

**LICENSING SUB-COMMITTEE****6 September 2005**Attendance:

Councillors:

Hammerton (Chairman) (P)

Johnston (P)

Nelmes (P)

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1. **BAT AND BALL, DROXFORD**  
(Report LR140 refers)

The Licensing and Registration Manager reported that since publication of the above report, the applicant had met with representatives of Responsible Authorities and satisfied them regarding areas of concern about the future operation of the premises. The Sub-Committee therefore agreed that the item (which sought to vary the Premises Licence) be withdrawn and the application be determined by the City Secretary and Solicitor under delegated authority

RESOLVED:

That the application be determined by the City Secretary and Solicitor under delegated authority.

2. **CHAIRMAKERS, WORLDS END, HAMBLEDON**  
(Report LR139 refers)

The Sub-Committee met to consider an application by George Gale and Co Limited 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 Chairmakers, Hambledon. The details of the proposed variations were as set out in the report.

The application was also to remove all embedded restrictions inherent in Section 168 of the Licensing Act 1964 including 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 a representative of the applicant, Mr Heath from George Gale and Co Limited. There were no representatives of Responsible Authorities or Interested Parties present.

The Licensing and Registration Manager reported that as a result of negotiations between the applicant and the Police regarding their representations made as a Responsible Authority (as appended to the report), these had now been withdrawn due to the application being modified to their satisfaction.

Further to questions, Mr Heath reported that staff on the premises would continue to monitor noise emitted from the premises and at the boundaries. Furthermore, notices were to be placed close to exits reminding customers to be quiet.

Following discussion, Mr Heath agreed that the conditions be further amended to indicate that recorded music shall be reduced to a background level after 2300 except during the period when Christmas functions may be held on the premises (20 November – 3 January inclusive). Furthermore, the 'wind down period' after alcohol sales was to be reduced from 60 minutes to 30 minutes.

The Sub-Committee agreed that it was not necessary 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 with a number of conditions as set out in the report and amended below.

#### 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.

#### **Possible Conditions**

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule and any additional conditions to reflect the representations from the Police and Interested parties:

#### Operating Hours

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

- |      |                           |                                |
|------|---------------------------|--------------------------------|
| (i)  | <b>Sunday to Saturday</b> | <b>0700 to 0200</b>            |
| (ii) | <b>New Years Eve</b>      | <b>0700 – 0200 (2 January)</b> |

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

- (i) **Sunday to Saturday** **0700 to 0100**
- (ii) **New Years Eve** **0700 – 0100 (2 January)**

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

- (i) **Sunday to Saturday** **0700 to 0200**
- (ii) **New Years Eve** **0700 – 0200 (2 January)**

(See Public Nuisance Conditions below)

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

- (i) **Sunday to Saturday** **2300 to 0200**

### **All Licensing Objectives**

[Dealt with in relevant sections below].

### **Crime and Disorder**

1. All staff shall be trained in the requirements of the Licensing Act 2003 and receive drugs awareness training as part of their induction.
2. There shall be a 30 minute “wind down period” after the end of alcohol sales.
3. The Designated Premises Supervisor shall be a member of the local Pubwatch scheme so long as it exists.

### **Public Safety**

1. The capacity of the premises, including staff and performers, shall not exceed 250 persons.

### **Public Nuisance**

1. Live music shall cease at 0000 except on New Year’s Eve and New Year’s Day.
2. Live and recorded music in the garden shall cease at 2300.
3. Recorded music indoors shall cease at 0200 except on New Year’s and New Year’s Day.
4. The volume of recorded music shall be reduced after 2300 to background level during the “wind down period” except from 20 November – 3 January inclusive.

5. 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.

#### **Protection of Children**

1. 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, 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, 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.

### 3. **WYKEHAM ARMS, KINGSGATE STREET, WINCHESTER** (Report LR138 refers)

The Sub-Committee met to consider an application by George Gale and Co Limited 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 Wykeham Arms, Kingsgate Street, Winchester. 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 including 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: representatives of the applicant (Mr Makin, Area Manager George Gale & Co Limited and Mr Miller, General Manager of the Wykeham Arms) together with 12 local residents of which four had registered to address the meeting.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the 42 letters from Interested Parties as set out as Appendices to the Report. In summary these referred to issues related to potential for noise from the regulated entertainment and disturbance from persons leaving the premises. It was noted that no representations had been made from Responsible Authorities.

