

LICENSING SUB-COMMITTEE**5 September 2005**Attendance:

Councillors:

Evans (Chairman) (P)

Pearson (P)

Wright (P)

1. **WHITE HART, DENMEAD**
(Report LR136 refers)

The Sub-Committee met to consider an application by Mr Burrige and Ms Hodgkins for the 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 for The White Hart, Denmead. The details of the proposed variations were as set out in the report.

The application was also to remove all embedded restrictions inherent in the Licensing Act 1964, the Cinematograph (Safety) Regulation 1955 and the Children and Young Persons Act 1933.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Mr Burrige (one of the applicants), Mr Seymour (from McCoys Pub Brokers Ltd on behalf of the applicants) Mr Duthie (the designated premises supervisor) and approximately five local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee noted the two letters from Interested Parties as set out as Appendices to the Report. In summary, these referred to the potential harm of the application to the village's character, disturbance, crime and disorder, and concerns regarding the extended hours. The Sub-Committee also noted that no representations had been received from the Responsible Authorities.

At the invitation of the Chairman, Mr Seymour spoke in support of the application. He explained that Mr Burrige had 12 years of experience successfully managing premises in the New Forest and recently refurbished the White Hart at considerable cost, which included the creation of disabled toilets and improved disabled access. Whilst requesting the additional hours of operation, the applicant did not intend to change the character of the premises but to regularise the hours with regarding to the serving of food and alcohol. Prior to the submission of the application, Mr Seymour reported that the applicant had met with the Police and withdrawn a request for later hours on bank holidays and karaoke nights.

In response to Members' questions, Mr Seymour confirmed that under the current licensing legislation, the premises were permitted to provide entertainment through recorded music and/or two live performers. The current application sought to reinstate this right and it was noted that on the rare occasions live music would be played (such as at Christmas) the type of music would be "middle-of-the-road."

The Sub-Committee discussed its duties to protect children under the 2003 Licensing Act and Mr Seymour explained that the premises already adhered to the policies promoted by Hampshire Constabulary's "Challenge 21 Scheme".

Mr Seymour also stated that a condition which demanded door staff at the premises would be unnecessary; given the character of the establishment and that the majority of its trade was food. He added that currently 70% of the trade was food sales.

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 approve the application as set out in the Report with an additional condition as set out below in bold. The Chairman also stated the rights to an appeal by interested parties granted by the 2003 Licensing Act.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

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

Additional Conditions

Operating Hours

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

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|------|---------------------------|---------------------|
| (i) | <i>Monday to Saturday</i> | <i>1000 to 0030</i> |
| (ii) | <i>Sunday</i> | <i>1200 to 0000</i> |

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

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|-----|---------------------------|---------------------|
| (i) | <i>Monday to Saturday</i> | <i>1000 to 0000</i> |
|-----|---------------------------|---------------------|

(ii) *Sunday* 1200 to 2330

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

Video, Amusement Machines, Indoor Sporting Events, Recorded Music, Quiz Compere, Comedians (amplified)

(i) *Monday to Saturday* 1000 to 0030

(ii) *Sunday* 1200 to 0000

Live Music

(i) *Monday to Saturday* 1000 to 2300

(ii) *Sunday* 1200 to 2200

Facilities for Dancing

(i) *Monday to Saturday* 1000 to 0000

(ii) *Sunday* 1200 to 2330

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

(i) *Monday to Saturday* 1000 to 0030

(ii) *Sunday* 1200 to 0000

The above times shall be extended by one hour on Christmas Eve, Boxing Day and New Year's Eve until 0000 hours 1 January each year.

The above hours shall also be extended by one hour on 12 occasions per year. The licence holder shall provide details of the event to the Police at least 7 days beforehand and the Police shall have the power to veto the event.

Crime and Disorder

1. Not less than seven days notice shall be given to the Police for "Event Days", with the Police having the power to veto the event.

2. There shall be a 30 minute "wind down" period at the end of alcohol sales.

Public Safety

1. None

Public Nuisance

1. 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.
2. 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 and a payphone shall be provided for the use of customers.
3. Regulated entertainment shall be restricted to the inside of the premises.
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.

Protection of Children

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

Removal of Embedded Restrictions

1. The provisions of the Licensing Act 1964, except Section 62(2) and 62(3), The Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall not apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, as they 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.

2. **THE FOREST OF BERE, DENMEAD**
(Report LR137 refers)

The Sub-Committee met to consider an application by Punch Taverns Plc under Schedule 8 paragraph 7(b) of the Licensing Act 2003 by extending the hours for the sale of alcohol and regulated entertainment for The Forest of Bere, Denmead. The details of the proposal were as set out in the report.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: Mr (the designated premises supervisor) and Mrs Boulton, Mr Easton (a representative of the applicant) and approximately five local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the representations made by Responsible Authorities and nine letters from Interested Parties as set out as Appendices to the Report. In summary, these referred to issues related to concerns regarding the proposed extended hours, crime and disorder issues, noise, disturbance, parking and road safety.

