

**SPECIAL LICENSING AND REGULATION COMMITTEE**

**24 October 2006**

Attendance:

Councillors:

Mather (Chairman) (P)

Baxter  
Berry (P)  
Howell (P)  
Hammerton (P)  
Izard (P)  
Johnston (P)  
Love (P)

Pearce  
Ruffell (P)  
Sutton (P)  
Wagner (P)  
Weston (P)  
Wood  
Wright

Deputy Members in Attendance:

Councillor Read (Standing Deputy for Councillor Wood)

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1. **APOLOGIES**

Apologies were received from Councillor Wood.

2. **MINUTES OF THE PREVIOUS MEETING**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 7 August 2006 be approved and adopted.

3. **MINUTES OF THE LICENSING SUB-COMMITTEE HELD ON 27 MARCH 2006**

The City Secretary and Solicitor reported a minor error in the above minutes, in that a Parish Councillor, Mr Springhall, had been incorrectly noted as representing Bramdean and Hinton Ampner Parish Council, whereas in fact he represented Tichborne Parish Council.

RESOLVED:

That the above minor error be noted.

4. **PUBLIC PARTICIPATION**

There were no questions asked or statements made.

5. **MINUTES OF LICENSING SUB-COMMITTEE HELD ON 30 AUGUST 2006**  
(Report LR201 refers)

The Committee received the minutes of the Licensing Sub-Committee held on 30 August 2006 (attached as Appendix A to the minutes).

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 30 August 2006 be received and noted.

6. **MINUTES OF LICENSING SUB-COMMITTEE HELD ON 9 OCTOBER 2006**  
(Report LR202 refers)

The Committee received the minutes of the Licensing Sub-Committee held on 9 October 2006 (attached as Appendix B to the minutes).

RESOLVED:

That the minutes of the Licensing Sub-Committee held on 9 November 2006 be received and noted.

5. **GAMBLING ACT 2005 STATEMENT OF PRINCIPLES – ADOPTION OF POLICY**  
(Report LR199 refers)

The City Secretary and Solicitor presented the Statement of Principles as set out in the above Report. He explained that the draft policy had been published for consultation, following a meeting of the Licensing and Regulation Committee on 7 August 2006. Only one set of comments had been received in response to the consultation exercise (from solicitors acting for the Association of British Bookmakers). He confirmed that those comments had been taken into consideration when formulating the final recommendations.

**RECOMMENDED:**

**THAT THE AMENDED POLICY, AS SET OUT IN APPENDIX 2 TO REPORT LR199, BE AGREED AND ADOPTED AS THE CITY COUNCIL'S STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005 FOR THE THREE YEAR PERIOD FROM 31 JANUARY 2007.**

6. **GAMBLING ACT 2005 – DELEGATION ARRANGEMENTS**  
(Report LR200 refers)

The City Secretary and Solicitor outlined the suggested changes to the Constitution, as set out in the above report and explained that those changes were necessary in order to implement the Gambling Act 2005 functions.

**RECOMMENDED:**

**1. THAT THE MINOR AMENDMENTS TO PART 3 – RESPONSIBILITY FOR FUNCTIONS (SECTION 4 – REGULATORY COMMITTEES) OF THE CONSTITUTION, AS SET OUT IN APPENDIX 1 TO REPORT LR200, BE APPROVED.**

**2. THAT THE MINOR AMENDMENTS TO PART 3 – RESPONSIBILITY FOR FUNCTIONS (SECTION 6 – SCHEME OF DELEGATION TO OFFICERS) OF THE CONSTITUTION, AS SET OUT IN APPENDIX 2 TO REPORT LR200, BE APPROVED.**

The meeting commenced at 6.30pm and concluded at 6.50pm

Chairman

**LICENSING SUB-COMMITTEE****30 August 2006**Attendance:

Councillors:

Johnston (Chairman) (P)

Hammerton (P)

Howell (P)

Others in attendance who did not address the meeting:Councillor Berry  
Councillor Higgins

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**1. HEART IN HAND, BAR END ROAD, WINCHESTER**

(Report LR196 refers)

The Sub-Committee met to consider an application by Ms Eileen Osborne for the transfer of the premises Licence for the Heart in Hand from Admiral Taverns Ltd to Ms Osborne under Section 42 of the Licensing Act 2003. The application was also to vary the licence to specify Ms Osborne as the Designated Premises Supervisor under Section 37.

