

## **LICENSING SUB – COMMITTEE**

8 October 2007

Report of the Head of Legal Services

Contact Officer: John Myall. Tel No: 01962 848443

Application : **Review of Premises Licence**

**Prince of Wales, High Street, Shirrell Heath**

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**Part A.****1. Application**

**Applicant:** Head of Environment, Winchester City Council

**Premises:** Prince of Wales, High Street, Shirrell Heath

- 1.1 This application by the Head of Environment, Winchester City Council is for the review of the Premises Licence for the Prince of Wales public house under Sections 51, 52 and 53 of the Licensing Act 2003.
- 1.2 The reason for the review relates to the prevention of public nuisance licensing objective following complaints of noise from the premises.
- 1.3 It also relates to the public safety licensing objective where patrons of the premises congregate outside and adjacent to the road in order to smoke. The Head of Environment observed that the proximity of this area to the main road could be a source of danger to those persons.
- 1.4 The premises licence is held by Osprey Pubs Limited and the Designated Premises Supervisor is currently Wayne Tiller.
- 1.5 The licence was converted from a Justices Licence in November 2005. During the transitional period, the licence was varied at a hearing of the Licensing Sub-Committee on 21 September 2005 by the then licence holder, Greene King Brewing & Retailing Ltd, to include entertainment and to increase the trading hours. (Report LR 135 refers)
- 1.6 As a result of complaints, the premises were visited on Friday 13 April 2007 by Mrs Abigail Toms, Environmental Health Officer, and PC Gary Miller, a Licensing Officer for Hampshire Constabulary, where the issues surrounding noise were discussed. A letter was sent to the Designated Premises Supervisor, Mr Tiller, by Mrs Toms on 16 April 2007 following that visit. The Licensing and Registration Manager also sent a letter on 20 April 2007. These letters can be seen at Appendix 4.
- 1.7 Mrs Toms and the Licensing and Registration Manager visited a neighbouring house at 2130 on Friday 10 August 2007. Music was clearly audible inside the premises, particularly the base beat, in a room with the window and door closed. They then visited the premises at 2200 and found that the front door to the premises was open and there was a disco taking place in the function room.
- 1.8 The Designated Premises Supervisor, Mr Tiller, was spoken to and the noise escape was pointed out to him. He was also advised to comply with the conditions attached to the licence, namely "all external doors and windows must be kept closed other than for access and egress, in all rooms when events involving amplified music or speech are taking place" and "no activity shall take place in the garden after 2130."

- 1.9 The Licensing and Registration Manager sent letters to the Designated Premises Supervisor and the premises licence holder reinforcing the purpose of the visit, on 13 August 2007. These letters can be seen at Appendix 4.
- 1.10 The Head of Environment submitted an application for a review of the premises licence on 13 August 2007.
- 1.11 Notice of the application was displayed outside of the premises for a period of 28 days until 12 September 2007, and advertised by way of public notice on the Winchester City Council website.
- 1.12 Representations have been received from three interested parties with concerns relating to nuisance and safety, and one in support of the premises. These letters are attached at Appendix 3.
- 1.13 A letter was received from prospective tenants of the premises. This letter is attached at Appendix 4b.
- 1.14 Notices of the hearing were sent to all Parties on 13 September 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:

#### **Head of Environment**

The Head of Environment submitted the application for a review of the premises licence.

#### **Hampshire Constabulary**

The Police submitted a representation relating to public nuisance.

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

No representations received.

#### **Child Protection Team**

No representations received.

#### **Head of Building Control**

No representations received.

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

No representations received.

**3. Interested Parties**

Rev.	L.G	Shotlander	
Mrs.	A	Shotlander	
Mr & Mrs	J	Paice	
Mr	D	Ogden	Shedfield Parish Council
Mr	W	Tiller	

#### **4. Observations**

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

- Public safety
- The prevention of public nuisance

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. Modify the conditions attached to the licence either permanently or for a period not exceeding three months.
2. Exclude a licensable activity either permanently or for a period not exceeding three months.
3. Remove the Designated Premises Supervisor.
4. Suspend the licence for a period not exceeding three months.
5. Revoke the licence.

If the Sub-Committee decides that none of the above measures are necessary, they may take no action.

#### **Licensing Objectives.**

##### Public Safety

The Sub-Committee may consider any necessary conditions relating to public safety having regard to the observations of the Head of Environment and 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 Head of Environment, the Police and the Interested Parties.

(Licensing Policy Section C)

## **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. **Possible Conditions**

If the application is granted, the Sub-Committee may wish to consider the following condition which has been offered by the premises licence holder:

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.



## **6. Other Considerations**

### **Corporate Strategy (Relevance To:)**

This report covers issues which affect the principles of “safer and more inclusive communities” and “safeguarding our high quality environment for the future.”

### **Resource Implications**

It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

### **Appendices**

1. Application for review by Head of Environment
2. Representations by Responsible Authorities
3. Representations by Interested Parties
4.
  - a. Letters from Head of Environment and Licensing and Registration Manager
  - b. Letter from Mr & Mrs A McCartney
  - c. Map of premises location.
  - d. Premises Licence PREM 354



# Winchester

City Council

## Health & Housing

City Offices  
Colebrook Street  
Winchester  
Hampshire  
SO23 9LJ

tel 01962 840222

fax 01962 841365

e-mail [environment@winchester.gov.uk](mailto:environment@winchester.gov.uk)

website [www.winchester.gov.uk](http://www.winchester.gov.uk)

**FIRST CLASS BY RECORDED DELIVERY**

Head of Legal Services  
Winchester City Council  
City Offices  
Colebrook Street  
Winchester  
SO23 9LJ

Your Ref:  
Our Ref:  
Enq to: Mrs Abigail Toms  
Ext. N<sup>o</sup>: 2146  
Direct Fax N<sup>o</sup>: (01962) 840 586

13<sup>th</sup> August 2007

# COPY

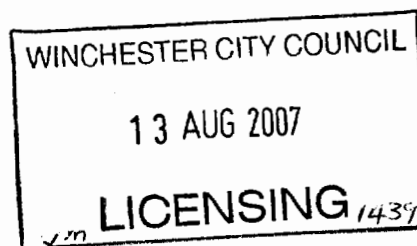
Dear Sir or Madam,

Licensing Act 2003  
Application for review of Premises Licence  
Prince of Wales, High Street, Shirrell Heath, Hampshire

Please find attached a copy of an application for review of the above Licence. If you have any queries, please contact me on 01962 848146 or Licensing Manager Mr J Myall on 01962 848443.

