

LICENSING AND REGULATION COMMITTEE

5 October 2004

Attendance:

Councillors:

Johnston (Chairman) (P)

Allgood (P)
Baxter (P)
Bennetts (P)
Coates (P)
Cook (P)
Evans (P)
Hammerton (P)

Lipscomb
Maynard
Mather (P)
Pearson (P)
Pines (P)
Sutton (P)
Wagner (P)

Others in Attendance:

Councillor Cooper (Standing Deputy for Councillor Lipscomb)

310. **APOLOGIES**

Apologies were received from Councillor Lipscomb.

311. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 8 July 2004 be approved and adopted.

312. **PUBLIC PARTICIPATION**

There were no statements made or questions asked.

313. **APPLICATION FOR THE VARIATION OF A PUBLIC ENTERTAINMENT LICENCE – RAILWAY INN, ST PAUL'S HILL, WINCHESTER**

(Report LR108 refers)

Members considered the above licensing application in accordance with the procedure note approved by the Licensing Sub Committee on 18th September 1995 (minute 95 refers).

Councillor Pines declared a personal and prejudicial interest in this item as the applicants were known to him personally. He left the room during consideration of this item.

Sergeant Foley advised that there had been no reported incidents linked to the premises, and that it appeared to be a well managed public house. He also explained that there was no evidence to link the Railway Inn with anti-social behaviour problems at Orams Arbour.

The Director of Health and Housing explained that Mr Enyon had made improvements to the premises including soundproofing of the function room. Since the works were completed, approximately five years ago, no noise complaints had been received. The Director was concerned, however, that noise complaints could arise should a later licence be granted.

Mr Enyon addressed the Committee. He was surprised by the number of letters of representation received as he had not received any noise complaints since the function room had been soundproofed several years previous. He noted that the letters drew attention to noise nuisance at Oram's Arbour, although he believed this was an issue of young people under the age of 18 drinking alcohol and was not associated with patrons of the Railway Inn.

Mr Enyon explained that he wished to extend the Public Entertainment Licence by one hour in order to compete with city centre premises, and maintain a viable and successful business, as this would allow him to increase the number of live bands.

Responding to Members' questions, Mr Enyon explained that although he did not count the number of customers in the public bar, which was never extremely busy, he always counted customers in to, and out of, the function room as overcrowding would have safety implications. He also advised that as well as himself, he employed three qualified door staff. The door staff ensured that no glasses or bottles were removed from the premises and asked customers to leave quietly.

Mr Enyon advised that, although noise was not measured, he monitored the noise in various areas of the premises and reduced the volume if necessary. He also explained that acceptable sound levels were discussed with band members prior to their performances.

At the invitation of the Chairman, two members of the public and a Hampshire County Councillor addressed the Committee, and made statements objecting to the application, as follows;

a) Miss J Sandison, a resident of Clifton Road

Miss Sandison explained that she was a member of the Oram's Arbour Residents' Association, which had approximately 150 members. The Residents' Association was working closely with Police to alleviate the noise and disturbance problems on the Arbour. She believed that some incidents at Oram's Arbour could be attributed to the Railway Inn.

In response to a question from a Member regarding evidence of any problems at Oram's Arbour being attributed to the premises, Miss Sandison explained that she had found beer mugs on the Arbour whilst litter-picking.

b) Ms E Hack, a resident of Stockbridge Road

Ms Hack believed that the Railway Inn was a good resource for live music and was satisfied with the current Licensing conditions. However, she occasionally experienced noise and vandalism, such as shouting, swearing and car damage, outside her home late at night, and therefore objected to the application as she believed that the extended licence would result in her family being disturbed more frequently.

c) County Councillor Dickens

County Councillor Dickens addressed the Committee on behalf of District Ward Councillors Love and Pearce. She explained that their main concerns were of the density of residential housing surrounding the Railway Inn and the associated problems of noise created by customers on their route home.

In response to comments made by members of the public, Mr Enyon explained that he tried to keep noise to a minimum whilst customers left the premises. However, he believed that the late opening of a kebab shop in Stockbridge Road attracted people from various areas of Winchester late at night.

The Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Committee had considered the application, the case presented by the applicant together with the observations of the Police, Officers and members of the public. They also had regard to the Council's responsibilities under the Human Rights Act and Crime and Disorder Act.

RESOLVED:

That the application to vary the permitted hours of the Public Entertainment Licence be granted for a trial period of six months until 5 April 2005, and thereafter conditions will revert to the existing conditions.