The Parties present at the meeting (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) were Ms Eileen Osborne (applicant) and Mr David Stridom (partner). Inspector Kevin Baxman and PC Gary Miller were present as representatives of Hampshire Constabulary, one of the Responsible Authorities. There were also five members of the public in attendance.

The Licensing and Registration Manager presented the application as set out in the report. He explained that a representation had been received from the Police on the grounds that the transfer and variation of the licence would undermine the Crime Prevention Licensing Objective. He added that the Sub-Committee was obliged to determine the application under Section 44 of the above Act, with a view to promoting only the prevention of Crime and Disorder Licensing Objective.

Inspector Baxman then spoke against the application. He explained that the Police had made their representation as there were concerns following three incidents of crime and disorder in the vicinity of the premises since Ms Osborne had taken over, as well as a concern that there would be no investment made in the building before it was redeveloped by Orchard Homes and Development Ltd. He continued that there was a concern that should the building fall into disrepair, but continue to trade, then this would have a detrimental effect on the local community.

In response to a Member's question, PC Miller confirmed that since Ms Osborne had been in residence, there had been three incidents involving the Police which was proportionally in excess of any other licensed premises in Winchester.

Ms Osborne then spoke in support of the application, explaining that of the three incidents previously reported, two could not be attributed to the premises and the third had been dealt with swiftly. She added that on these occasions she had not been approached by the Police and that, if she could not control a situation, then she would contact the Police. Responding to the concern raised over lack of investment in the property, she presented two letters to the Sub-Committee, one from the Courage Brewery and one from Orchard Homes and Development Ltd, outlining their investment plans and future use of the site.

The Police objected to the content of the letter from Orchard Homes and Developments Ltd on the grounds that it only commented on the value of the property and the land itself, rather than the value of the Premises to the local community. The Sub-Committee agreed to accept the two letters for consideration, despite their late submission and noted the Police objection to the Orchard letter.

Ms Osborne continued that she would not serve anyone who was drunk and that she had already barred one individual and warned two others that they could be barred from entering the premises. She added that the premises closed at 2300 hours, despite having a licence to open until midnight and stated that she did not allow children to use the area outside the Premises after 1800 hours. She commented that she was hoping to implement a food ordering service and market the premises as a more family-friendly location.

In response to a Member's question, Ms Osborne confirmed that the premises did not have a landline telephone installed, explaining that this would be futile should the premises be closed down. She added that this would be done if the licence was granted and consented to considering the option of installing CCTV. She continued that the use of door staff would not be necessary, as there was a low number of clientele for the Premises and that this would therefore not be a financially viable option to consider.

The Sub-Committee retired to deliberate in camera.

In his 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.

**RESOLVED:**

That the Sub-Committee refuse the application as set out in the report for the following reasons:

1. The Sub-Committee accepts the evidence presented by the Police on the basis of Crime and Disorder, but excludes their concerns over planning issues.
2. The Sub-Committee were not convinced that the Applicant had demonstrated a commitment to implement or demonstrate actions to be taken to combat incidents of Crime and Disorder in the period since the Applicant took control of the Premises. The fact that the Applicant had not proposed any plan to the Committee to alleviate these problems was a concern.

The meeting commenced at 9.30am and concluded at 10.55am.

Chairman

**LICENSING SUB-COMMITTEE****9 October 2006**Attendance:

Councillors:

Mather (Chairman) (P)

Berry (P)

Wagner (P)

Others in attendance who did not address the meeting:

Councillor Baxter

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**1. THE CHESTNUT HORSE, AVINGTON PARK LANE, EASTON**  
(Report LR198 refers)

The Sub-Committee met to consider an application by Hall and Woodhouse Limited for the variation of the Premises Licence for The Chestnut Horse under Section 34 of the Licensing Act 2003, for the use of regulated entertainment, late night refreshment and to extend the hours for the sale of alcohol.

The Parties present at the meeting (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) were Mr Steve Broughton (applicant's representative) and Ms Karen Wells (Designated Premises Supervisor and tenant). Also in attendance were Mr H P Labram, Mr W D Phillips and Mr P Windsor-Aubrey as Interested Parties. The Sub-Committee agreed to hear Mr Windsor-Aubrey's representation under Section 8 (2) of the Licensing Act 2003 (Hearing) Regulations 2005. Although no representation had been received from the Responsible Authorities, the Environmental Protection Team Manager was present to answer any queries.

