

**LICENSING SUB-COMMITTEE****9 September 2010**Attendance:

Councillors:

Jackson (Chairman) (P)

Hammerton (P)

Wright (P)

Officers in Attendance:

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Property and Licensing Solicitor)

Mr D Ingram (Head of Environment Protection)

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**1. SLUG AND LETTUCE, WINCHESTER – APPLICATION FOR VARIATION OF PREMISES LICENCE**[\(Report LR330 refers\)](#)

The Sub-Committee met to consider the application to vary the premises licence for the Slug and Lettuce public house, Winchester.

The Chairman welcomed to the meeting Ms Eames (the applicant's representative), Mr Geoghegan (the applicant's area manager), Ms Frizzell (the applicant's Designated Premises Supervisor), Mr Ingram (Environmental Health), PC Pearce (Police), Mrs Klingels (representing The Minsters Residents' Association), Mr Gray and Mr Pugliese (interested parties representing the The Old Vine).

Mr Myall presented the application as set out in the Report.

In summary, he explained that the Slug and Lettuce Company Limited had applied to vary the terminal hour of licensable activities from midnight Monday -Sunday to 0200 hours on Thursdays, Fridays and Saturdays. The applicant proposed no change to the terminal hours on Mondays, Tuesdays and Wednesdays.

Mr Myall also explained that the current licence permitted the hours to be extended by one hour on the following dates and that this would apply to the new licence, if granted (therefore the terminal hour on these dates would be 3.00am):

- 14 February,
- 23 December,
- 24 December,
- 26 December,
- 1 January,

- St Patrick's Day
- St George's Day
- St Andrew's Day
- Fridays, Saturdays, Sundays and Mondays of all Bank Holiday weekends

Furthermore, the hours may be extended on up to 12 occasions per calendar year subject to the Licensee serving at least seven working days' notice to the Police and the Licensing Authority. This facility would also be continued into the new licence. Mr Ingram confirmed that a number of Temporary Event Notices had been granted during 2009-10 and that none of these had generated a complaint to the Council from the public.

At the conclusion of his submission, Mr Myall recommended that three further Crime and Disorder Conditions be included (as set out on page 13 P (b) of the Report, relating to door supervisors and time of last admission).

Ms Eames (applicant's representative) spoke in support of the application. In summary, she reported that, prior to the meeting, the applicant had agreed to a number of amendments to the proposed Conditions. These included no live music after midnight; employing two door supervisors at the venue when trading beyond midnight; no drinking outside after midnight; refusing entry to patrons after 01.00 hours (although smokers only would be allowed egress and access without their drinks) upgrading the CCTV system to the satisfaction of the Police and installing a noise limiter.

The Sub-Committee discussed the Company's policy regarding dispersal and wind-down procedures. Ms Eames explained her preference that the licence should continue to 2.00am as requested, but that from 1.30am a calmer type of music would be played within the premises. Ms Eames also stated that it was probable that the later licence would mean that, at the end of the evening, most patrons would go home rather than onto nearby nightclubs and this in turn meant that they were likely to disperse to the left of the building, away from The Old Vine.

In response to Member's questions regarding neighbour nuisance from the rear of the premises, Ms Frizzell explained that this exit was only used by staff to empty rubbish into the bins at the rear. Therefore Ms Eames confirmed that the applicant had no objection to an additional Condition which prevented the disposal of rubbish and bottles between 2300 and 0800 hours.

Ms Eames added that the Designated Premises Supervisor lived above the Slug and Lettuce with her young child and therefore had a vested interest in minimising disturbance to local residents. Furthermore, all staff at the premises were trained in promoting the licensing objectives. Ms Eames also confirmed that representatives of the Slug and Lettuce welcomed the opportunity to discuss any issues relating to their business with residents or local businesses.

In response to Members' questions, Ms Eames explained that the Company employed a system to record refused alcohol sales at both the till and on the door. Most refused sales were due to either to the intoxication of the patron or

arose from doubts regarding the patron's age. The premises had adopted and implemented the Challenge 21 Scheme and was a member of PubWatch.

As a responsible authority under the Licensing Act, the Head of Environment, Mr Ingrams, explained that he had originally suggested a reduction in the hours applied for from 0200 to 0130 hours on Thursdays, Fridays, and Saturdays. However, the amendments agreed by the applicant had overcome his two main concerns regarding noise from the premises and noise from patrons dispersing from the premises. He therefore had no objection to the applicant's requested terminal hour of 0200.

As a responsible authority under the Licensing Act, PC Pearce commented on the application as a representative of the Police. In summary, he explained that the applicant had agreed to the Police's request for additional Conditions regarding the provision of CCTV (to address concerns regarding the prevention of crime and disorder and public safety licensing objectives).

As an interested party under the Licensing Act, Mrs Klingels (The Minsters Residents' Association) raised a number of concerns regarding the application. In summary, she was concerned regarding the possibility of public nuisance relating to the later opening hours and also that there was an alleyway which led into the Minsters which patrons could use to return to the northern suburbs of the town. Mrs Klingels also explained that she was in the process of preparing a log of complaints regarding noise in The Square. However this was not yet ready to be submitted to the Council.