Yours faithfully

Mrs Abigail Toms  
Environmental Health Officer  
PT Mon, Tues, Fri





# HAMPSHIRE CONSTABULARY

## CONFIDENTIAL

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Station : **Winchester**

OCU : **Central**

Department : **Licensing**

Date : **12th September 2007**

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Subject : **Prince of Wales Review**

**Sir**

This report is submitted in support of the review application made by Environmental Health.

The Prince of Wales Public House is a detached building set in what is arguably a rural location. It could be described as a traditional pub that would cater predominately for locals.

Unfortunately the design of this Public House and proximity to other premises has shown that it does not lend itself to provide music as regulated entertainment without causing a nuisance to other residents. Police received noise complaints to these premises with both the existing DPS and his predecessor. On the 28th April 2006 a letter was delivered to the premises outlining our concerns and possible consequences of enforcement or a Premises review should the noise problems persist.

In August 2006 the current DPS Wayne Tiller took over the premises and I conducted a Licensing visit on the 7th September. Amongst other subjects the issue of noise was discussed. It was clarified that the DPS was aware of the previous problems. Following four further complaints to Police from three separate residents a joint Licensing visit was conducted with Winchester City Council and Environmental health on the 19th December 2006.

Upon conducting a site visit it was clear that the function room at the rear of the property was unsuitable for amplified music. I noticed that there were two extractor fans fitted in the right hand side outside wall facing a bungalow approximately 6-8ft away. Upon turning the extractors on they literally made two 18inch openings through this wall. The windows and rear door were also only of single glazed construction.

Following further complaints another joint Licensing visit was arranged with Environmental Health on the 16th April 2007. During this visit the DPS was advised of the condition on the Premises Licence that a noise limiter will be installed and advised of the consequences should this not be complied with. Arrangements were also made at this time for noise monitoring to be conducted by Environmental Health. We are aware that further noise complaints have been made to Environmental Health since this date.

Our recommendation is that there should be no amplified music whatsoever until a full noise assessment has been completed. All the recommendations contained within the report must be complied with to the satisfaction of Environmental health.

*Gary Miller*  
*Pc 1526*  
*Winchester District Licensing officer*

**CONFIDENTIAL**

Mr John Byrall  
Licensing Manager  
Winchester City Council  
Cobbecks St  
Winchester  
SO23 9LW

~~XXXXXXXXXX~~  
~~XXXXXXXXXX~~  
~~XXXXXXXXXX~~  
Phone ~~XXXXXXXXXX~~  
25<sup>th</sup> August 2007

OFFICE SUPPORT	
29 AUG 2007	
CSS RECEIVED	
29 AUG 2007	
FAO jm	REPLY BY 12/9
	NO. 1514

Dear Sir 'Concerning the Review of the License of the Prince of Wales Public House, High St, Burwell Heath, Southampton.

I would like to make the following submission - having taken part in the Hearing of Sept 21<sup>st</sup> 2005 when certain conditions were laid down by the Committee.

The management has since changed hands and I am not in a position to comment on the change except to say that the behaviour of Patrons has not markedly improved.

1. Safety - since the no smoking restrictions were introduced the management has placed chairs and tables outside the front of the pub. The road is barely a dozen feet away. Young people congregating around the tables are practically in the road. This is a straight downhill road where many drivers flout the law in excessive speed. Patrons of the Pub have been seen to behave irresponsibly in the face

of this traffic. It is an accident waiting to happen.

Cars and motor bikes leaving the Pub car park have been slowed - as heard - to drive out as if at the start of a Grand Prix. With a crowd gathered at the entrance this too is a danger.

noise nuisance: The loud music heard on only a few occasions notable, August 10<sup>th</sup>. The police were rung by several residents. An additional complaint was made on them on Sat. 11<sup>th</sup> on 101 by telephone.

We have gone down on the opposite side of the road.

The conviviality can be heard distinctly even at 11 pm at night.

I would submit that some reference should be made to the conditions laid down in Stat 21<sup>e</sup> 2005 in the Review of the Licence with regard to

(a) Nuisance from noise

(b) Safety. - a few more

in view of the Pubs answer to Smoking - transferred to the street.

Yours faithfully,

~~XXXXX~~  
~~XXXXXXXXXX~~

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
Phone [REDACTED]

28<sup>th</sup> August, 2007

Mr John Myall  
Licensing Officer  
Winchester City Council  
Colebrook St  
Winchester  
SO23 9LJ

OFFICE SUPPORT

29 AUG 2007

CSS RECEIVED

28 AUG 2007

FAO: JIM

REPLY BY: 12/9

NO. 1513

Dear Sir,  
I write to voice my concerns regarding the price of Wales Pub in Shirwell Heath.

Since the Non Smoking Ban became law at the beginning of July, tables and chairs have appeared outside the pub on the foot path and the smokers have established themselves there, rather than in the garden behind the pub.

The noise is tremendous and local residents feel that there is an accident waiting to happen as the drinkers have been known to play "Chicken" with the local traffic as it speeds by.

On Friday 10<sup>th</sup> August, 2007 there was a "Dag Party" loud music blasted for the accompanied by shouting, laughter etc. The music stopped at 11.15pm but the carousing continued for ages.

