

## **LICENSING SUB-COMMITTEE**

**Monday, 10 June 2019**

Attendance:

Councillors

Green (Chair)

Laming

Mather

Officers in attendance:

Miss B Appletree – Licensing Officer

Ms C Tetstall – Licensing Solicitor

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1. **VARIATION TO PREMISES LICENCE - NORTON PARK HOTEL,  
BULLINGTON ROAD, NORTON, WINCHESTER, HAMPSHIRE, SO21 3ND  
(LR523)**

(Report LR523 refers)

The Chairman welcomed to the meeting:

Representing the Applicant – Norton Park Hotel

- Karen Cochrane – Flint Bishop LLP (Solicitor for the Applicant)
- Debbie Paggett (Premises Manager)

Miss Appletree introduced the Report which set out the details of the application. In summary, she explained that an application for a variation to the premises licence for Norton Park Hotel, Bullington Road, Sutton Scotney under Section 34 of the Licensing Act 2003. The application proposed to amend the following condition from the Premises Licence 'Licensable activities shall take place in the Barn only between the hours of 1100 and 2200', to extend the hours until 0000 (midnight). In addition, the applicant proposed to add two new conditions, as set out in Section 5 of the report. These conditions proposed that noise nuisance may be prevented by the use of a noise limiting device and ensuring that the patio doors are closed save for emergency exit.

The Committee noted that the current Premises Licence allows the provision of regulated entertainment, provision of late night refreshment and supply of alcohol. Full details of the Premises Licence were set out in Appendix 3 to the report.

One valid representation had been received from an interested party raising concerns regarding the public nuisance licensing objective, as set out in Appendix 2 to the Report.

The Sub-Committee were advised that the representation referred to the planning consent granted in 2004 and were reminded that matters relating to planning were governed under the separate planning regime, did not form part of licensing and were not relevant for consideration of this application.

No further representations had been received from any responsible authorities or interested parties.

In response to questions, Ms Tetstall clarified that, at the present time, it had not been established whether the planning condition relating to the barn was still extant and as no definitive response had been received, this currently remained a moot point at this time. The applicant was informed to seek planning and legal advice from the Council on this matter under separate cover.

At the invitation of the Chairman, Ms Cochrane, speaking on behalf of the applicant, Delta Norton Park Op Co Limited, addressed the Sub-Committee and outlined the background to the variation of the premises licence to amend the hours for licensable activities to take place in the barn only to 0000 (midnight), in order to facilitate functions in the barn area. Ms Cochrane outlined the further conditions that had been proposed as set out in Section 5 of the report which had been imposed to satisfy the application.

In summing up, in addition, Ms Cochrane advised that the applicant intended to implement further conditions to support the public nuisance licensing objective, as follows:

- (i) That fire tabs be placed on the barn doors from 10pm to prevent access to the garden; only to be broken in the event of an emergency;
- (ii) That no amplified bands be permitted in the barn;
- (iii) That smoking bins be relocated to an area which is less likely to cause noise disturbance;
- (iv) That signage be installed to ask patrons to leave the area quietly; and
- (v) That bottle bins were not to be emptied after 10pm.

The Sub-Committee retired to deliberate in private.

In his closing remarks, the Chairman stated that the Sub-Committee had carefully considered the Application and the representations made by the applicant, relating to the prevention of public nuisance. 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.

The Sub-Committee concluded that the application should be granted, with the conditions as set out in Section 5 of the Report and the additional conditions offered by the applicant at the hearing in order to promote the prevention of public nuisance objective, as follows:

- (i) That fire tabs be placed on the barn doors from 10pm to prevent access to the garden; only to be broken in the event of an emergency;
- (ii) That no amplified bands be permitted in the barn;
- (iii) That smoking bins be relocated to an area which is less likely to cause noise disturbance;
- (iv) That signage be installed to ask patrons to leave the area quietly; and
- (v) That no bottle bins be emptied after 10pm.

The Chairman thanked all those present for attending the meeting and explained to all parties that they would be formally notified of the decision in writing in due course and of their right to appeal to the Magistrates' Court within 21 days from the date of the decision letter.

**RESOLVED:**

1. That the application for a variation to premises licence to extend the terminal hour to 0000 (midnight) in the barn only be granted to Norton Park Hotel, subject to the conditions set out in Section 5 of the Report and the further conditions offered by the application, as set out in (i) to (v) above.

