

LICENSING SUB-COMMITTEE**8 October 2007**Attendance:

Councillors:

Mather (Chairman) (P)

Berry (P)

Weston (P)

Officers in Attendance:

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Property and Licensing Solicitor)

Mrs A Toms (Environmental Health Officer)

1. **PRINCE OF WALES, HIGH STREET, SHIRRELL HEATH**
[\(Report LR257 refers\)](#)

Mr Myall introduced the Report and explained that it set out a review of the Premises Licence from the Head of Environment, which related to issues regarding public nuisance and safety.

The City Council had received a number of noise complaints from local residents regarding the premises. As a result of these complaints, officers had visited the premises (with Police officers) and the neighbouring property. They determined that noise, especially the bass frequency, was clearly audible from inside the neighbouring property, despite its windows being closed. When officers then visited the premises itself, they discovered the front door open and no noise limiter in place to control the level of the disco which was in progress; both of which contravened the terms of the licensing conditions.

This resulted in a letter being sent to the Designated Premises Supervisor, Mr Tiller, and the Premises Licence Holder, Osprey Pubs Limited, to remind them of their responsibilities under the terms of the licence. Subsequently, the Head of Environment requested that the licence be reviewed.

During the public consultation period of the Review, representations had been received from three Interested Parties, the Police and a letter of support from the prospective tenants, Mr and Mrs McCartney.

As a result of consultation with the applicant's representatives, officers recommended an additional "public nuisance" condition, which prohibited amplified music until an acoustic report had been undertaken and its recommendations been implemented to the satisfaction of the Head of Environment.

Mrs Toms explained that most of the noise emanated from the function room of the premises. The sound proofing in this room was poor as a consequence of two ventilation grills which faced the neighbouring property, its single-glazed sash windows and a poor fitting single glazed door. She reiterated that, together with the absence of a noise limiter, noise frequencies, in particular bass, were very loud and intrusive in the neighbouring property despite its windows being closed.

In response to Members' questions, Mrs Toms confirmed that with relatively inexpensive remedial works, the sound proofing of the function room could be improved.

In addition to these public nuisance concerns, Mrs Toms explained that the Head of Environment had requested the Review on public safety grounds. The events held at the premises by the current Designated Premises Supervisor (DPS) had attracted a large number of young people who, since the introduction of the smoking ban, gathered at the front of the premises to smoke. Mrs Toms stated that the proximity of this area to the highway, combined with the relatively large number of people standing in a small area, had given rise to public safety concerns as someone could be struck by a moving vehicle. Members noted that the conditions of the licence prohibited patrons using the rear garden of the premises beyond 9.30pm.

PC Miller addressed the Sub-Committee and echoed the public nuisance and safety concerns which had been raised by Mrs Toms.

Mr Paice spoke as an immediate neighbour of the premises. In summary, he explained that he did not want the premises to lose their licence, but that the DPS should have greater regard for their neighbours. He recounted to Members numerous incidences of being disturbed by noise and swearing from patrons of the premises. He added that the disturbances had only occurred during the tenancy of the current DPS.

Mr Ellis and Ms Palmer spoke as representatives of the Premises Licence Holder, Admiral Taverns, operating as Osprey Pubs Limited. In summary, Ms Palmer explained that as new owners, Admiral Taverns had only recently been made aware of the difficulties between the premises and neighbouring properties. However, as soon as they became aware, Admiral Taverns had suggested the additional condition regarding the acoustic report (as set out below) and had recently appointed a local company to undertake this work.

With regard to the public safety concerns raised in relation to smokers at the front of the premises, Ms Palmer suggested a variation to the conditions to permit use of part of the rear garden by smokers after 9.30pm. Although she suggested that this area should be as far away from Mr Paice's property as possible to minimise disruption, it was not practical to use the car parking area for safety reasons.

Ms Palmer added that the current DPS, Mr Tiller, was to leave the premises within the next two weeks and the applicant hoped that he would be replaced by Mr and Mrs McCartney.

At the invitation of the Chairman, Mrs McCartney addressed the Sub-Committee. She explained that she and her husband intended to refurbish the interior of the premises, to attract a more mature profile of patrons. They planned to convert the function room into a restaurant and discuss the future of the premises with neighbouring properties. She added that music would only be played at an ambient background level.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that the Sub-Committee had carefully considered the review of the Premises Licence and the representations made by the Responsible Authorities and the Interested Party. It had taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

At the conclusion of the meeting the Sub-Committee agreed to an additional Condition 7 (under Public Nuisance, which required an acoustic report and remedial works) and an amendment to Condition 6 (also under public nuisance, regarding an area for smokers) as set out below. The Sub-Committee also agreed to include under public safety, a Condition regarding the front of the premises as set out below.

The Sub-Committee agreed these amendments to the Conditions to further the licensing objectives in regard to public safety and nuisance.

RESOLVED:

That the Premises Licence be amended with the following additional Conditions:

Public Safety:

That the Licensee have regard to the public safety issues outside the front of the premises and shall monitor the area regularly.

Public Nuisance:

6. *No activity shall take place in the garden after 2130, except in an area (to be agreed with the Head of Environment in consultation with the applicant and Interested Parties) and that this area be limited to those wishing to smoke; that it be regularly monitored to ensure no nuisance is caused to neighbouring properties; and that no food or drink be allowed in the area after 2130.*

7. No regulated entertainment consisting of amplified music shall be provided until an acoustic report has been obtained by the premises licence holder and remedial works have been agreed with, and completed to the satisfaction of the Head of Environment.

2. **FIRST IN LAST OUT, WALES STREET, WINCHESTER**
(Report LR256 refers)

Mr Myall explained that this item had been withdrawn from the agenda as the applicant had submitted an amended application.

3. **JUBILEE HALL, BISHOPS WALTHAM**
(Report LR261 refers)

Mr Myall explained that this item had been withdrawn from the agenda as the Police had withdrawn their objection.

The meeting commenced at 10.30pm and concluded at 12.00pm.

Chairman