The next morning, knowing that the Winchester Officers would be closed, I rang the police on 101 and described the previous night. They said they would inform the "101" authority and should

This happen again I was to  
ring them on 101. I enquired  
whether this was a twenty  
four hour line and not just an  
answer phone, Their reply was  
that they would send a patrol  
car immediately.

Late at night, cars rush  
out of the pub, turn left at  
Trogmans Hill and circle round  
through Winters Road and  
Hospital Road and back to  
the pub. Many residents have  
seen this, I have only heard  
it.

I believe the Management  
are seeking new powers to  
have the Garden open much  
later than 9.30pm. If this is  
granted I feel sure the noise

will escalate and make life unbearable  
for the locals who live near the  
pub.

I took part in The Hearing  
on 21st September, 2005 and hoped  
that matters would improve.

Yours faithfully,

~~John~~

2

MR. Mrs J.R. PAICE

~~WUMMERS~~  
~~WUMMERS~~  
~~WUMMERS~~  
~~WUMMERS~~  
~~WUMMERS~~

4 SEP 1907

WAS WORKING IN THE GARDEN. SHE SAID THEY KNEW ABOUT THE RESTRICTIONS AND THAT THEY WANTED TO MAKE IT INTO A FAMILY PUB AND THAT THERE WOULD BE NO LOUD MUSIC AS SHE HAD THREE CHILDREN OF HER OWN THEN ABOUT A WEEK LATER THEY HAD LOUD MUSIC THAT WENT ON PAST THE ELEVEN O'CLOCK CUT OFF TIME WHICH HAS HAPPENED ON MOST OCCASIONS WHEN THEY HAVE HAD MUSIC. WAS OUT IN THE GARDEN ON ANOTHER OCCASION WHEN I MET THE LANDLORD MENTIONED TO HIM ABOUT THE NOISE AND LOUD MUSIC HE REPLIED BY SAYING IT WOULD GET NOISIER AND THAT I SHOULD NOT HAVE MOVED NEXT TO A PUB.

DEAR SIR/MADAM.

MYSELF AND MY WIFE HAVE HAD TO ENDURE CONSTANT NOISE LOUD MUSIC AND PEOPLE USING FOUL LANGUAGE AND PEOPLE FIGHTING AND USING ARE GARDEN AS A URINAL WE HAVE JUST ABOUT HAD ENOUGH WE HAVE PUT UP WITH THIS FOR THE LAST TWO AND HALF YEARS FROM THE LAST LICENSEES AND ALSO FROM THE PRESENT LICENSEES. THE LADY FROM THE PUB INTRODUCED HERSELF TO ME ONE DAY WHEN I



(3)

THE LANDLADY ALSO CAME ROUND TO INTRODUCE HERSELF BUT WE WERE AWAY AND SHE SPOKE TO MY DAUGHTER AND SHE SAID THE SAME TO HER AS SHE SAID TO ME IN THE GARDEN.

THEY HAVE NEVER BEEN ROUND TO ASK US IF THE MUSIC OR NOISE IS DISRUPTING US. AND THEY CONSTANTLY DISREGARD THE RESTRICTIONS.

I HAVE PHONED SUE AND ASIGAIL SEVERAL TIMES AND ALSO P.C. MILLER. TO TRY TO RESOLVE THIS WE DO NOT WISH TO SEE THE AUB CLOSE, AND WE UNDERSTAND THAT YOU WILL GET A CERTAIN AMOUNT OF NOISE FROM THE PUBS BUT WE OBJECT WHEN IT IS GOING ON PAST THE CLOSING TIME AND THAT IT GOES ON

(4)

UNTILL 12<sup>00</sup>C AND SOMETIMES EVEN 1<sup>00</sup>C IN THE MORNINGS IT SEEMS HE CLOSES THE DOORS AND DOESN'T CARE WHAT HAPPENS ONCE THEY ARE OUTSIDE.

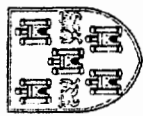
ON FRIDAY 10TH AUGUST AT 9.45PM ASIGAIL AND JOHN CAME INTO OUR BUNGALOW TO SEE HOW THE MUSIC WAS INTERRUPTING IN OUR LIVES. AFTER THEY LEFT THE MUSIC GOT LOUDEL.

THE LANDLORD WAS SHOUTING OBSCENITYS AT ME FROM THE UPSTAIRS WINDOW WHEN I WAS PUTTING UP A GARDEN SHED SAYING I WAS MAKING A NOISE

ALL WE ARE ASKING IS FOR SOME CONSIDERATION FROM THEM AND WE GET NONE AT ALL

YOUR TRULY

MR. MRS J PAICE.



**Winchester**  
City Council

**ENVIRONMENTAL HEALTH  
SERVICES**

**BOB MERRETT**  
Director of Health and Housing

CITY OFFICES, COLEBROOK STREET, WINCHESTER, HAMPSHIRE, SO23 9LJ

TEL (01962) 840222 FAX (01962) 840586

*Abes*

**GENERAL COMPLAINT LOGSHEET**

COMPLAINANTS NAME & ADDRESS: ~~XXXXXXXXXX~~  
 THE PRICE: ~~XXXXXXXXXX~~  
 DATE DELIVERED/SENT: 18/6/07  
 INVESTIGATING OFFICER: A TAMS  
 EXTENSION NO: 2146. (PT MON ITUES 1FR1)

I CERTIFY THIS IS A TRUE & ACCURATE RECORD OF EVENTS, OBSERVED BY ME AT THE TIME THE INCIDENTS OCCURRED. I UNDERSTAND THAT IT MAY BE USED AS EVIDENCE IN COURT IF NECESSARY.

