

LICENSING SUB-COMMITTEE**31 August 2007****Attendance:**

Councillors:

Sutton (Chairman) (P)

Cooper (P)

Love (P)

Officers in Attendance:

Mr C Bicknell (Assistant Licensing and Registration Officer)

Mr J Myall (Licensing and Registration Manager)

Ms C Stefanczuk (Assistant Licensing and Registration Officer)

Mrs C Tetstall (Property and Licensing Solicitor)

1. THE BARLEYCORN INN, LOWER BASINGWELL STREET, BISHOPS WALTHAM
(Report LR240 refers)

The Sub-Committee met to consider an application by Greene King Retailing Limited for a variation of a Premises Licence to provide regulation entertainment, late night refreshment and to extend the hours for the supply of alcohol.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr Ken Joyce (Greene King Regional Manager), Mrs Claire Enfield (Tenant and Designated Premises Supervisor) and Mr Graham Enfield (Tenant). Mr Robert Symes, representing several Interested Parties, was also in attendance at the meeting.

Ms Stefanczuk presented the application as set out in the Report. She explained that representations had been received from the Head of Environment as well as from 28 Interested Parties. The Head of Environment had negotiated with the applicant since submitting his representation, agreeing additional conditions to be attached to the licence. These had been outlined in the report. Interested Parties had been advised of these additional conditions and, as such, three had withdrawn their representations.

Mr Joyce spoke in support of the application. He began by explaining that Mrs Enfield had been involved with the running of the premises for ten years and was now a tenant. The Barleycorn was a community establishment, aimed towards the family market, therefore music and entertainment was only a small part of the business. Mr Joyce continued that the business was mainly focussed on food and drink and that the application had been submitted to allow the tenants greater flexibility, should it be required. He added that this would not change the format of the premises and that it would continue to operate in the same way.

Responding to questions from the Sub-Committee, Mr Joyce confirmed that it had been agreed with the Head of Environment that there would not be any music or speakers outside the premises, with the interior being managed by the licensees. There had been a good history with the police, with no recent incidents. He added that The Barleycorn had gone smoke free in 2006, so the recent change in smoking

legislation would not change the way in which the garden was currently used. Mrs Enfield confirmed the outdoor festivals that had been held in the past were organised by the previous tenant and that there were no plans to have anything similar.

Mr Symes then spoke against the application. He explained that he was representing several Interested Parties and outlined their main concerns about the application. These concerns included worries that it would change from the family friendly premises it currently was and that noise and traffic would significantly increase if the hours were extended.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made by Interested Parties. It had taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

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 Premises Licence must be made or authorised by a person who holds a Personal Licence.

Other Conditions

Operating Hours

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

(i)	Monday to Thursday	1900 to 2300
(ii)	Friday and Saturday	1900 to 2330
(iii)	Sunday	1900 to 2230
(iv)	New Years Eve	1100 to 0030
(v)	Christmas Eve, Christmas Day, Boxing Day, New Years Day, Bank Holidays and Sundays preceding a Bank Holiday	1100 to 0000

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

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| (i) | Monday to Saturday | 2300 to 0030 |
| (ii) | New Years Eve | 2300 to 2300 1 January |
| (iii) | Christmas Eve, Christmas Day, Boxing Day, New Years Day, Bank Holidays and Sundays preceding a Bank Holiday | 2300 to 0030 |

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

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| (i) | Monday to Saturday | 1100 to 0000 |
| (ii) | Sunday | 1100 to 2230 |
| (iii) | New Years Eve | 1100 to 1100 1 January |
| (iv) | Christmas Eve, Christmas Day, Boxing Day, New Years Day, Bank Holidays and Sundays proceeding a Bank Holiday | 1100 to 0000 |

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

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| (i) | Monday to Saturday | 1100 to 0030 |
| (ii) | Sunday | 1100 to 2300 |
| (iii) | New Years Eve | 1100 to 1100 1 January |
| (iv) | Christmas Eve, Christmas Day, Boxing Day, New Years Day, Bank Holidays and Sundays proceeding a Bank Holiday | 1100 to 0030 |

All Licensing Objectives

Crime and Disorder

1. All staff shall be trained to monitor all trading areas and report any suspicious incidents, criminal activity or disorder.

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

3. There shall be no irresponsible drinks promotions.

Public Safety

1. The Disability Discrimination Act policy shall be reviewed to ensure all reasonable steps have been taken to allow disabled customers to use the premises in safety.
2. Emergency lighting and fire fighting equipment shall be properly maintained.

