

LICENSING SUB-COMMITTEE**3 November 2008**Attendance:

Councillors:

Wright (Chairman) (P)

Hiscock (P)

Mather (P)

Others in Attendance who did not address the meeting:

Councillor Pearson

Officers in Attendance:

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Property and Licensing Solicitor)

Mrs S Blazdell (Environmental Health Officer)

Miss C Stefanczuk (Assistant Licensing & Registration Officer)

1. **REVIEW OF PREMISES LICENCE – STANMORE HOTEL, STANMORE LANE, WINCHESTER**
([Report LR283 refers](#))

The Sub-Committee met to consider an application by Mrs Susan Blazdell, Environmental Health Manager, Winchester City Council for the review of the Premises Licence for the Stanmore Hotel under Sections 51, 52 and 53 of the Licensing Act 2003.

Present at the meeting were Mrs Susan Blazdell (Applicant), Mr John Gaunt (legal representative for the Licensee, Stanmore Hotel) and also Mrs Kate Potheary (Designated Premises Supervisor - DPS, Stanmore Hotel). PC Gary Miller (Hampshire Constabulary) was also in attendance representing the Police as a Responsible Authority. Mrs Hull (a resident) was also present and the Sub-Committee accepted a request for her to speak as a witness to the application for the Review, under Regulation 8 (2) of the Hearings Regulations. There were no representations received from Interested Parties with regard to the application.

Mr Myall presented the application as set out in the Report. He explained that the Review related to the prevention of the public nuisance objective of the Act, following complaints of noise and disturbance coming from the premises. These were generally from music and from groups of smokers congregating on a decking area at the rear of the premises. Meetings had been held previously with the DPS and the Area Manager to discuss the complaints and the Environmental Health Officer had monitored the premises. Further to this, a request was made for a further meeting with a representative of the brewery

to discuss possible remedial action. Mr Myall also referred to a previous application that had been made during the transitional period, to vary the Premises Licence to extend hours for the sale of alcohol. He explained that this had not been implemented, as it was subject to a full acoustic survey and appropriate work being undertaken, which had not taken place.

Since the application for the Review, Mr Myall reported that a new DPS, Mrs Potheary, had been appointed. A meeting had been held with the DPS and with the Area Manager and measures were discussed to address the noise issues. A recent email from the brewery's legal representative had been circulated to the Sub-Committee that set out these measures. In summary, these included the following proposals:

- No drinks can be taken outside after 10pm and a maximum of ten persons at any time at the external smoking area.
- Noise monitoring sheets to be maintained on a daily basis, to be available for inspection on request.
- A lorry to be removed from the car park that had caused early morning disturbance (although not part of the licensing objective).
- Appropriate signage within the premises requesting patrons to leave quietly and respect the interest of neighbours.
- The DPS and staff to manage customers to ensure compliance.

Finally, Mr Myall drew attention to the possible conditions as set out at page 5 of the Report to alleviate the Public Nuisance objective. Following questions, with regard to condition 1, he suggested that 28 days would be an appropriate timescale for the submission of a noise management plan.

Mrs Blazdell explained that since the smoking ban, there had been similar issues of noise at other premises from smokers congregating outside. She referred to her monitoring of the premises on 8 August 2008 from a neighbouring house and had noted considerable noise nuisance, including obscene language. Responding to questions, she advised that she was satisfied that the possible conditions on page 5 would largely resolve the problems.

PC Miller then spoke regarding the representation from Hampshire Constabulary as a Responsible Authority. He drew attention to his letter of representation at Appendix 2 to the Report and of a meeting held between himself, the Environmental Health Officer and the previous DPS to discuss the complaints received.