TYPE OF COMPLAINT: NUISE FROM LOU MUSIC

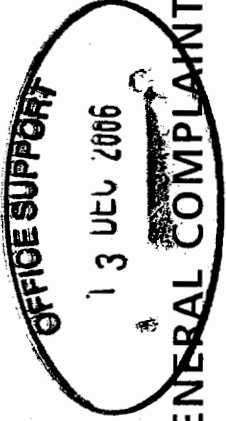
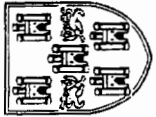
SOURCE: PRINCE OF WALES. SHILKILL HEALTH  
 COMPLAINT REF NO: 66104339

COMPLAINANT'S SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_

DAY & DATE	START TIME	FINISH TIME	DURATION	DESCRIPTION
FRIDAY 10-8-07	8-15	11-10	2 HRS 55 MIN	LOUD MUSIC GOT LOUDER AS NIGHT WENT ON LARGE GROUPS OF PEOPLE OUT THE FRONT OF THE PUB SHOUTING AND USING FOUL LANGUAGE AS THEY CONGREGATE OUT THERE TO SMOKE. MUSIC WAS TURNED DOWN AT 11% BUT WAS STILL PLAYING UNTILL 11:40 PM. IT IS A BLATANT DISREGARD FOR PROPERTIES IN THE VICINITY.
FRIDAY 17-8-07	8-30	11-40	3 HRS 10 MIN	LOUD MUSIC AS ALWAYS WAS TURNED DOWN AT 11% BUT WAS STILL PLAYING UNTILL 11:40 THIS IS A BLATANT DISREGARD FOR THE RESTRICTIONS THAT MUSIC HAS TO STOP AT 11% THEY HAVE NO REGARD FOR PROPERTIES IN THE VICINITY.

DAY & DATE	START TIME	FINISH TIME	DURATION	COMMENTS
THURS 23-8-07	9-45	12-45	3 HRS	PEOPLE OUT IN GARDEN TALKING AND LAUGHING DIDNOT MIND THAT BUT FROM ABOUT 9-45 THE TALKING BECAME SHOUTING AND THEY WERE USING FOUL AND DISGUSTING LANGUAGE WITH WENT ON UNTILL 12-45 THEY HAVE A CALADAN AND ANNING IN THE GARDEN I ASSUME THIS IS FOR SMOKERS WHICH WE DONT MIND WE JUST OBJECT TO ALL THE NOISE AND FOUL LANGUAGE PEOPLE OUT IN GARDEN AGAIN, OUT THERE UNTILL MIDNIGHT
FRI 31-8-07				THERE WAS A BIG FIGHT BACK IN JULY WHICH I DIDNT WRITE DOWN AS I FORGOT THE POLICE SO THEY HAVE A RECORD OF THIS IT STARTED AT 11-35PM AND LASTED UNTILL 12-25AM WE CALLED THE POLICE AT 11-55 WE DONT THINK THE LICENSEE CAME OUT TO TRY TO STOP IT AS IT WENT ON FOR SO LONG DONT KNOW IF POLICE CAME OUT OR NOT.

I HAVE ALSO BEEN IN HOSPITAL SO HAVEN'T SENT IN MANY SHEETS. AS WE HAVE HAD MORE IMPORTANT THINGS ON OUR MINDS.



## GENERAL COMPLAINT LOG SHEET

Complainant's Name & Address: MRS PAUCE  
WINDERS WAY, WINDERS  
WINDERS WAY, WINDERS  
 Date Delivered/Sent: 6/11/06  
 Investigating Officer: SUBARDEL  
 Ext No: 2479

Type of Complaint: noise from  
 Source: few cd/wales Pt  
 I certify this is a true & accurate record of events, observed by me at the time the incidents occurred. I understand that it may be used as evidence in court if necessary.  
 Complainant's Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

Complaint Ref No: 06/04339/NOIKOL

DAY & DATE	START TIME	FINISH TIME	DURATION	COMMENTS
FRI 10/11/06	9 PM	11-40	2hrs 40mins	LOUD MUSIC AND SHOUTING BOOM BOOM ALL NIGHT COULD HEAR IT ABOVE OUR TV
FRI 10/11/06	12.50 AM	1 AM	10 mins	ARGUMENT OUTSIDE PUBS SHOUTING AND FOUL LANGUAGE WOKEN UP BY IT
SUN 12/11/06				YOUNGSTERS IN GARDEN SHOUTING AND USING FOUL LANGUAGE WAS ASKED BY OUR NEIGHBOUR TO STOP DID FOR A WHILE BUT THEN STARTED AGAIN
FRI 24/11/06	7.30 PM	12-15 AM	4hrs 45min	LIVE MUSIC ALL NIGHT VERY VERY LOUD COULD HEAR PEOPLE CHEERING AND SHOUTING THE MUSIC GOT LOUDER AS THE NIGHT WENT ON SO PHONED POLICE. 8.30 PM PHONED POLICE AGAIN AT 11.55 PM AS MUSIC AND SHOUTING IS STILL GOING ON.



MR MRS FAUCE  
[REDACTED]  
[REDACTED]  
[REDACTED]