Public Nuisance

1. The Premises Licence Holder shall ensure that deliveries and service provision shall occur after 0900 hours..
2. No noisy mechanical equipment shall be sited near neighbours' properties.
3. The Premises Licence Holder shall ensure extractor fans are regularly cleaned to restrict any nuisance from kitchen odours.
4. 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.
5. The Designated Premises Supervisor or nominated member of staff shall be on duty at all times whilst the premises are in use for the purposes of this licence to receive and respond to any complaints of noise or other nuisance.
6. No music or speech shall be relayed via external speakers other than for events with the prior approval of the Licensing Authority.
7. No regulated entertainment shall take place at any time in the garden area to ensure local neighbouring properties are not likely to be disturbed.
8. All windows and doors that are capable of being opened directly to the outside of the premises shall not be kept open, wedged open or maintained open by an electrical, mechanical or other device whilst on the premises are in use for the purpose of regulated entertainment, except to allow for access and egress.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme or other accredited proof of age scheme.

Reasons for Decision: The Sub-Committee considered that the variation applied for was modest and that it was unlikely to cause undue disturbance to the local area, given the additional conditions agreed with the Head of Environment.

2. **THE PARSONS COLLAR, ROOKERY AVENUE, WHITELEY**
(Report LR241 refers)

The Sub-Committee met to consider an application by Shire Hotels Ltd for a variation of a Premises Licence to remove the Public Nuisance condition number 3, which states “the beer garden and external areas shall be closed to customers no later than 2200 Sunday to Thursday and 2300 Friday and Saturday”.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr Anthony Penny (Area General Manager for Shire Hotels Ltd) and Mr Trevor Webb (Pub Manager). Mr David Fane and Mrs Carol Merry were also in attendance at the meeting as Interested Parties.

Mr Myall presented the application as set out in the Report. He explained that the removal of the condition was to make provision for smokers following the implementation of the Health Act 2006, which prohibited smoking in enclosed public areas. No representations had been received from any Responsible Authorities, but nine representations from Interested Parties had been received. Those complaints were mainly concerned with noise issues, although there were currently no recorded complaints of noise from the premises.

Mr Myall continued that, in order to allay those fears, the applicant had offered some additional conditions to control any issues of nuisance. The effect of those proposed conditions would be that customers could smoke outside for the duration that the premises were open, but there would be no change in the current conditions relating to the consumption of alcohol in the external areas.

Mr Penny spoke in support of the application. He explained that the application had been submitted in order to agree a workable solution under the new smoking legislation. The Parsons Collar had gone smoke free in May 2007 and the most convenient place for customers to smoke was the covered garden. He continued that no complaints about noise had been received and encouraged residents to contact Mr Webb should they be disturbed.

Responding to questions from the Sub-Committee, Mr Penny confirmed that customers were reminded of the terminal hours of the premises and that they should leave the premises quickly and quietly, in order to minimise disturbance to residents.

Mrs Merry then spoke against the application. She explained that there was already noise nuisance from patrons using the garden area and that, if the hours were increased, this would only cause a greater disturbance, especially to those families with young children. She added that, although the garden area was currently supposed to be closed to those customers drinking alcohol at 2200 hours, it was often not the case and she questioned how the management would enforce the proposed conditions. Due to the current situation, Mrs Merry concluded that residents had little confidence in any new conditions being adhered to.

Mr Myall confirmed that the Council was not aware of any breaches in the current licence and stated that any complaints from the public would be addressed immediately.

The Sub-Committee retired to deliberate in camera.

In her closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made by Interested Parties. It had taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

RESOLVED:

That the application be granted, subject to the following conditions being permanently attached to the licence:

Other Conditions

Public Nuisance

3. The beer garden and external areas will cease to be used by customers for the purposes of the consumption of alcohol at 2200 hours Sunday to Thursday and 2300 hours on Fridays and Saturdays.

5. Any external area designated for the use by smokers may remain in use until the terminal opening time of the premises and the management of the premises will ensure that such area is monitored regularly to ensure that residents living in the vicinity are not disturbed by customers and that all reasonable and practicable steps are taken to reduce any such noise and disturbance which may occur.

6. Notices shall be displayed in the external areas of the premises advising customers of the appropriate closure time for such area and of the terminal time for the consumption of alcohol.

Reasons for Decision: The Sub-Committee considered that the decision should address the concerns of residents and accommodate the applicants needs to cater for smokers.

3. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Renewal Application of Hackney Carriage and Private Hire Licence) Information relating to the financial or business affairs of any particular person (including the authority holding that information). (Para 3 Schedule 12A refers)

4. **RENEWAL APPLICATION OF HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE**

(Report LR242 refers)

The Sub-Committee considered the above Report which set out the circumstances surrounding the renewal application of a Hackney Carriage and Private Hire licence (detail in exempt minute).

The meeting commenced at 9.30am and concluded at 11.35am.

Chairman