Mrs Hull spoke as a witness to the application for the Review, under Regulation 8 (2) of the Hearings Regulations. Mrs Hull lived close to the premises and reported that noise levels emanating from the premises had escalated, particularly during the previous four years. She advised that she was unable to enjoy her garden after 2pm until late at night and spoke of loud and foul language emanating from the pub garden. Her neighbours had also

had similar experiences and reported a number of instances via the 101 telephone complaints line. Mrs Hull drew attention to the noise which came from the inside of the pub, especially from the premises' function room. She confirmed that should the conditions be implemented, she would still have some concern of groups congregating outside at the smoking area during the afternoons.

Mr Gaunt (legal representative for Marstons Brewery) referred to the measures that his client had agreed to address matters that had led to the review of the premises license (as summarised above). He suggested that the implementation of these measures had, to date, been successful in alleviating complaints. As a consequence, he advised that his clients endorsed the suggested conditions in the Report and that they were already successfully operating to them.

Mrs Pothecary (DPS) also spoke regarding the application and responded to questions from the Sub-Committee. She acknowledged that there had previously been operational difficulties in monitoring the external smoking area. She had instigated a number of measures of control, including encouraging customers to smoke at the front of the premises. She also reported that customers' behaviour was controlled by staff as far as possible with regard to foul language etc. With regard to loud music emanating from the function room, she explained that staff now ensured that the doors were kept shut at the room's lobby and that amplification equipment had been relocated to more appropriate positions, away from doors and windows. Music was also stopped at 11pm. With regard to the double door lobby system, Mrs Blazdell advised that she considered that this worked well in addressing noise emanating from the room.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made. 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.

RESOLVED:

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

Public Nuisance:

- 1 The premises licence holder submits a noise management plan within 28 days to the Head of Environment for approval prior to implementation in order to control the noise from patrons using the outside area. The noise management plan may include the following,
 - a) After 2200 no glassware or drinks to be taken outside and numbers limited to 10 persons at one time in the external smoking area. No groups of accompanying people are to be

allowed into the area with the smokers at any time after 2200 with the intention of preventing socialising outside and to encourage people to smoke their cigarette and swiftly return to the inside of the premises.

- b) Doors leading to garden to be kept shut at all times except for ingress and egress, to be monitored at all times
- c) Anyone deemed to be making an unacceptable level of noise will be warned and if the warning is ignored be asked to vacate the premises
- d) The DPS or another person nominated by him shall be on duty at all times whilst the premises are in use for the purposes of this Licence to receive and respond to any complaints of noise or other nuisance whilst the premises are in use for the purposes of the licence
- e) Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly
- f) Noise Monitoring Sheets to continue to be completed and maintained on a daily basis, to be made available on request for inspection by the licensing officer and/or the EHO.

Reasons for Decision: The Sub-Committee considered that granting the application for review would further the Prevention of Public Nuisance licensing objectives in accordance with the Council's licensing policy.

2. **REVIEW OF PREMISES LICENCE – THE BRICKMAKERS ARMS, SWANMORE**
[\(Report LR284 refers\)](#)

The Sub-Committee met to consider an application by Mrs Susan Blazdell, Environmental Health Manager, Winchester City Council, for the review of the Premises Licence for The Brickmakers Arms, Swanmore under Sections 51, 52 and 53 of the Licensing Act 2003.

Present at the meeting were Mrs Susan Blazdell (Applicant), Mr Robin Pierson (licence holder and Designated Premises Supervisor - DPS, Brickmakers Arms) and his wife, Mrs Leslie Pierson. PC Gary Miller (Hampshire Constabulary) was also in attendance representing the Police as a Responsible Authority. Mrs Boyes, Mr Pendred and Mr Rodrigues (residents) were also present and the Sub-Committee accepted a request for them to speak as witnesses to the application for the review, under Regulation 8 (2) of the Hearings Regulations. There were no representations received from Interested Parties with regard to the application.

