

**LICENSING SUB-COMMITTEE****17 August 2005**Attendance:

Councillors:

Pines (Chairman) (P)

Cook (P)

Hammerton (P)

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1. **THE FOX AND HOUNDS, CRAWLEY**  
(Report LR129 refers)

Councillor Cook declared a personal (but not prejudicial) interest in this item as he was acquainted with an objector who had made a written representation against the application and he spoke and voted thereon.

The Sub-Committee met to consider an application by Peter and Katherine Airey 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 Fox and Hounds, Crawley. 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: an Applicant (Mr Airey) and Mrs Blazdell from the Council's Environmental Protection Team, Directorate of Communities and five local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the representations made by Responsible Authorities and 23 letters from Interested Parties as set out as Appendices to the Report. In summary these referred to issues related to noise and car parking.

During debate, Members were concerned about the car parking on the narrow road outside the Fox and Hounds and Inspector Sargent confirmed that the Police had made no representations with regard to the application. It was also noted that the car park to the rear of the public house had a capacity for 17 vehicles and that most of the on-street parking was related to the surrounding residential properties.

The Director of Communities explained that a number of recommended conditions within the report sought to alleviate the potential of noise nuisance from the public house. In response to a question, it was confirmed that the structure of the building was suitable to contain noise, so long as the external doors and windows were kept shut. The applicant should continuously monitor the noise level to ensure that it did not disturb nearby residents. Noise-limiter devices were not effective in controlling

the volume of live acts which, under the conditions of the application, could be held at the public house. The applicant was requested to inform the Council when live acts were booked to play, so that the Environmental Health team could make the necessary checks.

At the invitation of the Chairman, Mr Davis spoke in objection to the application. As a local resident, Mr Davis stated that the variation sought in the license was likely to increase traffic and parking problems in the area. Members noted the narrow road outside the public house, and that the car parking made it difficult for large vehicles to pass and that it was also difficult for residents to safely exit their private driveways. Mr Davis also commented on the likely increase in noise (especially from the Fox and Hound's garden), a concern on the type of music to be played and a possible disturbance from an increased number of service vehicles.

At the invitation of the Chairman, Mr Fratter (on behalf of Crawley Parish Council) spoke in objection to the proposed variation in the licence. Whilst Mr Fratter acknowledged the importance of maintaining a vibrant public house in the village, he expressed concerns as the proposed licence had the potential, if used to its fullest extent, to unsettle the balance between the needs of local residents and the needs of the public house.

At the invitation of the Chairman, Mr Ely spoke as a local resident in objection to the application. He stated that the proposed application represented a significant extension of its hours and he referred Members to the Council's Policy Document, which amongst other things, asked applicants to demonstrate that a variation would have no adverse effect. Mr Ely also commented on the need for the public house to better consult with local people.

Mr Airey, as one of the applicants, spoke in support. He stated that the number of events likely to be held in the garden would be minimal and that he had no intention to change the manner in which the premises had been successfully run. He explained that the variation was sought so that the public house could better compete with its competitors. With regard to public consultation, Mr Airey explained that he had offered to hold public meetings and had notified the Parish Council, but this had not generated any interest from anyone. With regard to the parking problems, Mr Airey stated that as the restaurant was already operating at full capacity, it was unlikely that the extended hours would result in increased traffic.

In response to a Member's question, Mr Airey explained that a start time of 0700 hours had been sought for occasional champagne breakfasts and sports events.

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 set out in the report (and as below) subject to amended condition to reduce the outdoors operating hours to 12.00 to 22.00 Mondays to Saturdays and 12.00 to 21.00 on Sundays; so as to minimise the potential of noise nuisance for nearby residents. The Chairman advised the members of public present of the licensing review procedures and recommended that their concerns regarding on-street parking should be directed elsewhere.