The Licensing and Registration Manager presented the application as set out in the report. He explained that the Premises was mainly a food-led establishment and that Ms Wells had been working at The Chestnut Horse for a number of years. He continued that, when the Licensing Act 2003 came into force, the ability for licensed premises to provide live entertainment by no more than two performers was removed. The Chestnut Horse had converted its existing licence without seeking a variation and therefore could not now provide live regulated entertainment. Following its acquisition of the Premises, the applicant had submitted this application to vary the Premises Licence so as to permit such entertainment.

In response to a Member's question, the Environmental Protection Team Manager confirmed that no complaints relating to noise had been received regarding the Premises. She confirmed that there could be some concern over the application for regulated entertainment held outside the Premises. She continued that, as the premises was a listed building, listed building consent would need to be obtained to install sound proofing, but she confirmed that noise levels should be easily kept under control by the licensee by patrolling the perimeter of the Premises.

Mr Broughton spoke in support of the application. He stated that the brewery were eager to maintain good relations with the residents of the village and formally withdrew the application in relation to outside entertainment. He continued that should such entertainment be required in the future, then they would submit a Temporary Event Notice. He added that Ms Wells ran the establishment very well and that there were no plans to change the nature of the Premises in the future. Ms Wells stated that food was currently served until 2130 hours and that the application to slightly extend the opening hours was to offer customers more time to enjoy their evening.

In response to a Member's question, Ms Wells commented that she had received criticism that the Premises was too food-orientated and that customers would like to have some entertainment on offer. She confirmed that she had only received one noise complaint since she started working at the Premises and stated that she had dealt with the issue immediately. She added that she also notified neighbours to the Premises of any private functions that might be taking place and reiterated that she had no intention of changing the nature of the business.

Mr Labram then spoke against the application. He stated that he lived opposite the Premises and that he was often disturbed by very early deliveries to the Premises and by customers leaving late at night. He voiced his concerns over the brewery now being the new owners of The Chestnut Horse, commenting that the previous owner had been sensitive to the local community. Mr Labram continued that the increase in hours would mean more traffic in an area where there was insufficient parking, no pavements and no street lights. He added that there was a concern over emergency access within the village and that the increase in traffic movement would have safety implications. He also commented that the noise generated from the Premises could be very obtrusive and that he believed the use of regulated entertainment would change its character.

Mr Windsor-Aubrey from the Upper Itchen Valley Society also spoke against the application. He stated that there were no public houses in many of the surrounding villages and that, with the good reputation and the extended opening hours of the Premises, there was a concern that it would bring an increased number of people into the village. He reiterated Mr Labram's worries over parking and added that the addition of entertainment to the Premises would cause it to become a nuisance to local residents.

Mr Phillips then spoke against the application. He commented that he was pleased the application for the outside entertainment had been withdrawn, as this was his main concern. He added that although he lived next to the Premises and was never disturbed by the noise of customers leaving, he was concerned over the inconsiderate way in which customers parked their vehicles, which had damaged a hedge adjacent to his property. He also commented that although he believed Ms Wells to be very successful and considerate of the local residents, he had concerns over the possible actions of future licencees.

In response to the comments made by the Interested Parties, the applicant confirmed that live entertainment would not be a frequent event, but that the application was submitted in order to have the option of entertainment should it be requested. Ms Wells added, by way of an example, that consideration had been given to having live jazz music on a Sunday afternoon, but that this would not be a weekly occurrence.

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.

RESOLVED:

That the application be granted, subject to:

**Mandatory Conditions**

Under the Licensing Act 2003, the following conditions must be retained 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.

Additional Conditions

Operating Hours

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

Films, Live Music, Recorded Music, Performances of Dance, Provision of Facilities for Making Music, Provision of Facilities for Dancing.

- (i) *Monday to Sunday 1000 to 2300*  
(on no more than two occasions per calendar month)

2. The hours the premises may be used the provision of late night refreshment shall be:

- (i) *Monday to Sunday 2300 to 2330*

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

- (i) *Monday to Sunday 1000 to 2330*

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

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



All Licensing Objectives

Crime and Disorder

None

Public Safety

None

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. 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.

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. 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.

5. Regulated entertainment shall be restricted to the inside of the premises.

Protection of Children

None

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.

The meeting commenced at 9.30am and concluded at 11.15am.

Chairman