Mr Myall presented the application as set out in the Report. The Review related to the prevention of the public nuisance objective of the Act, following a number of complaints of noise and disturbance from the premises over a period of time. This was generally caused by live music entertainment and from persons congregating outside. Mr Myall reported that he, together with the Environmental Health Officer and the Police, had met with the Licence Holder and DPS (Mr Pierson), to remind him of the conditions of the existing licence to limit noise pollution and advice was also offered to improve the situation. Finally, Mr Myall advised that letters of support to the premises, although not strictly relevant to the application, had been included in the Report as background information.

Mrs Blazdell explained that complaints had been ongoing with regard to noise and disturbance from the premises. Monitoring of the premises had been undertaken on 8 September 2008 from the street outside of the premises and from within neighbours' homes. She had concluded that noise from a live band at that time was a disturbance and she suggested that acoustic works to the premises would improve the situation. She also advised that the building was currently acoustically inferior and unable to attenuate the noise emissions. As a consequence, it had been suggested that the licence holder seek professional advice to upgrade the building to reduce noise. She also advised that some remedial work, which had already been carried out at the windows, was unlikely to solve the problem in isolation of more substantial works.

PC Miller then spoke regarding the representation from Hampshire Constabulary as a Responsible Authority. He drew attention to his letter of representation at Appendix 2 to the Report. He referred to his visits to the premises since Mr and Mrs Pierson took over as Licence Holder in May 2007, including with Mr Myall and Mrs Blazdell, with regard to ongoing complaints.

Mr Pendred spoke as a witness to the application for the Review, under Regulation 8 (2) the Hearings Regulation. He advised that he lived opposite the premises and spoke of excessive noise from live bands and also of anti social behaviour outside. He also referred to the area of the building where the bands played and suggested that, as this was of single skin construction, it would be difficult for remedial action to totally alleviate the noise disturbance.

Mrs Boyes also spoke as a witness to the application for the review, under Regulation 8 (2). She lived next door to the premises and stated that noise was particularly excessive on Friday and Saturday evenings. She also referred to noise and bad language from smokers congregating outside and she had been unable to enjoy her own garden as a consequence.

Mr Rodrigues also spoke as a witness to the application for the Review, under Regulation 8 (2). He also lived close by and stated that noise was intolerable and occasionally had drowned out his television. Noise sometimes continued after 12midnight from patrons leaving the pub, including shouting, car doors slamming and car stereos. He regularly complained via the 101 telephone line.

Mr Pierson addressed the Sub Committee and reported on the varied activities of the premises, including local community uses. An inspection from an

acoustics consultant was imminent and he reported on proposed changes to the schedule of entertainment that should further improve the situation. Live music would finish at 11pm and Karaoke at 10.45pm (their licence allowed for entertainment up to 11.30pm). He also advised that the premises' rear entrance would be utilised for the loading and unloading of equipment, to further assist in reducing noise outside of the premises. Mr Pierson also clarified that bands did not actually play within the adjacent stable block to the premises, but in an area close by that benefited from double glazing. Further to questions, he confirmed that signs within the premises asked patrons to respect the rights of neighbouring properties. Some customers had previously been barred due to their inconsiderate behaviour. Finally, he advised that smokers were now limited after 7.30pm to an external area that was located away from his neighbours.

Further to questions, Mr Myall advised that, should the Sub-Committee be minded, Mr Pierson's proposed changes to the hours of entertainment could be included in the conditions, along with anything further that it considered was necessary to achieve the Public Nuisance objective. These may be apparent after the acoustic survey had been undertaken at the premises.

At the conclusion of further discussion, Members agreed that it would be appropriate to adjourn the hearing to allow for the acoustics survey to be undertaken and for it to report its recommendations to the licence holder. Mr Pierson would then be requested to consult with the Environmental Health Officer and the Licensing and Regulation Manager within 14 days on works to be undertaken to reduce noise emissions.

RESOLVED:

That the hearing be adjourned, for the reasons given, to a future date to be agreed.

The meeting commenced at 9.30am and concluded at 11.45am.

Chairman