NOISE FROM  
PRINCE OF WALES  
PUBLIC HOUSE

SUE BLAZDELL  
2479

REF NO. 06/04339/NOISE

DAY & DATE	START TIME	FINISH TIME	DURATION	COMMENTS
SAT 16/03/07	11:15pm	3:14 hrs	2 5mins	LOUD MUSIC ALL NIGHT WE CAN HEAR IT ABOVE OUR T.V. THE MUSIC IS SO CLOSE TO OUR LOUNGE ABOUT 10-12 FEET AWAY WE ALSO HEAR IT AT THE FRONT OF OUR BUNGALOW WHERE OUR BEDROOM IS SO WE CANT GO TO BED UNTILL IT STOPS. PHONED POLICE AT ABOUT 9pm.
FRI 12-1-07	10-15	10-40		THREE BOYS OUTSIDE USING FOUL LANGUAGE WENT ACROSS THE ROAD TO THE PHONE BOX SHOUTING AND SWEARING THEN WENT TO WALK OFF UP THE ROAD BUT THEY CAME BACK ACROSS THE ROAD ONE STOPPED BY OUR FRONT FLOWER BED AND URINATED MY HUSBAND WENT OUT TO SPEAK TO THEM TO ASK WHO HAD DONE IT ONE CAME UP TO HIM WITH A BOTTLE OF BEER IN HIS HAND AND THEY WERE ALL DRUNK BUT THEY ALL WENT OFF DOWN THE ROAD.
FRI 19-1-07	8pm	11-10pm	3 hrs 10min	LOUD MUSIC WHICH GOT WORSE AS THE NIGHT WENT ON MY HUSBAND PHONED POLICE AT 9-45 AS IT WAS VERY LOUD WE HAD A PHONE CALL FROM YOU BEFORE CHRISTMAS TO SAY THAT THEY WOULD BE HAVING MUSIC CHRISTMAS EVE AND NEW YEARS EVE WHICH WE HAVE NO PROBLEM WITH PROVIDED IT'S NOT TOO LOUD WE EXPECTED THEM TO HAVE IT THEN. AND YOU TOLD ME THEY WOULD NOT BE HAVING MUSIC NEXT UNTILL 10PM FEB. SUE BLAZDELL TOLD US THAT.



Dear sir,

I have been asked to give representation to the licencing committee with reference to the review of the licence at The prince of Wales, High Street Shirrell Heath.

The first thing I would like to mention is when planning permission for the dwellings next to the pub was sought there were hundreds of objections on the grounds that it will affect the licence at the pub. Winchester council in their wisdom granted the permission and hence created the problem that we are all having now.

When the extension was built on the back of the pub (where music is now played) although obviously not sound proof enough considering the proximity of the house next door Winchester council again granted planning permission compounding any potential problem.

When someone buys a house next to a pub it is much cheaper than a house in a quieter area the reason for this is because pubs by their very nature can be noisy that's what you expect, I would never buy a house next door to a pub for that very reason and I am quiet sure they you wouldn't either. But to take the price reduction and then complain that there is a noisy pub next door is a bit silly. Having said that I don't blame my neighbour he may well not have noticed that there is a public house just a few meters from his potential new home when he came for a viewing but I do feel that his solicitor should have picked it up when doing his searches and pointed out that there may be a potential noise nuisance. How ever did he miss it.?

If someone buys a house next to a busy road or factory will you put restrictions on the drivers? And that's potently noise all day. If people by a house near a railway line do you stop the trains? Of course not. This pub gives pleasure to hundreds of people and is an occasional nuisance to just a few and they have already enjoyed their discount reflected in the price of the house.

Any way this is all pointless what I really need to tell you is that due to the restrictions already imposed on the licence here it is impossible to earn a living here (I cant even pay my council tax/ business rates) I could if I were aloud to, we were doing alright when we first got here. We have handed our notice in to Admiral taverns and will be leaving here as soon as possible. You may also like to know that when we do leave here we will be leaving separately due to the pressure put on our relationship by you and our neighbour so just because someone buys a house next door to a pub and doesn't want to live next to a pub I have lost my business, my home, my job, my wife and my kids. I know that you have your jobs to do but when you make your decision on what to do with the licence here please remember that there are two sides to every story and I feel ours is just as valid as our neighbours. I feel that we are the victims here as were the licensees here before us also driven out by the neighbours. So do your job but have a heart because if you don't consider the publican too you will find yet another village without a heart.

Sincerely,

Wayne Tiller  
Licencee.

OSS RECEIVED		
04 SEP 2007		
By jm	Date 18/9	No 1549



## Shedfield Parish Council

*(Incorporating the villages of Shedfield, Shirrell Heath and Waltham Chase)*

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

5 September 2007

Dear Sir or Madam

Re: Prince of Wales Public House

I have been informed that you are going to hold a meeting concerning 'The Prince Of Wales', public house, High Street, Shirrell Heath in the near future.

I have also been told that you are planning to discuss the future of the premises.

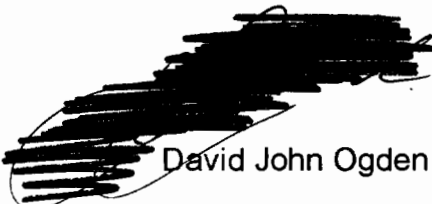
I am writing to you to say that I am in favour of the public house continuing in Shirrell Heath.

A well run public house serves the community as a focal point, as well as leisure and entertainment. The public house has been in existence for many years and predates several houses that have recently been built in the area.

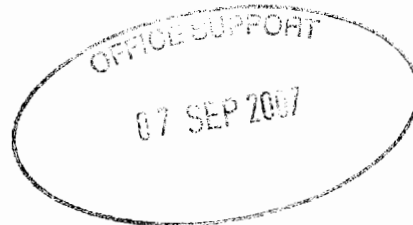
The matter has not as yet been to full council as an agenda item, but I have gauged the opinion of several councillors and they feel that the village is in need of a public house.

I would be grateful if you could keep the council informed of your decision.

Yours faithfully

  
David John Ogden MBE

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07 SEP 2007			
RECEIVED			
OSS			





**Winchester**  
City Council

Mr W Tiller  
Prince Of Wales  
High Street  
Shirrell Heath  
Southampton  
Hampshire  
SO32 2JN

**COPY**

Your Ref:  
Our Ref: PREM354/Enf  
Enq to: John Myall  
Direct Line: 01962 848443  
Email: [jmyall@winchester.gov.uk](mailto:jmyall@winchester.gov.uk)

13 August 2007

Dear Mr Tiller

**Prince of Wales, Shirrell Heath**

I refer to my visit to the above premises in company with Mrs Abigail Toms, Environmental Health Officer on Friday 10 August 2007. You are aware that there have been complaints of noise from the premises and this formed the basis of our conversation on that day.