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:-

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 premise's 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:

Sunday to Thursday 0700 to 0030  
Friday and Saturday 0700 to 0130

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

Sunday to Thursday 0700 to 0000  
Friday and Saturday 0700 to 0100

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

(i) Sunday to Saturday 0700 to 2330  
Films, Indoor sporting events

(ii) Monday to Saturday 1200 to 2330 indoors  
12.00 to 22.00 outdoors

Sunday 12.00 to 11.30 indoors  
12.00 to 21.00 outdoors

Live Music, Recorded Music, Karaoke, DJ, Comperes for Quiz, Comedians (amplified)

(iii) Sunday to Saturday 1200 to 0000  
Facilities for Dancing

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

Sunday to Saturday 2300 to 0030

### **All Licensing Objectives:**

#### **Crime and Disorder:**

1. There will be a 30 minute "wind down" period at the end of the sale of alcohol, during which time access to the toilets shall be maintained and non-alcoholic refreshment provided.

2. A personal licence holder shall be present on the premises at all times when they are open for trading.

3. All staff shall receive guidance on the Licensing Act 2003 and drugs awareness training as part of their induction.

4. Hot food and/or drink shall be provided up 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.

6. Not less than ten working days' notice shall be given to the Police before any day when the Licensee wishes to open the premises outside the operating hours set out above.

#### **Public Safety**

1. The number of persons allowed at any function shall not exceed 100.

2. The number of persons allowed on the premises shall not at any time exceed 150 persons.

3. The Licensee shall employ suitable methods of recording the number of persons on the premises, such methods to be agreed with the Police and the Licensing Authority.

#### **Public Nuisance**

1. 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.

2. 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.

3. 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.

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 to regulated entertainment.

5. All live and recorded music inside the premises shall cease promptly at 2330.

6. All live and recorded music in the garden shall cease prior to 2200 (Monday to Saturday) and 2100 on Sundays, when the garden will be closed.

7. All kitchen extractor fans will be cleaned at least once a week.

### **Protection of Children**

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

### **Removal of Embedded Restrictions:**

1. The embedded restrictions included in the provisions of the Licensing Act 1964, the Children and Young Persons Act 1933 and the Cinematograph (Safety) Regulations 1955 shall not apply.

### **Informatives:**

The following measures are recommended to the Licensee and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. All doors on escape routes should be free from fastenings, or if fitted should 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.

2. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.

3. Copies of fire test results on any fabrics should be held on the premises for inspection if required.

4. 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 JOLLY FARMER, ANDOVER ROAD, WINCHESTER**

(Report LR130 refers)

The Sub-Committee met to consider an application by Greene King Brewing and Retailing Ltd 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 Jolly Farmer, Andover Road, Winchester. The details of the proposal 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.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the hearing were: a representative of the applicant (Ms Britton), Mrs Blazdell from the Council's Environmental Protection Team, Directorate of Communities and three local residents.

In considering the proposals to vary the Premises Licence, the Sub-Committee referred to the representations made by Responsible Authorities and 16 letters from Interested Parties as set out as Appendices to the Report. In summary, these referred to issues related to noise and disturbance from patrons leaving the premises. Other than the Director of Communities, no comments had been received from the responsible authorities, such as the Police.

The Director of Communities stated that there had been no previous complaints received against the public house and that the building was suitable to contain noise, so long as the external windows and doors were kept shut. Ms Britton had, subsequent to the publication of the report, agreed to limit the number of karaoke nights to one per week except weeks which included a Bank Holiday when she agreed to inform the Council's Licensing Officer 10 days in advance if a karaoke event was also to take place on the Bank Holiday.

At the invitation of the Chairman, Mr Palacio spoke on behalf of Mr Parker, a local resident, in objection to the application. In summary, Mr Palacio requested that the line of trees which bordered the Jolly Farmer's car park and the rear of Brassey Road properties should be reinstated and that the adjoining rear pathway should also be repaired by the applicant. He explained that this would help reduce the noise nuisance from the car park and beer garden and that relations with neighbouring properties could be further improved if the public house could inform residents of forthcoming events that were likely to be noisy.

At the invitation of the Chairman, Mr Edwards spoke as a local resident in objection to the application. Whilst Mr Edwards congratulated the current tenants on their good management of the premises, he raised concerns regarding to the potential for increased noise if the sought licence was used to its fullest extent. He further commented on the associated problems regarding increased service vehicles and the noise from the car park and noise from the late night disposal of bottles.