314. **LICENSING POLICY – CONSULTATION DRAFT**

(Report LR109 refers)

In response to Members' questions, the City Secretary and Solicitor explained that following approval by this Committee, the Licensing Policy would be published on the Council's website, in addition to hard copies being available, for public consultation. Two public consultation meetings would also take place; 12 October in Winchester, and 4 November in Wickham.

A copy of suggested amendments to the Draft Policy was circulated at the meeting, and agreed by Members (attached as Appendix A to these minutes).

Members discussed a number of minor amendments regarding wording of some sections and requested the City Secretary and Solicitor to ensure that consistent meanings were used throughout the document.

RESOLVED:

1. That the City Secretary and Solicitor be authorised to make minor typographical amendments to the Statement of Licensing Policy.

2. That, subject to the amendments in Appendix A to these minutes, the draft Statement of Licensing Policy attached at Appendix 1 to the above report be approved for publication as a consultation draft.

3. That the consultation process for the draft Statement of Licensing Policy as set out in Section 4 of the above report be agreed.

4. That the City Secretary and Solicitor, in consultation with the Chairman and Vice-Chairman, be authorised to respond to the draft procedural orders issued by the Secretary of State.

315. **ALCOHOL CONSUMPTION DESIGNATION ORDER**

(Report LR110 refers)

The City Secretary and Solicitor explained that an Alcohol Consumption Designation Order did not mean that alcohol could not be consumed in the designated areas. It allowed the Police (at their discretion) to require a person to cease consuming alcohol, if they were causing a nuisance, or behaving in an anti-social manner.

A Member advised that he was aware of some drunkenness and nuisance behaviour along the river between Wharf Mill and City Mill (The Weirs), and requested that this area be included in the proposed Order. This was agreed.

RESOLVED:

1. That the making of a designation order under Section 13 of the Criminal Justice and Police Act 2004 for the areas set out in the above report be agreed in principle, together with all public areas (including local authority land) with an area bounded by the following streets;

The Weirs	College Street
St. Swithun Street	Southgate Street
High Street	Romsey Road
Clifton Road	St. Pauls Hill
Stockbridge Road	City Road
North Walls	Durngate Place
Water Lane	Bridge Street

2. That the consultation process set out in the above report be agreed.

3. That the results of the consultation be reported to this Committee at its meeting on 14 December 2004.

The meeting commenced at 6.30pm and concluded at 8.50pm.

Chairman

Licensing and Regulation Committee - 5 October 2004AGREED AMENDMENTS TO LICENSING POLICY (APPENDIX 1)

Page 2 (introductory pages setting out consultation process):-

Replace paragraph to read as follows:-

“All comments on the draft policy are welcomed. It will be noted that the draft policy ~~does not propose~~ a “special saturation policy” where a policy of refusing applications for new licences or major variations to existing licences would be adopted. The proposed area is Jewry Street and High Street (from Jewry Street to the Westgate). The proposed area is Jewry Street and High Street (from Jewry Street to the Westgate). Comments are invited on whether such a policy should, or should not, be adopted, and whether such a policy should be adopted for other areas (see paragraphs 2.18-2.28). “

1.9 – amend “tourists” to “visitors”

2.15 – add “and visitors” after “...wider cultural benefit of the community”.

2.23 – Amended to correct name of street – change “Upper High Street” to “High Street (from Jewry Street to Westgate”.

2.24 – add to paragraph “However, the Council will always seek to promote best practice in licensing matters and, accordingly, encourages existing licensees to promote its aims in reducing Crime & Disorder problems in this area. The Council will, therefore, give considerable weight to such problems when considering review applications

2.25 – delete “and chronic” after “serious”

- 3.1 New 3.19 – “As recommended in the statutory Guidance, applicants for new premises licences (or major variations to premises licences) should undertake a thorough risk assessment with regard to the licensing objectives, which should then be used to prepare the required operating schedule (to be submitted with the application).”

Section A (General) – add new paragraph as follows:-

"Irresponsible Drinks Promotions.

The Council considers that the BBPA's 'Guidelines on On-Trade Promotions' should be encouraged locally to reduce irresponsible drinks promotions, and will take a licensee's adherence, or otherwise, to these guidelines into account when reviewing premises licences."

Section A (Shops, Supermarkets) – add at end of these paragraphs (before Reasons):-

“The Council therefore encourages shops to follow the existing good practice in the licensing trade by ensuring that CCTV is in operation on their premises at points of sale.”