The Licensing and Registration Manager reported that, subsequent to the publication of the report, the Police had withdrawn their representation, subject to amended conditions which were presented to the Sub-Committee. In summary, these referred to the applicant having agreed to amend the application for the provision of extra hours on Bank Holidays, to be replaced with 12 occasions in a calendar year when the applicant may extend hours giving seven days notice to the Police. Additional amendments referred to conditions to reduce the period live music could be played and an additional informative to replace standard glasses with toughened glasses.

The Licensing and Registration Manager confirmed, with the withdrawal of the Police's representation, there were no other representations from the Responsible Authorities.

At the invitation of the Chairman, Mr Gray as an interested party and local resident spoke in opposition to the application. With the permission of Mr Easton (on behalf of the applicant) Mr Gray presented to the Sub-Committee photographs of the premises and the surrounding area and reiterated the points raised in his letter which were set out in the appendix to the Report. During his presentation, Mr Gray also explained that he also represented another neighbour, Mr Phillips, who had had his property damaged by a drunken person.

Although Mr Gray stated that, from his property, he rarely heard noise from the premises, his primary concern related to nuisance caused by patrons on leaving the The Forest of Bere. He reported that residents had had their front gardens used as toilets and that there had been problems of noise and car parking in the area. However, in response to a question from Mr Easton, Mr Gray stated that, although it was not possible to establish a definite link between the premises and these incidents, it was a logical assumption that some of the area's anti-social issues could be attributed to The Forest of Bere.

At the invitation of the Chairman, Mrs Regan spoke in opposition to the application. She explained that the applicant had sent a letter to local residents, setting out its proposals for the application and the letter was presented to Members at the meeting. Mrs Regan also raised concerns regarding noise and the potential nuisance caused by live performances.

At the invitation of the Chairman, Mr Easton spoke in support of the application. In summary, he stated that the minor changes sought in the application would not alter the character of the premises and that the applicant encouraged good communications with local residents. Mr Easton also suggested that the recommended conditions 1, 2 and 3 set out in the Report referring to Public Nuisance were unnecessary and that the Crime and Disorder condition (which required that all external walkways and car parking areas should be illuminated at night) was unreasonable after the premises had closed.

In his closing remarks, Mr Easton also commented on the Government's encouragement of longer licensing hours and that because the Police had withdrawn their representation, the condition requiring the applicant to adopt and implement the Challenge 21 Scheme was unnecessary. Mr Easton added that as a resident of Denmead for 12 years, the applicant was aware of whether his patrons' were legally able to drink and that his staff questioned those he did not know.

In response to Members' questions, Mr Boulton explained that the premises had never been so full as to require a number check for capacities. He also confirmed that bar-staff called taxis for drunk patrons and that although the premises did not have disabled toilets, it did have ramped access and as a listed building was compliant with the Disability Discrimination Act.

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 approve the application as set out in the Report with an additional condition as set out below in bold. The Chairman also stated the rights to an appeal by interested parties granted by the 2003 Licensing Act.

RESOLVED:

That the application be granted, subject to:

Mandatory Conditions

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

Additional ConditionsOperating Hours

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

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|-------|-----------------------------|---------------------|
| (i) | <i>Monday to Wednesday</i> | <i>1100 to 2330</i> |
| (ii) | <i>Thursday to Saturday</i> | <i>1100 to 0030</i> |
| (iii) | <i>Sunday</i> | <i>1200 to 2300</i> |

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

- | | | |
|-------|-----------------------------|---------------------|
| (i) | <i>Monday to Wednesday</i> | <i>1100 to 2300</i> |
| (ii) | <i>Thursday to Saturday</i> | <i>1100 to 0000</i> |
| (iii) | <i>Sunday</i> | <i>1200 to 2230</i> |

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

- | | | |
|-------|-----------------------------------|----------------------------|
| (i) | <i>Monday to Thursday</i> | <i>1100 to 2300</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1100 to 0000</i> |
| (iii) | <i>Sunday</i> | <i>1200 to 2230</i> |

Live and Recorded Music only.

2. The above hours may be extended by one hour on no more than 12 occasions in a calendar year. Such extension of hours shall be notified to the Police not less than seven days before the event and the Police will have the power to veto the event.

All Licensing ObjectivesCrime and Disorder

1. There will be a 30 minute "wind down" period at the end of the sale of alcohol.

2. The premises shall be a member of a local Pubwatch scheme if available

3. All external walkways and car parking areas shall be illuminated during the hours of darkness **whilst the premises are open and for 30 minutes after the premises are closed.**

Public Safety

None

Public Nuisance

1. 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.
2. 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.
3. Regulated entertainment shall be restricted to the inside of the premises.
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. **All live music will cease no later than 2300 on Monday, Tuesday, Wednesday and Thursday and 2230 on Sunday.**

Protection of Children

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

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.

6. The Licensee is advised to replace standard glasses with toughened glasses.

7. 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.

The meeting commenced at 6.00pm and concluded at 8.50pm

Chairman