You are aware that the Premises Licence contains certain conditions, particularly concerning public nuisance. You informed me that you do patrol the outside to check on noise levels and that you have the appropriate notices in place. However, it was noted that you did not comply with condition 5 which states that "all external doors and windows must be kept closed except for access and egress, in all rooms when events involving amplified music....taking place." The front door to the premises was open allowing noise to escape, and (iv) under recorded music which states, "the licensee shall install a noise limiter for pre-recorded music to be approved by the Director of Community Services" (now Head of Environment).

Failing to comply with conditions attached to a Premises Licence constitutes an offence of unauthorised licensable activities under Section 136 of the Licensing Act 2003. This offence is committed by any person who "carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation, or he knowingly allows a licensable activity to be so carried on."

This offence carries a maximum penalty of £20,000 fine and/or six months imprisonment. You would be liable for prosecution under this section. Members of staff, and the licence holder, Osprey Pubs Limited, may also be liable.

You should also be aware that a Responsible Authority or an Interested Party may request the licensing authority to review the premises licence if they consider that the licensing objectives are not being addressed.

I strongly recommend that you comply with all of the conditions attached to the licence when carrying out the licensable activities as failure may result in action as detailed above.

I have copied this letter to Osprey Pubs, Hampshire Constabulary and the Head of Environment.

If you have any queries please contact this office.

Yours sincerely

COPY

**John Myall**  
Licensing and Registration Manager

cc Osprey Pubs Ltd  
Hampshire Constabulary  
Head of Environment.



**Winchester**  
City Council

Osprey Pubs Ltd  
150 Aldersgate Street  
London  
EC1A 4EJ

Your Ref:  
Our Ref: Prem 354/Enf  
Enq to: John Myall  
Direct Line: 01962 848443  
Email: [jmyall@winchester.gov.uk](mailto:jmyall@winchester.gov.uk)

COPY

13 August 2007

Dear Sirs

**Prince of Wales, Shirrell Heath  
Premises Licence PREM 354**

At 2200 on Friday 10 August 2007, I attended the above premises in company with Mrs Abigail Toms, Environmental Health Officer, as a result of complaints of noise nuisance.

On our arrival, there was a disco in progress which could clearly be heard outside the premises, and inside a neighbouring property. The front door to the premises was open, and on speaking to the designated premises supervisor, Wayne Tiller, we discovered that there was not a noise limiter installed at the premises.

The premises licence requires that a noise limiter is installed to the satisfaction of the Director of Community services (now Head of Environment) for pre-recorded music, and that all external doors and windows must be kept closed except for access and egress, in all rooms when events involving amplified music...taking place. Clearly, both of these conditions are not being complied with. The licence states that it is the **licence holder's** responsibility to install the noise limiter. Once this is done, if you or Mr Tiller would care to contact the authority, I can arrange for an Environmental Health officer to attend the premises when the limiter is calibrated.

I have attached a letter of warning to Mr Tiller, but I must also inform you that as the licence holder you may also be liable for the offences of carrying on unlicensed activities, or allowing unlicensed activities to take place. I trust that in future you will comply with the conditions of the licence.

You should also be aware that a Responsible Authority or an Interested Party may request the licensing authority to review the premises licence if they consider that the licensing objectives are not being addressed.

If you have any queries please contact this office.

Yours faithfully

**John Myall**

Licensing and Registration Manager

Cc Hampshire Constabulary  
Head of Environment

COPY



Mr And Mrs Tiller  
Prince of Wales  
High Street  
Shirrell Heath  
Southampton  
Hampshire  
SO32 2JN

Your Ref:  
Our Ref:  
Enq to: Mrs Abigail Toms  
Ext. N<sup>o</sup>: 2146  
Direct Fax N<sup>o</sup>: (01962) 840586  
DX No: 120400

16 April 2007

# COPY

Dear Mr And Mrs Tiller,

Environmental Protection Act 1990  
Complaint regarding noise nuisance  
Prince of Wales. High Street. Shirrell Heath

I write following my visit to your premises on Friday 13<sup>th</sup> April with PC Gary Miller. The visit was made following a number of complaints alleging noise nuisance from events held at your premises.

You advised me that the majority of functions are held by people hiring the rear room for celebrations although you do occasionally hold your own functions.

I am keen to carry out noise monitoring to ascertain whether or not the noise from functions is causing a statutory nuisance to neighbours. I understand that you do not have any events booked at present but would be grateful if you could let me know of any future events as soon as possible.

I note that your licensing conditions require you to install a noise limiter for pre-recorded music. Whilst I am not convinced that this will totally resolve any potential noise problems, given the construction of the room, it will help to ensure that noise levels are controlled particularly given that customers bring their own music equipment to the premises.

I have asked John Myall, Licensing Manager to respond to you directly to clarify the licensing condition that states 'No activity shall take place in the garden after 2130.'

I look forward to hearing from you in due course. Thank you for your assistance and co-operation.

Yours sincerely

Mrs Abigail Toms  
Environmental Health Officer  
P/T Mon, Tues, Fri



Mr And Mrs Tiller  
Prince of Wales  
High Street  
Shirrell Heath  
Southampton  
Hampshire  
SO32 2JN

Your Ref:  
Our Ref: PREM 354  
Enq to: John Myall  
Direct Line: 01962 848 443  
Email: [jmyall@winchester.gov.uk](mailto:jmyall@winchester.gov.uk)

**COPY**

20 April 2007

Dear Mr And Mrs Tiller

**Prince of Wales. High Street. Shirrell Heath  
Premises Licence  
Licensing Act 2003**

I refer to a letter to you from Mrs Abigail Toms, Environmental Health Officer for the Council, dated 16 April 2007.

I understand that you required clarification of a condition contained in the Premises Licence.

