

LICENSING SUB-COMMITTEE**22 March 2007**Attendance:

Councillors:

Mather (Chairman) (P)

Berry (P)

Johnston (P)

1. **THE RAILWAY INN, ST PAUL'S HILL, WINCHESTER**
(Report LR218 refers)

The Sub-Committee met to consider an application by Mr Frederick Eynon, Mrs Lynda Eynon and Ms Caroline Moss for the variation of a premises licence for The Railway Inn, under Section 34 of the Licensing Act 2003, to extend the hours for regulated entertainment, late night refreshment and the supply of alcohol by one hour on Fridays. The application was also to remove the condition under public nuisance stating that the beer garden shall close at 2300 hours.

The Parties present at the meeting (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) were Mr Frederick Eynon and Ms Caroline Moss (Applicants). The Director of Communities was also in attendance as a Responsible Authority. There were no Interested Parties present at the hearing.

The Assistant Licensing and Registration Officer presented the application to the Sub-Committee, as set out in the report. She explained that the Health Act 2006 would come into force at 0600 hours on 1 July 2007, which would prevent customers smoking in public premises. She explained that the Director of Communities had submitted a representation, outlining concerns over potential noise disturbance to local residents, from customers using the beer garden after 2300 hours for smoking. One representation had been received from an Interested Party, voicing his worries over the extended hours and the use of the garden.

Mr Eynon then presented the application. He explained that the few complaints he received from local residents related to customers leaving the premises late at night. A member of staff would stand outside the main exit each evening and remind customers to leave quietly, but that generally there were very few problems and no complaints had been received by the Council over the past few years. The applicant regularly visited his neighbours to discuss any issues that they may have experienced.

Mr Eynon continued that he had applied to have the condition relating to the use of the garden removed, in order to comply with the Health Act 2006. An agreement had been signed with the brewery to provide CCTV to cover the garden area, which was a walled area. This would mean greater control over the use of the garden and would focus the majority of smokers into one area. The SIA door staff would supervise the area and encourage people to re-enter the premises once they had finished their cigarettes.

Responding to Members' questions, Mr Eynon stated that if the licence was not granted, people would congregate on the pavement outside the front of the premises, which he felt would be dangerous due to the blind bend on Stockbridge Road and the speed of vehicles along the road. Mr Eynon concluded that he would not allow the garden to be in use after 2300 hours until the new legislation came into force.

The Director of Communities, as a Responsible Authority, then spoke about the application. He stated that no complaints had been received recently due to the sound insulation of the music venue, but that there was a possibility of noise nuisance from customers in the garden after 2300 hours, if the application was granted. The restriction had been imposed when the Public Entertainment Licence had been granted, in response to a high level of complaints from local residents. He added that his wish was to ensure that large groups of people did not gather in the garden and cause a nuisance.

The Assistant Licensing and Registration Officer reminded the Sub-Committee that, once the Health Act 2006 came into force, the licence could be called in for review should there be issues over noise emanating from the premises or garden.

The Sub-Committee retired to deliberate in camera.

In her 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. She reminded the applicant that should there be any complaints in the future from interested parties or responsible authorities, then the premises licence could be reviewed.

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 ConditionsOperating Hours

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

- (i) Sunday to Thursday 1000 to 0030
- (ii) Friday 1000 to 0230
- (iii) Saturday 1000 to 0130

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

- (i) Sunday to Thursday 1000 to 0000
- (ii) Friday 1000 to 0200
- (iii) Saturday 1000 to 0100

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

- (i) Sunday to Thursday 1000 to 0000
- (ii) Friday 1000 to 0200
- (iii) Saturday 1000 to 0000

4. 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 0200
- (iii) Saturday 2300 to 0100

All Licensing Objectives

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.

2. No drinks in open containers shall be removed from the premises except for consumption in any exterior area provided for that purpose.

Public Safety

1. There shall be at least two SIA registered Door Staff on duty Friday & Saturday nights until Licensable activities cease. Any door Staff that is engaged in door control duties shall wear a clearly identified reflective jacket.

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. All persons leaving the premises after 11.00 pm shall be directed to leave the premises via the exit from the Public Bar into St Paul's Hill. The exit doors from the Function Room into Railway Inn car park must remain available for use but shall only be used after 11.00 pm in the event of an emergency.

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. The staff shall supervise bands loading out to minimise noise.

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.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

2. Under 18s shall only allowed on the premises on designated nights in the music bar. Under 18s shall not be permitted in other areas.

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 to discourage customers from remaining outside when they are not smoking.

The meeting commenced at 9.30am and concluded at 10.30am.

Chairman