermediate Course

- Lemon & champagne sorbet

# Main Course

- Roast Hampshire turkey with bacon wrapped chipolatas, stuffing and cranberry sauce.
- With a selection of fresh seasonal vegetables & potatoes

# Dessert

- Profiteroles with chocolate sauce
- Trio of Christmas puddings with brandy sauce

# Coffee or tea with mints

Vegetarian, vegan, gluten free, diary free and celiac menus available on request.

Marriott Meon Valley Hotel & Country Club, Sandy Lane, Shedfield, Nr. Southampton, Hampshire SO32 2HQ, Telephone 01329 833455, Facsimile 01329 834418, MarriottMeonValley.co.uk

# Marriott. MEON VALLEY HOTEL & COUNTRY CLU

# Christmas Party Nights

# The Marquee at Meon Valley

Marriott Meon Valley Hotel & Country Club

This year we are excited to offer a new kind of party night experience at the Marriott Meon Valley Hotel, in addition to The Classic Party Night package. The evening includes a superb four course meal, live entertainment to a tribute act, followed by our resident DJ until midnight. All this for just £45 per person including VAT



ELS 00 per person, non-refundable deposit within 14 days of making the booking. Final balance due four weeks provito the party dute. Special festive accommodation rates apply E80.00 Bed & Breakfast for single occupancy or £90.00 Bed & breakfast for Doid-Balance subject to availability. Please quote XMPE when booking accommodation.

### John Myall

From: Frances Maloney

Sent: 08 January 2007 08:47

To: Carol Stefanczuk; John Myall

Subject: FW: Licensing

FYI

-----Original Message-----

From: Lesley Carr [mailto:l\_carr@btinternet.com]

Sent: 05 January 2007 20:29

**To:** Frances Maloney **Subject:** Licensing

Dear Ms Maloney

I understand that the Meon Marriott Hotel and Country Club, which is very close to my home in Shedfield, has applied for a late licence (until 2.30am) for its marquee. This marquee is placed at the side of the hotel towards several local residents and the noise when events are held travels quite a way. We already endure the noise when events are held until about 11pm or midnight, from both music and fireworks.

Currently the events are sporadic and I have not complained because it seems fair to allow others some fun a few nights a year.

This application suggests a ratcheting up of the number and lateness of events. The longer people drink the noisier they become, and on warm summer nights when we expect to enjoy the peace and quiet of the countryside we are likely to be disturbed by the sounds of music and people. The latter are likely to come out of the marquee into the night time air to cool down, and their voices will carry across to our houses and open bedroom windows.

In summary I am speaking against this license on the grounds that it will lead to a noise nuisance in a peaceful country area, unsuited to late night events.

Yours sincerely

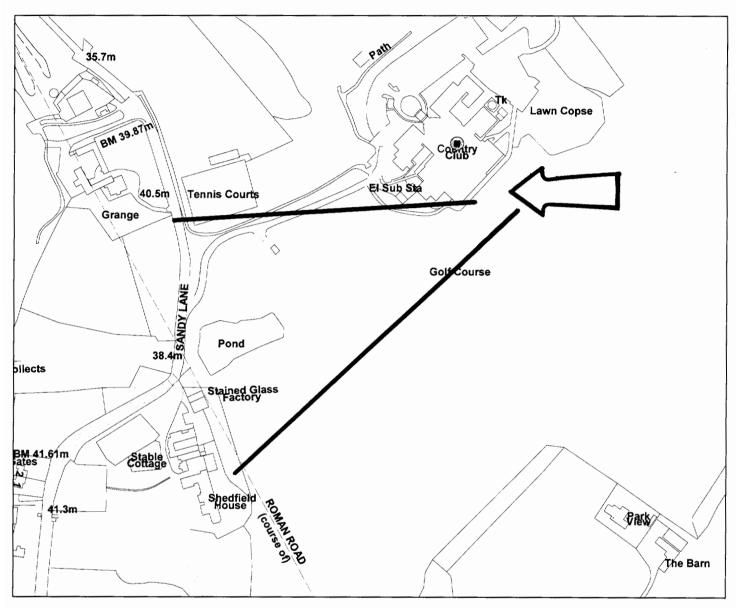
Lesley Carr

Red House Cottage Botley Road Shedfield Hants SO32 2HN

# Appendix 4

# Marriott Meon Valley Hotel and Country Club





	Legend
	ļ
Scale:	

Metres						
Metres	50	100	150	200	250	

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procedurer or even procedurings. Withortester City Courier @ 2007.			
Organisation	Winchester City Council		
Department	City Secretary and Solicitor		
Comments			
Date	11 January 2007		
SLA Number	00018301		