At a meeting of the Licensing Sub Committee on 21 September 2005, certain conditions were added as a result of concerns raised by Interested Parties relating to noise nuisance. As a result, Public Nuisance condition 6 states, "No activity shall take place in the garden after 2130." This was imposed to prevent noise from outside the premises after that time. The condition means that the garden cannot be used after 2100 for any purpose.

If you wish your customers to use the garden after that time, for instance when the smoking ban starts in July, Osprey Pubs would have to apply to vary the licence to have that condition varied or removed.

There are conditions attached to the licence restricting musical events to 12 occasions per year and requiring that the Police and the Licensing Authority are notified not less than 10 working days before any event. If the Police then object, the Licensing Authority would have the power to veto the event. I am given to understand that events have taken place involving the playing of recorded music. I am rather concerned about this as I am not aware of any such notifications to either the Police or this department.

Mrs Toms also mentions the condition relating to a noise limiter. There is no record that a noise limiter has been installed, or if one has been approved by the Director of Communities.

Failure to comply with any of the conditions contained within the licence constitutes an offence of providing unlicensed activities, which carries a penalty of £20,000 fine and/or six months imprisonment. This offence is committed by any person who provides the activities, whether the licence holder, DPS or member of staff.

I trust that this clarifies the situation and that you will comply with the conditions. If you have any queries, please do not hesitate to contact this office.

Yours sincerely

COPY

**John Myall**  
Licensing and Registration Manager

cc  
Environmental Health  
Hampshire Constabulary



11<sup>th</sup> September 2007

Mr John Mile,  
Licensing Manager,  
Winchester City Council,  
Colebrook Street,  
Winchester,  
SO23 9LJ

Dear Sir,

**The Prince of Wales, Shirrell Heath, SO32 2JN**  
**Licensing Review Meeting 8<sup>th</sup> October 2007, morning.**

Further to my telephone call to your office & your message on our answer-phone yesterday, Monday 10<sup>th</sup> September, I write to confirm that we shall be attending the above Review meeting for The Prince of Wales.

We are considering purchasing the new Admiral Taverns ten year lease on The Prince of Wales, and obviously have an interest in the Committee's decision at the Review meeting. We would like to reassure the Committee that we have no intention of continuing the current tenant's policy of playing loud music. In fact we intend to return The Prince of Wales to a sedate country inn type establishment serving good home cooked food and will positively not be encouraging noise & disturbance of any kind.

Should we purchase the lease, it will be our intention to work very much *with* the local community. We intend to approach the neighbours either in person or by letter requesting their thoughts on the pub and what services they would like the pub to offer. We intend to develop the existing recycling facility, offer an internet lounge café facility and possibly develop a Bed & Breakfast offering.

We understand the current Licence conditions prevent use of the pub garden after 9.30pm. As this restricts the use of what is very much an asset to the pub & it's customers, we would be seeking to revoke this condition before next summer. Whilst we respect & understand the Licensing Committees decision to place restrictions on the current tenant, we feel that we would not be able to continue with our plans to purchase the lease if the business is restricted in what is already a very competitive marketplace.

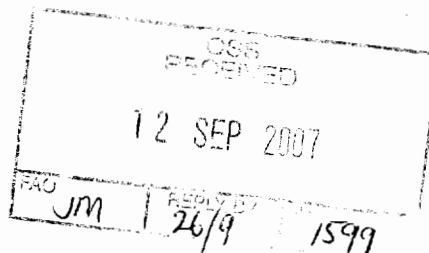
Thank you very much for your help.

Yours truly,



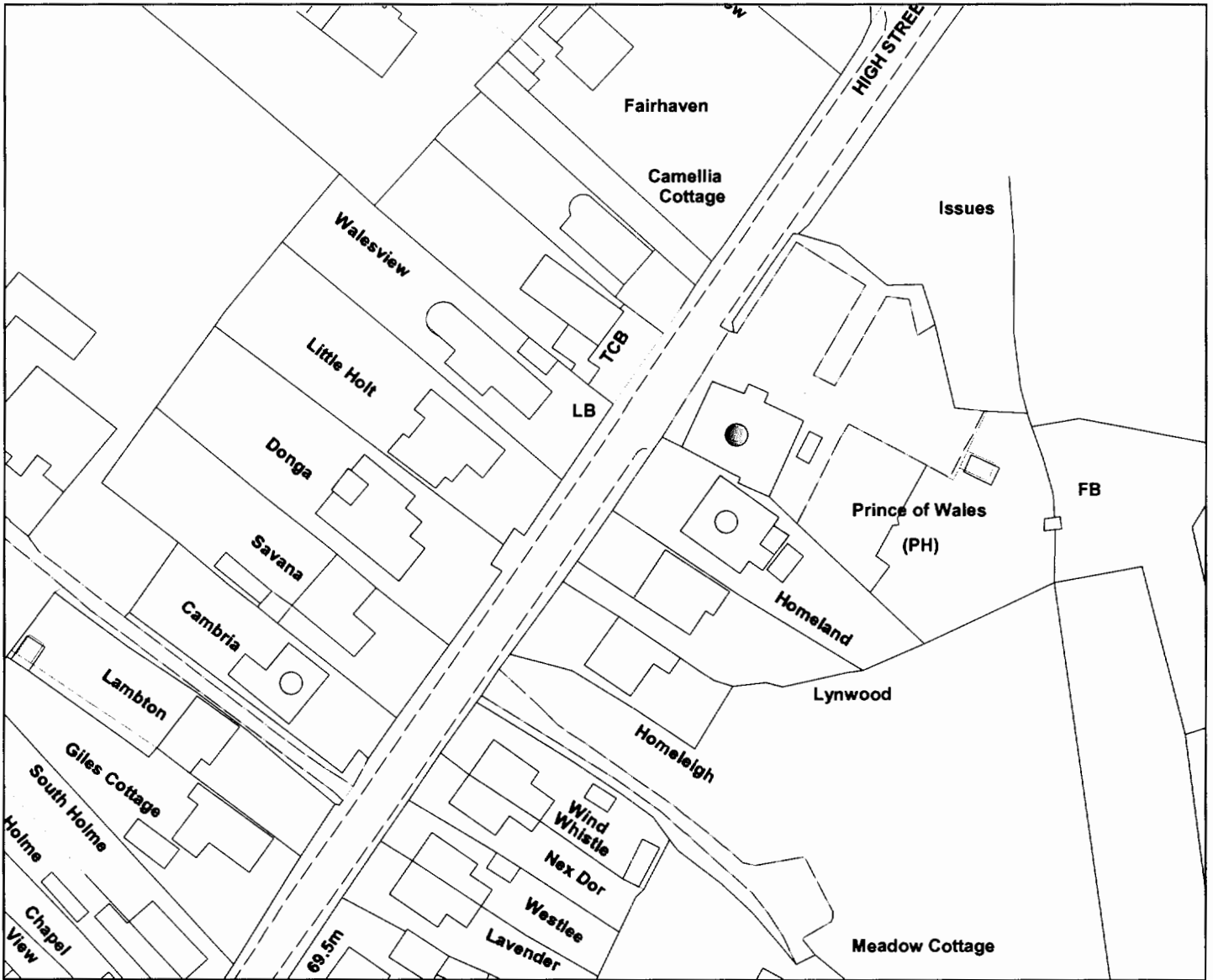
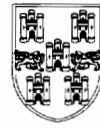
Mr Andrew D & Mrs Grace McCartney

