

LICENSING AND REGULATION COMMITTEE

4 JUNE 2003

APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE IN RESPECT OF THE
CROWN, THE SQUARE, BISHOPS WALTHAM.

REPORT OF CITY SECRETARY AND SOLICITOR

Contact Officer: Fred Masters Tel No: 01962 848218

RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This report is to consider an application by Mr Paul Alexander Dowsett and Mr Gerard Finbar Macken for the grant of a public entertainment licence in respect of The Crown public house, The Square, Bishops Waltham. There has not previously been an entertainment licence in force for these premises and the application is for public entertainment to be permitted for the normal licensing hours for a public house between 11am and 11pm Mondays to Saturdays inclusive and between 12 midday and 10.30pm on Sundays.

A Notice was posted at the premises for 28 consecutive days from 14 March 2003, which has resulted in 2 letters from residents making representations. The residents of Palace Mews are concerned it will lead to an increase in the use of the car park for this public house and an increase in noise nuisance.

The Director of Health and Housing Officer has no adverse comments concerning this application for entertainment ending not later than 11pm.

The Police have no objection to the permitted hours requested and are satisfied that the applicants are suitable to hold the licence.

Hampshire Fire and Rescue have inspected the premises and recommend that certain works are carried out before any licence is granted (Appendix 2).

RECOMMENDATIONS:

- 1 That providing the works required by Hampshire Fire and Rescue Service has been completed to the satisfaction of the City Secretary and Solicitor, the Public Entertainment Licence for the premises of the Crown, The Square, Bishops Waltham be granted to Mr Paul Alexander Dowsett and Mr Gerard Finbar Macken
- 2 That the licence be granted for compliance with the Standard Conditions and Regulations of Winchester City Council and to include the following Additional Conditions:-
 - (i) The premises may be used for the purposes of this licence during the following times –
 - Mondays to Saturdays inclusive from 11.00am to 11.00pm
 - Sundays from 12.00 midday to 10.30pm.
 - (ii) The maximum number of persons permitted to be on the premise whilst in use for the purposes of this licence shall not exceed 120 persons.
 - (iii) All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open, wedged open, or be maintained open by an electrical, mechanical or other device whilst the premises are in use for the purposes of this Licence
 - (iv) The Licensees or other 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 nuisance received from any person.
- 3 That the licensees be reminded of the need to continue to take all possible steps to minimise nuisance to residents caused by persons leaving the premises and using the Crown car park.

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Report of City Secretary and Solicitor

DETAIL:

1 Application

- 1.1 This application is made by Mr Paul Alexander Dowsett and Mr Gerard Finbar Macken for the grant of a public entertainment licence in respect of The Crown public house, The Square, Bishops Waltham.
- 1.2 The application is for a public entertainment licence to be permitted during the usual permitted hours for public houses. These are from 11am to 11pm on Mondays to Saturdays inclusive and from 12 midday to 10.30pm on Sundays.
- 1.3 These premises have not previously had the benefit of a public entertainment licence, although the premises have been licensed as a public house for many years.

2 Representations

- 2.1 A Notice was posted, visible from outside the premises, for 28 days from 14 March 2003.
- 2.2 There have been two letters making representations expressing the concerns of the residents of Palace Mews. One letter is written by the Chairman and Secretary of the Palace Mews Management Company (Bishops Waltham) Ltd and the other is from an individual resident. (Appendices 1A and 1B). Palace Mews is located adjacent to the Car Park of The Crown on the opposite side of the road to the public house. (Appendix 3). The concerns expressed mainly relate to the existing noise and other nuisance in the car park and the potential for an increase to these nuisances. The Management Company suggest that any music should end at 10pm or 10.30pm.

3 Consultations.

- 3.1 Meon Valley Police at Bishops Waltham have been consulted. They have no objections either the applicants or the use of the premises for entertainment during normal licensing hours.
- 3.2 Hampshire Fire and Rescue have been consulted and have set out a "Schedule of Work" required before the licence is granted. The works include the requirement to improve the emergency lighting system and the fire fighting equipment to be serviced. (Appendix 2).
- 3.3 The Director of Health and Housing is satisfied that providing entertainment is confined to normal licensing there are no concerns regarding this application.
- 3.4 The Ward members of this Council and the Parish Council have been notified of this application.

4 Other Information

- 4.1 The Crown is a public house where a full on licence is in force. Entertainment is permitted, during normal licensing hours, by way of television or radio or recorded music or by a maximum of two live performers without the need of an entertainment licence. The effect of a grant of a licence for entertainment, as requested by this application, would result in no change to the hours during which the premises may remain open.
- 4.2 The Crime and Disorder Act 1998 places a duty on the Council to exercise its various functions, with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
- 4.3 Paragraph 5(i) of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 refers to the length of time a public entertainment licence may remain in force which is normally for one year. It may be issued for a shorter period should the Council think fit.

5 Issues for Consideration.

- 5.1 **Are the applicants suitable persons to whom the licence may be transferred?** It is considered that they are suitable.
- 5.2 **Are the premises suitable to be used for public entertainment, given their physical condition and location, and considering public safety, noise, proximity to residential property and other relevant issues?** It is considered that, providing there is compliance with the "Additional Conditions" set out in the Recommendation and following the satisfactory completion of works recommended by Hampshire Fire and Rescue, the premises are suitable.
- 5.3 **Are the hours of entertainment being sought acceptable? If the hours are not acceptable, should the application be refused or should alternative hours be specified?** The hours being sought are acceptable providing entertainment ends no later than 11pm.
- 5.4 **If granted would this Licence have any effect on Crime and Disorder in the area?** It is considered that as the hours of entertainment requested are only within normal licensing hours the granting of this licence will not have any effect on Crime and Disorder in the area. The Police have no objections to the extension of the hours requested.
- 5.5 **Are there any human rights issues which are relevant to the decision?** 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 applicant's right to use of his 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. It is considered that as the grant of this licence

will have little effect to change the use of these premises then the residents rights will not be infringed by the grant of this licence.

- 5.7 **Are there any further relevant issues which may mean that the licence should not be granted?** The complaint from residents concerning the issue of the use of the Crown car park would not be affected by the grant of this licence.

OTHER CONSIDERATIONS:

6 CORPORATE STRATEGY (RELEVANCE TO):

- 6.1 The licensing function affects the objectives of promotion of a thriving local economy, and promoting a healthier, safer and more caring community.

7 RESOURCE IMPLICATIONS:

- 7.1 None.

BACKGROUND DOCUMENTS:

Application for the grant of a Public Entertainment Licence in respect of the Crown public house, Bishops Waltham

APPENDICES:

- 1A – 1B Letters of representation from residents (2)
- 2 Hampshire Fire and Rescue Service – Schedule of Work.
- 3 Map showing the location of The Crown Bishops Waltham.