

LICENSING SUB-COMMITTEE**14 September 2009****Attendance:**

Councillors:

Mather (Chairman) (P)

Read (P)

Weston(P)

Others in Attendance who addressed the meeting:

Councillor Jeffs

Officers in Attendance:

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Property and Licensing Solicitor)

Mrs A Toms (Environmental Health Officer)

1. **VARIATION OF PREMISES LICENCE - HORSE & GROOM, ALRESFORD**
(Report [LR307](#) refers)

The Sub-Committee met to consider an application by Barron & Co Leisure Ltd for a variation to the premises licence, under Section 34 of the Licensing Act 2003, for the Horse & Groom, Broad Street, Alresford. The application sought to increase the hours for live and recorded music, and for the sale of alcohol.

Present at the meeting were Messrs Barron and Crook (Applicants), Sergeant Curzon (Representative of Hampshire Constabulary), and Councillor Jeffs, who attended as a Ward Member on behalf of Mrs Radford, an Interested Party unable to attend the hearing.

Mr Myall presented the application as set out in the Report. The current Premises Licence (converted from a Justices Licence in 2005) allowed for the sale of alcohol and provision of regulated entertainment until midnight on Thursday, Friday and Saturday, and until 11.30pm on Sunday. This application sought to extend the times of the regulated entertainment on Monday to Wednesday, and to extend the terminal hours on Friday and Saturday, with Sunday's opening hours remaining unchanged.

Representations had been received from Hampshire Police relating to the Crime and Disorder, Public Safety and Public Nuisance Licensing Objectives. They sought to reject the application in its entirety but, if the Sub-Committee did grant the licence, they had outlined a number of conditions that should be considered. The Head of Environment had also made a representation, on

Public Nuisance grounds, and had recommended that the application be rejected.

Eighteen representations had been received from Interested Parties relating to all four licensing objectives, but particularly concerning the objectives of Crime and Disorder and Public Nuisance. One complaint had been registered this year from an Interested Party relating to noise and some log sheets had been returned to the Head of Environment.

The Head of Trading Standards had consulted with the applicant and agreed conditions regarding child protection and the sale of alcohol, which were shown in Section 5 of the report.

Mr Myall explained that the Sub-Committee must either:

- Grant the variation as it stood, or modify as deemed necessary,
- Exclude from the scope of the licence any of the new licensable activities to which the application related,
- Reject the application entirely.

Mr Barron then spoke in support of the application, expanding on his letter (available at the end of the minutes) which had been circulated to all parties present at the Sub-Committee. He expressed concern at the number of objections that had been received and explained how he had sought to operate an orderly establishment, since taking over the running of the Horse & Groom five years ago. Following representations, he had undertaken observations over a number of evenings, but had seen no evidence of the problems residents had reported. Whilst the number of incidents noted by the Police had increased during 2009, he believed this was due to the temporary closure of a nearby public house, The Running Horse, and the migration of their customers to his venue. Since The Running Horse had reopened, the customer base had returned to previous levels.

Mr Barron explained that he had originally sought to achieve more flexibility by increasing the number of days that music could be played. The intention was not to increase the level of music or live events. However, he confirmed that Barron & Co had considered that it would be prudent to withdraw from their application the request for an extension to the days that live and recorded music could be played, in view of local residents' concerns. Furthermore, following recruitment of a new chef, the public house hoped to increase its food provision and, as such, music was not such an integral part of the establishment. The reason behind extending the hours for the sale of alcohol was to achieve a marginal turnover improvement and a more orderly flow of people from the premises at the end of the evening.

Mr Barron also explained to the Sub-Committee that, whilst accepting the seven incidents noted by the Police between January-August, in general, it was not a problematic pub. The average age of clientele ranged from 25-40 at a weekend and 35-55 during the week. Mr Crook added that, whilst younger customers had been attracted to the venue after The Running Horse had closed, this was not the normal age of their clientele. Since becoming the manager of the premises in July, he had sought to ensure any trouble was

dealt with appropriately, before incidents became out of control and required Police involvement.