The Sub-Committee heard from those Interested Parties who wished to speak in support of their representations as appended to the report. Mrs Graham, Mr Leeder (Chairman of Culver and St Michael's Roads Residents' Association), Mr Matthews and Mr Romans reminded the Sub-Committee that the area was highly residential and that noise and public nuisance was unacceptable.

Further to questions, Mr Makin explained that it was envisaged that 'one off' regulated events would continue to be held only a few times per year. He added that the premises also acted as a hotel and that it would therefore be commercially unproductive for such customers to be regularly disturbed. Continuing, he added that the 60 minute drinking-up time would assist in alleviating the concentration of noise caused by customers leaving the premises at the same time. He also confirmed that all amplified music and live entertainment would cease at 2300 and that after that, only background music would be played. Mr Makin stated that he had consulted with Mr Leeder from Culver & St Michael's Roads Residents' Association regarding the application but accepted that this organisation did not represent many of the streets closest to the premises. Finally, Mr Makin encouraged local residents to bring to the attention to Mr Miller as resident General Manager of the premises, or himself, any concerns that they might have regarding noise and disturbance.

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 with a number of conditions as set out below.

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**

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule:

#### Operating Hours

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

- (i) **Sunday to Thursday** **0700 to 0000**
- (ii) **Friday and Saturday** **0700 to 0200**
- (iii) **New Years Eve** **0700 – 0200 (2 January)**
- (v) **Friday, Saturday, Sunday, Monday of Bank Holiday weekends**  
**Christmas Eve and Boxing Day** **0700 to 0200**

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

- (i) **Sunday to Thursday** **0700 to 2330**
- (ii) **Friday and Saturday** **0700 to 0100**
- (iii) **New Years Eve** **0700 – 0100 (2 January)**
- (vi) **Friday, Saturday, Sunday, Monday of Bank Holiday weekends**  
**Christmas Eve and Boxing Day** **0700 to 0100**

***The supply of alcohol may be available at all times to residents and their guests.***

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

- (i) **Sunday to Thursday** **0700 to 0000**
- (ii) **Friday and Saturday** **0700 to 0200**
- (iii) **New Years Eve** **0700 – 0200 (2 January)**
- (vii) **Friday, Saturday, Sunday, Monday of Bank Holiday weekends**  
**Christmas Eve and Boxing Day** **0700 to 0200**

All such entertainment shall only take place indoors.

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

- (i) ***Sunday to Saturday 2300 to 0500***

### **All Licensing Objectives**

[Dealt with in relevant sections below].

### **Crime and Disorder**

1. All staff shall be trained in the requirements of the Licensing Act 2003 and receive drugs awareness training as part of their induction.
2. All staff shall be trained in crime prevention methods.
3. There shall be a 60 minute "wind down period" (30 minutes Sunday – Thursday inclusive) after the end of alcohol sales.

### **Public Safety**

None

### **Public Nuisance**

1. Live music shall cease at 2300 except on Friday, Saturday, Sunday, Monday of Bank Holiday weekends, Christmas Eve and Boxing Day.
2. All amplified music and karaoke shall cease at 2300. Only background music should be played after 2300 which shall be inaudible at the boundary of the premises
3. Regulated entertainment shall be restricted to the inside of the premises.
4. 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.
5. The Licensing and Registration Manager shall be notified at least 7 days in advance of any event when regulated entertainment (other than background music) is to be provided

### **Protection of Children**

1. 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, 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, 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. As a rough guide and taken from the exits widths shown in the plans alone, the recommended maximum capacity is 90 people in the bar and 30 in the dining area.
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. Maintained emergency lighting should be provided over exits.
6. The door from the street into the garden should be changed to open in the direction of escape. Emergency lighting should be provided in this area.

The meeting commenced at 9.00pm and concluded at 11.05am.

Chairman