

**LICENSING SUB-COMMITTEE****14 July 2005**Attendance:

Councillors:

Pines (Chairman) (P)

Bennetts (P)

Mather (P)

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1. **APPLICATION TO CONVERT AND VARY THE PREMISES LICENCE FOR THE PRIORY INN, WINCHESTER ROAD, BISHOPS WALTHAM**  
(Report LR126 refers)

The Sub-Committee met to consider an application by Sandra Rees and Julian Blackman to convert the current Justices and Public Entertainment Licences under the Transitional Provisions contained in Schedule 8 of the Licensing Act 2003 (known as 'Grandfather Rights') for The Priory Inn, Winchester Road, Bishops Waltham. The application was also for variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the hours for the sale of alcohol and regulated entertainment, adding the provision of late night refreshment and extending the hours the premises are open for other than licensable activities.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964 and to remove all conditions imposed by the Public Entertainment Licence except any which were reflected in the Licensing Objectives.

The Parties (in accordance with the Licence Act 2003 (Hearings) Regulations 2005) present at the hearing were:- the Applicants (represented by Mr. May); PC Wren for the Police (Responsible Authorities); and Mr. Ramsey, Mr. Stevenson, Mrs. Lanham, and Mrs. Quiney (Interested Parties). Mrs Toms from the Council's Environmental Protection Team was unable to be present due to illness.

Following discussion, the Sub-Committee resolved to convert the current Justices and Public Entertainment Licences.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the representations made by Responsible Authorities and Interested Parties as set out as Appendices to the Report. In summary these referred to issues related to noise, disorder and parking matters.

The Committee considered the representations made by the Council's Environmental Protection Team, which suggested the imposition of four public

nuisance conditions and one public safety condition. Mr May accepted the public nuisance conditions, but suggested that the existing (higher) permitted occupancy levels which had been included in the conversion of the current Justices and Public Entertainment Licences should be viewed as the benchmark level.

Mr May referred to a letter from his clients dated 24 May 2005 setting out proposals for additional conditions in response to concerns raised regarding the prevention of public nuisance. This also confirmed his clients' request for permission to hold 2 outside events per year to finish at 12 midnight. He advised that the pub garden would be closed at 2300 at all other times.

Mr May confirmed that his clients would not be seeking to apply for adult entertainment at the premises as previously requested as part of the application.

PC Wren reported that the majority of the Police's concerns had now been resolved. He also referred to a list of conditions which Gosport and Fareham Police were using as part of their consideration of licensing applications in their area of Hampshire. In summary he advised that the Applicants had agreed that those applicable to these premises had been generally acceptable. PC Wren reported that there had been few recorded instances where police attendance was required at the premises and none regarding complaints from noise.

The Sub-Committee heard from those Interested Parties who wishes to speak in support of their representations.

Mr Ramsey advised that he was disturbed regularly most weekends from noise from both inside the building and from the garden.

Mr Stevenson confirmed that in his opinion, disturbance from the premises had increased notably over the last 2 years. He also said that the Council's Licensing policies appeared more robust than that which had been recommended by the Environmental Protection Team to alleviate concerns regarding public nuisance.

Mrs Lanham advised that she was regularly disturbed by music, mostly on Friday and Saturday evenings.

Mrs Quiney reported that she could hear noise from her home in The Avenue some 400 yards from the premises.

Mr May responded to a number of questions from the Sub-Committee and in summing up, stated that the extended opening hours were in response to requests from customers and would also assist in alleviating disturbance from people leaving the premises at an earlier and more regular closing times.

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. The Sub-Committee agreed to grant the Application to vary the Premises Licence as requested with a number of conditions as set out below

RESOLVED:

That the application for the Variation of the Premises Licence be granted subject to the following conditions:

1. The hours the premises (indoors only) may open for **plays** shall be:
  - (i) Sunday to Thursday 0730 – 0030
  - (ii) Friday and Saturday 0730 – 0130
  - (ii) New Years Eve 0730 – 0130  
2 January
  
2. The hours the premises (indoors only) may open for films shall be:
  - (i) Sunday to Thursday 0730 – 0030
  - (ii) Friday and Saturday 0730 – 0130
  - (ii) New Years Eve 0730 – 0130  
2 January
  
3. The hours the premises may open for indoor sporting events shall be:
  - (i) Sunday to Thursday 0730 – 0030
  - (ii) Friday and Saturday 0730 – 0130
  - (ii) New Years Eve 0730 – 0130  
2 January
  
4. The hours the premises may open for live and recorded music shall be:
  - (i) Sunday to Saturday 0730 to 0000 (2300 for the outside parts of the premises, save on two occasions in each calendar year (to be notified in writing at least seven days in advance to the Licensing and Registration Manager) when the terminal hour shall be 12.00 Midnight)
  
5. The hours the premises may open for the performance of dance shall be:
  - (i) Sunday to Thursday 1000 - 2330

- (ii) Friday and Saturday 1000 – 0000 (2300 for the outside parts of the premises, save on two occasions in each calendar year (to be notified in writing at least seven days in advance to the Licensing and Registration Manager) when the terminal hour shall be 12.00 Midnight)
6. The hours the premises (indoors only) may open for entertainment of a similar description (quiz comperes, comedians, amplified) shall be:
- (i) Sunday to Thursday 1000 - 2330
- (ii) Friday and Saturday 1000 - 0000
7. The hours the premises (inside only) may open for provision of facilities for dancing shall be:
- (i) Sunday to Thursday 0800 – 0030
- (ii) Friday and Saturday 0800 – 0130
- (ii) New Years Eve 0730 – 0130  
2 January
8. The hours the premises (indoors only) may open for late night refreshment shall be:
- (i) Sunday to Thursday 2300 - 0030
- (ii) Friday and Saturday 2300 - 0130
- (iii) New Years Eve 2300 - 0500 1  
January
- (iv) New Years Day 2300 - 0500  
2 January
9. The hours the premises may open for the sale of alcohol shall be:
- (i) Sunday to Thursday 1000 - 0000
- (ii) Friday and Saturday 1000 - 0100
- (ii) New Years Eve 1000 – 0100  
2 January
10. The hours the premises may open for other than Licensable Activities shall be:

(i)	Sunday to Thursday	0730 - 0030
(ii)	Friday and Saturday	0730 - 0130
(iii)	New Years Eve 2 January	0730 – 0130

11. The outside areas of the premises shall not be used after 2300 on any day.

#### **Crime and Disorder**

1. There will be a 30 minute “wind down” period at the end of the sale of alcohol .
2. All staff shall receive drugs awareness training as part of their induction.
3. The licence holder shall install a CCTV system in the premises to the satisfaction of the Police before the premises are first used under this Licence.
4. Hot food shall be provided up at least until 30 minutes before the closure of the premises.
5. Staff shall be present when the premises are closed to disperse customers from the premises to ensure they do not linger and cause public nuisance.

#### **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.
2. 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.
3. 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.
4. Staff will 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.

5. No entertainment shall be provided until a suitable sound limitation device is installed and calibrated to the satisfaction of the Director of Communities. The approved device shall be operated at all times when amplified entertainment is provided.
6. The volume of music shall be reduced and the lighting levels increased 30 minutes before the premises closes.
7. Local taxi company telephone numbers shall be prominently displayed on the premises near exits and the licensee shall liaise with taxi firms to alleviating possible disturbance.

***Protection of Children***

1. The Licensee shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

The meeting commenced at 2pm and concluded at 4.40pm.

Chairman