The Sub-Committee asked for further details on the door staff who worked at the venue. Mr Crook explained that staff were employed on a Friday and Saturday evening from 8pm-12.30pm. This resource had been brought in following the influx of customers from other closed venues, but Mr Crook did not consider that such security measures were now necessary. He had also received comments from local residents that the use of door staff at the venue reflected poorly on the reputation of Alresford.

In response to a Members' question, Mr Crook added that, as a heated and well-lit covered smoking area to the rear of the building was provided for smokers, only a small number of people now congregated at the front of the venue. In this back garden area, one low volume speaker played music from Wednesday–Sunday, but this was classed as incidental (background) music.

Following the applicants' representation, Mr Myall clarified that Barron & Co now sought to solely extend the hours in which they could sell alcohol on Fridays and Saturdays only, and withdraw the application to extend the hours when recorded and live music was played.

Mrs Toms explained that the Division had received a number of complaints with regard to noise disturbance, primarily related to shouting in the garden area, and noise as the pub was closing. Whilst these currently unsubstantiated investigations were underway, Ms Toms could not support the extension as no conditions had been put in place to combat public nuisance. Whilst a noise limiter had been suggested, due to the withdrawal of the application to extend the hours when live or recorded music was played, this condition could not be added to the licence. Mrs Toms therefore withdrew her representation.

Sergeant Curzon then spoke as a representative of Hampshire Constabulary. He considered that, if the application to extend opening hours was granted, this would not lead to a more orderly exit of customers, rather the customers would stay until the revised closing time. He had concerns that increased incidents later in the evening would disrupt the very quiet residential area. Damage had also been caused to people's property as customers left public houses in Alresford and it was thought this behaviour may also increase. It was possible that Police resources would become stretched if incidents in Winchester town centre required attention, alongside problems within Alresford. In response to Mr Crook's suggestion that door staff were unnecessary, Sergeant Curzon believed that more security measures would in fact be appropriate.

At the invitation of the Chairman, Councillor Jeffs spoke on behalf of Mrs Radford as an Interested Party. She and her husband had lived in the area for many years but, more recently, they believed unruly behaviour was now occurring after closing time. Loud music from the premises had also become a problem. The Sub-Committee noted their concerns.

The Chairman asked Mr Barron if he was willing to accept the conditions laid out in Section 5 of the Report, if the licence were to be granted. In response, he explained that Barron & Co did not consider door staff were necessary, but that he could reconsider this issue, and the extended hours, if required. Whilst he noted the representations made, there were hundreds of properties in the vicinity of the pub and only 18 had made a formal representation. Regarding the possible condition concerning CCTV systems, Mr Crook confirmed he was in the process of receiving quotes and he was looking to purchase a system that would record for 24 hours, both internally and externally. Mr Barron did not feel that the conditions relating to Public Nuisance and the Protection of Children would be problematic to implement.

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. 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 refused.

REASON FOR DECISION:

The Sub-Committee decided not to grant the application to extend the hours the premises may be used for the sale of alcohol. The decision had been taken in order to further the licensing objectives relating to Public Nuisance and Crime and Disorder.

The meeting commenced at 2.00pm and concluded at 3.40pm.

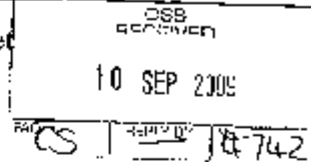
Chairman



Carol Stefanczuk
 Assistant Licensing Officer
 Winchester City Council
 Colebrook Street
 Winchester, SO23 9LJ
 8th September 2009

**BARRON & CO
 LEISURE LIMITED**

2 Broad Street
 Alresford
 Hampshire
 SO24 9AQ



Tel/fax 01962 737921

Dear Carol Stefanczuk

**Re: Application for Variation of premises Licence
 Horse & Groom, 2 Broad Street, Alresford, SO24 9AQ**

Thank you for your letter of the 3rd September regarding the above.