In response to Mrs Klingels' question, Mr Ingrams clarified that noise limiters could be set to control bass noise.

As interested parties under the Licensing Act, Mr Gray and Mr Pugliese (proprietors of the nearby The Old Vine) spoke in objection to the variation. In summary, Mr Gray welcomed the Conditions which sought to minimise disruption to local residents and guests staying at The Old Vine. However, he retained concerns regarding the noise of patrons after they had left the premises. Due to its listed status, The Old Vine was limited to installing shutters, heavy curtains and offering ear plugs to guests in the three rooms which overlooked The Square. Mr Gray reported that guests in these rooms had regularly complained about late-night noise from The Square. These guests had also expressed their surprise at the juxtaposition regarding the reality of Winchester's late night economy vis-à-vis its genteel daytime tourist image as a cathedral city.

In acknowledging these comments, the Sub-Committee recommended that any complaints regarding noise should be notified to the Council.

In addition, Mr Pugliese represented another interested party (Captain and Mrs Wilson) who were unable to attend the meeting. Mr Pugliese explained that the Wilsons lived near to the Slug and Lettuce at Kings Head Yard. As such, they had raised concerns that the extension would negatively affect their sleeping hours. The Wilsons had also commented that the later hours of the Slug and Lettuce could attract revellers from other venues in the town; increase the number of people that congregated in The Square to smoke and

drink and that the dispersal of patrons after 2am was unlikely to take place without disturbing local residents.

The Sub-Committee retired in camera to consider the application.

In her 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.

The Sub-Committee agreed to the variation in the licensing hours as set out in the Report, subject to the Conditions set out below, with the Sub-Committee's agreed amendments shown in bold and italics.

The Sub-Committee agreed to grant the licence to further the Licensing Objectives, whilst (through the Conditions) addressing the concerns of local residents.

The Sub-Committee also agreed that the variation of licence would not take effect until any required works or actions necessary to comply with all of the Conditions had been completed to the satisfaction of the Licensing Authority.

The Chairman also explained that the parties had 21 days in which to appeal against the sub-committee's decision to the Magistrates' Court.

**RESOLVED:**

That the variation of the premises licence be granted, subject to the following conditions:

**Mandatory Conditions**

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

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.
4. No film shall be exhibited unless it has received a U, PG, 12, 15 or 18 certificate from the British Board of Film Classification, or it is a current newsreel which has not been submitted to the British Board of Film Classification. The admission of children shall be restricted in accordance with the recommendations of the British Board of Film Classification.

5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The following additional mandatory conditions will apply from 1 October 2010.

8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
9. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
10. The responsible person shall ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

### Operating Hours

As existing other than as follows.

The terminal hour for all licensable activities shall be 0200 on Thursdays, Fridays and Saturdays, except that the terminal hour for live music will remain at 0000 as at present.

### Additional Conditions

#### **Crime and Disorder**

1. A CCTV System must be installed and maintained to a standard agreed with Police. The system must be capable of producing evidential standard quality images on a real time basis operating in normal conditions within the public areas.

2. All public areas must be covered by CCTV. This must include the front door and bar areas and must be capable of providing good quality head and shoulder images.
3. All images must be retained for 30 days and made available to an authorised officer on request.
4. There must always be a member of staff capable of operating the CCTV system whilst the premises are open for licensable activity.
5. Any images recovered must be in a format that can be readily taken away and viewed on any computer operating on any windows based program acceptable to the Police, or DVD player. This will be without the requirement for addition software to be installed.
6. The CCTV system must be operating at all times whilst the premises are open for licensable activity.
7. ***Two door supervisors shall be employed on Thursday, Friday & Saturday evenings from 10.30 hours, should the premises trade past 24.00 hours for any licensable activity.***
8. ***Door supervisors, when on duty, shall wear high-viz jackets so that they can be easily identifiable.***
9. ***Last admission of 01.00 hours on Thursday, Friday & Saturday evenings.***

#### **Public Safety**

None

#### **Public Nuisance**

1. 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, ***other than to facilitate access and egress.***
2. A noise limiter shall be installed, calibrated and maintained to the satisfaction of the Head of Environmental Protection to control all amplified entertainment.
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 minimize disturbance to local residents.
4. ***No disposal of rubbish or bottles shall take place between 2300 – 0800 hours.***
5. ***No live music shall take place after 2400 hours.***

- 6. *The submission and implementation of a satisfactory wind-down and dispersal policy shall be agreed with the Licensing Authority.***

**Protection of Children**

1. An electronic refusals record shall be kept of all refusals to sell alcohol. Door staff will record refusals to allow entry in the incident log book (or similar). The holder of the premises licence shall ensure that records of all refusals are monitored on a monthly basis.
2. All staff shall be trained to challenge every individual who appears to be under 21 years of age and to refuse service where individuals cannot produce acceptable means of identification, which shall be a passport, photo driving licence or PASS accredited photo ID. Such training shall be provided not less than every six months, and written records shall be kept of all training and refresher training.
3. 'Challenge 21' posters shall be displayed in prominent positions at the premises.

The meeting commenced at 11.00am concluded at 1.00pm.

Chairman