 or 



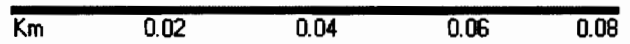
# Appendix 4 c

## Prince of Wales, Shirrell Heath



**Legend**

Scale:



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<b>Organisation</b>	Winchester City Council
<b>Department</b>	Legal Services
<b>Comments</b>	Review of Premises Licence
<b>Date</b>	26 September 2007
<b>SLA Number</b>	00018301



**Winchester**  
City Council

## Premises Licence

**Premises Licence Number**

PREM354

05/01309/LAPRMV

### Part 1 – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Prince Of Wales  
High Street  
Shirrell Heath  
Southampton  
Hampshire  
SO32 2JN

**Telephone number**

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

- e) Live Music
- f) Recorded Music
- m) Supply of Alcohol

**Times the licence authorises the carrying out of licensable activities**

- e) Live Music
  - (i) *Thursday to Saturday 2000 to 2300*
- f) Recorded Music
  - (i) *Recorded music may be played on an Ad Hoc basis on Bank Holidays within the times specified above, and occasionally during the day on Bank Holidays.*

- (ii) **Recorded music may also be played on no more than 12 occasions per year for special occasions.**
- (iii) **The Licence Holder or his nominee shall notify the Police and the Licensing authority not less than 10 working days before the event. If the Police object the Licensing Authority shall have the power to veto the event.**
- (iv) **The Licensee shall install a noise limiter for prerecorded music to be approved by the Director of Community Services.**

l) Late Night Refreshment

- (i) **Sunday to Saturday 2300 to 0000**

m) Supply of Alcohol

- (i) **Sunday to Saturday 1000 to 0000**

**Alcohol shall only be sold after 2300 to persons taking a table meal and the alcohol is ancillary to that meal except on Friday and Saturday and Christmas Eve.**

**The opening hours of the premises**

- (i) **Sunday to Saturday 1000 to 0030**

**The premises shall only remain open after 2330 hours for persons taking a table meal except on Friday and Saturday and Christmas Eve.**

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption both on and off the Premises

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Osprey Pubs Limited  
150 Aldersgate Street  
London  
EC1A 4EJ

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Company Number                      05949910  
Registered Charity Number

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Wayne Tiller  
Prince Of Wales  
High Street  
Shirrell Heath  
Southampton  
Hampshire  
SO32 2JN

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal Licence Number                      2006/00161/06EPEN  
Licensing Authority                              Eastleigh Borough Council

City Secretary and Solicitor

### **Annex 1 – Mandatory conditions**

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.

### **Annex 2 – Conditions consistent with the Operating Schedule**

See Annex 3

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

#### **Crime and Disorder**

1. All external walkways and car parking areas shall be illuminated during the hours of darkness up to 30 minutes after the premises close.
2. All staff shall maintain a close watch on the trading area and behaviour of customers at all times and shall either a) take appropriate action where needed or b) report concerns to their manager (where they are not authorised to deal personally with an issue).

#### **Public Safety**

None

#### **Public Nuisance**

1. Whilst music is being played as part of regulated entertainment, one of the licensees 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 and the Licensee shall exercise personal responsibility to ensure that this is carried out.
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 minimise disturbance to local residents and the Licensee shall take a positive role in this process.
4. Regulated entertainment shall be restricted to the inside of the premises.

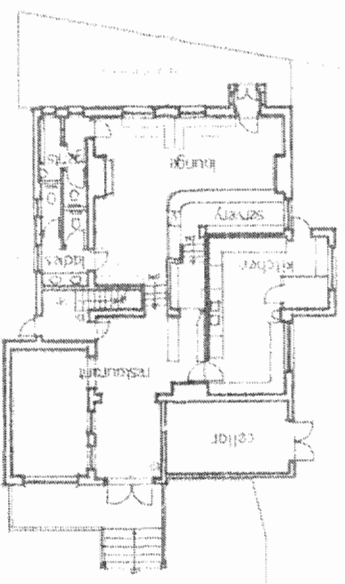
5. All external doors and windows must be kept closed other than for access and egress, in all rooms when events involving amplified music or speech are taking place.
6. No activity shall take place in the garden after 2130.

#### **Protection of Children**

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

#### **Annex 4 – Plans**

See attached



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**Greene King Pub Partners**

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