Ms Britton, as a representative of the applicant, spoke in support of the application. She stated that in eight years of managing the premises there had been no serious complaints regarding noise. She further explained that the trees behind the public house had been removed by the previous managing company, at the request of a resident. Ms Britton also stated that bottles had not been emptied into recycling bins late at night and agreed to post a list of forthcoming events in the window of the premises.

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 set out in the report (and as below) subject to amended conditions which:

- a) limited the hours that the garden could be used to 2300;
- b) limited karaoke events to once a week, Bank Holidays excepted, when the Council's Licensing Officer would be informed 10 days in advance if a further such event was to take place.
- c) prevented the disposal of empty bottles outside during the hours 2300-0700.

The Chairman also drew Ms Britton's attention to the condition that required all external doors and windows to be kept shut during regulated entertainment.

**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:-

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 premise's 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:

Sunday to Thursday 1000 to 2330 (outside areas 1000 to **2300**)  
Friday and Saturday 1000 to 0030 (outside areas 1000 to **2300**)

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

Sunday to Thursday 1100 to 2300  
Friday and Saturday 1100 to 0000 (outside areas 1100 to 2300)

New Years Eve 1100-0000 2 January (outside areas 1100 to 2300)

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

Live Music, DJ and Karaoke  
1800 to 2300 every day (indoors only)

Recorded Music  
1800 to 2300 Sunday to Thursday indoors; and 1800 to 2100 outdoors.  
1800 to 0000 Friday and Saturday indoors; and 1800 to 2100 outdoors.

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

2300 to 0000 Friday and Saturday inside only.

5. The above times may be extended by one hour on Public Holidays, Bank Holiday Weekends and other notable days (as set out in the application).

6. The above times may further be extended at other times to coincide with any special sporting event of national or international importance, subject to the Licensee giving 14 days prior notice to the Police who shall have an absolute power of veto.

7. The outside areas of the premises shall not be used after 2300.

#### **Crime and Disorder:**

1. All external walkways and car parking areas shall be illuminated during the hours of darkness up to 30 minutes after the premises close.

2. Before they first commence their duties at the premises, all staff shall be trained to deal with a) illegal activities and conflict management b) dealing with customers when service is refused on the basis of drunkenness.

3. A written policy for sensible consumption of alcohol shall be adopted and all staff shall be trained in the implementation of the policy before the premises are used for the purposes of this Licence.

4. The premises shall be a member of the local Pubwatch Scheme.

5. Before the premises are first used for the purpose of this licence, a suitable system shall be installed to summon Police assistance in the event of an emergency or other appropriate event occurring (Advance Protection System).

#### **Public Safety**

1. All staff shall maintain a close watch on the trading area and behaviour of customers at all times and shall either a) take appropriate action where needed or b) report concerns to their manager (where they are not authorised to deal personally with an issue).

### **Public Nuisance**

1. No regulated entertainment shall take place outside the premises (other than background music which shall cease at 2100).

2. No alcohol shall be consumed outside the premises after 2300.

3. 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.

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. 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 minimise disturbance to local residents.

6. All regulated entertainment with the exception of recorded music shall cease promptly at 2300.

7. Regulated entertainment shall be restricted to the inside of the premises.

8. 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 to regulated entertainment.

9. Karaoke events shall be limited to one per week, Bank Holidays excepted, when the Council's Licensing Officer would be informed 10 days in advance if a further such event was to take place on the Bank Holiday.

10. Empty bottles shall not be disposed of outside between the hours of 2300 and 0700.

### **Protection of Children**

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

2. No children shall be permitted to be on the premises after 2200.

3. Children shall only be permitted in the dining area unless it is necessary to pass from one part of the premises to another.

### **Removal of Embedded Restrictions:**

1. The embedded restrictions included in the provisions of Section 168 Licensing Act 1964 shall not apply.

**Informatives:**

The following measures are recommended to the Licensee 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 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.

The meeting commenced at 9.00am and concluded at 11.30am

Chairman