I confirm that I will be attending the meeting at 2.00pm on the 14th September with my manager Clifford Crook, who is our premises supervisor.

I thought it might be helpful to give you some preliminary comments on the package of information you have provided.

Background

I have lived within the Alresford area for more than 30 years and my manager's wife was born and lives in Alresford. I manage 4 small companies including Barron & Co Leisure and operate out of an office in Alresford and employ some 70 staff of which more than 50% live in Alresford. We purchased the lease of The Horse & Groom some 5 years ago and have managed the pub over this period.

The Horse & Groom has been operating as a pub for more than 300 years and we provide a meeting place for our customers to have a drink and to enjoy the facilities we provide. It should be noted that 95% of our customers are local. We are the busiest pub in the area and have always endeavoured to be responsible and to minimise any adverse effects on surrounding residents.

We believe our record and history to be good having had less than 20 incidents over a 5 year period, less than four a year, in most cases the police were called by us. We only have a record of one incident in 5 years where a customer was prosecuted.

We believe the representations made by the police and a number of neighbours to be flawed on the basis that they believed we took over the

pub in January 2009 and are new to the licence, which is not correct we have managed the pub for more than 5 years with what we believe, is a good record. One neighbour suggested there was not any problem with the previous owners which was us!

We accept the seven incidents recorded by the police over the period January to August and would not doubt that the police have reported what they were advised but the incident of 8 persons fighting on the 20th March was in fact a small number of people arguing not fighting, similarly the incident reported on 24th May of up to twenty fighting which sounds horrendous but in fact was less than 14 people arguing and not fighting not a punch was seen to be thrown. It was us that called the police to help diffuse the situation. We have a good relationship with the local police and consider we run our pub in a very responsible way.

The objection from Environmental Health is unsubstantiated, and refers to 3 complaints of noise. Their objection does not appear to be based on any fact of history; our track record over five years is good.

We are a pub trying to survive in an environment where 2,500 pubs are closing each year. Life is very difficult for most businesses including ours, but we have over the last year within the four businesses managed to not only retain the number of people we employ, but increase.

I have noted the complaints from our neighbours a number who live some distance from the pub and one not yet moved in! I can however understand that neighbours would prefer not to have a pub in their vicinity, but this pub has been here for over 300 years. Our turnover increased significantly between February and June when the Running Horse a pub some 300 yards away closed in February and I note the number of incidents over this period, although relatively low increased. The Running Horse has now reopened and our business has settled down to our previous levels. We are very proactive in seeking to manage an orderly operation.

We are not wishing to change our operation much from what it has been over the years but wanted some flexibility. I can see that our request for live music from 4 nights to 7 would have set alarm bells and although by adding the extra days gives us the flexibility of changing days if we wanted, we have no intention of increasing our live music nights much over currently and in light of our neighbours comments are prepared to withdraw our request for an extension to live music in terms of additional days and time.

We would however like to see Friday and Saturdays license extension to provide alcohol changed from 12.00 to 1.00am. We would also like for the

piped background music to be allowed for Monday, Tuesday and Wednesday to be consistent with the rest of the week. The extended time on Friday and Saturday would benefit our customers and result in a more staggered and orderly way that customers leave the premises and would be in line with government guidelines and philosophy.

As an aside I was horrified when I read some of our neighbours comments which I did not recognise and although I am not involved in the running of the pub I carried out 6 observations over the last 12 days between 11.00pm and 12.30 and have to say having read the comments of a few of our neighbours, pleased to advise that over these observations I witnessed an orderly exodus of customers with minimal noise made and certainly no unruly behaviour of any sort.

I hope the above comments have been helpful
Yours sincerely



Brian H Barron