**REASON**

The applicant had addressed the licensing objectives and taken reasonable steps to mitigate the concerns of the interested party making relevant representation, including the prevention of public nuisance objective.

2. **VARIATION TO PREMISES LICENCE - OLD HOUSE HOTEL, THE SQUARE, WICKHAM, FAREHAM, PO17 5JG (LR524)**

(Report LR524 refers)

The Chairman welcomed all those present to the meeting:

**Representing the Applicant – G A Gourmet Ltd**

Laura Small (Premises Manager)

Tom Hopkins (Operations Director for GA Gourmet Ltd)

**Interested Parties**

Rebecca Jones, also on behalf of Annie Shipwith

Miss Appletree introduced the Report which set out the details of the application. In summary, she explained that the application was for a variation to the premises licence under Section 34 of the Licensing Act 2003 for the Old House Hotel, The Square, Wickham, Fareham, PO17 5JG. The application proposed to add Live Music (indoors and outdoors) and Recorded Music (outdoors) to the Premises Licence as Licensable activities. The proposed hours shown on the application for Live Music were 1100 to 2300 Monday to Sunday. The proposed hours for Recorded Music were 0700 to 0000 Monday to Saturday, and 0700 to 2300 on Sunday. Members were advised that full details of the application could be read in sections E and F of the Operating Schedule in Appendix 1 and full details of the current permitted licensable activities and hours could be found in Appendix 3 of the officer's report.

In addition, the Committee was advised that Environmental Health had made a representation against this application with regards to the prevention of public nuisance licensing objective. This was withdrawn following an agreement of conditions between Environmental Health and the applicant. These conditions were described in Section 5 of the officer's report. Further, that eleven valid representations had been received from 'Other Persons', all of which were against the application. These representations were set out in Appendix 2 and primarily relate to the prevention of public nuisance licensing objective. One representation, from Councillor Evans had been withdrawn since the publication of the report, leaving ten valid representations. The committee was advised that the withdrawn representation should not be considered in the determination of the application.

At the invitation of the Chairman, Ms Small, speaking on behalf of the applicant, addressed the Sub-Committee and outlined the background to the variation of the premises licence. Ms Small also outlined a number of

points that she felt dealt with the concerns that had been raised within the representations from interested parties.

The Chairman then invited any interested parties to address the Committee. Mrs Jones addressed the committee. In summary, Mrs Jones, whilst wishing the Hotel business well, did have a number of concerns regarding the application and asked the Committee to consider these prior to the determination of the application. The key matters she raised related to:

- the proximity of neighbouring properties to the Hotel and the resulting noise disturbance.
- the impact to the Conservation area status.
- the disturbance to wildlife.
- issues around parking of vehicles.
- general disturbance as a result of increased footfall.
- the number and timing of events being applied for.

Following discussion, Miss Appletree clarified that a licence was not required for a performance of unamplified, live music on any premises between 0800 and 2300 on any day. It was also confirmed that no Licence was required for Recorded Music that was set at a 'background level', above which normal conversation can be heard. After further debate the Committee agreed to adjourn in order to enable a discussion between the applicant and the interested parties to see if an alternative, suitable arrangement could be agreed that could then be proposed to the Committee.

The Sub Committee reconvened and a further discussion took place regarding the frequency of live amplified music indoors. . It was further proposed by the applicant that they would be willing to consider holding events at a less frequent interval than that previously put forward and suggested a limit of six events per year, at a frequency of no more than every other month The applicant also agreed to remove the proposal to add Recorded Music outdoors as a licensable activity, and they would only ever play 'background level' recorded music outdoors and thus this is not licensable.

The Sub Committee retired to deliberate in private.

The Sub Committee reconvened and in his closing remarks, the Chairman stated that the Sub-Committee had carefully considered the Application and the representations made by the applicant and the interested parties, relating to the prevention of public nuisance. 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.

The Sub-Committee concluded that the application should be granted, with the conditions as set out in Section 5 of the Report (as amended below) in order to promote the prevention of public nuisance objective, as follows:

- i. Condition PN1 was no longer relevant and should be removed.
- ii. Condition PN2 was no longer relevant and should be removed.
- iii. Condition PN3, The final sentence only of this condition to be removed so that the condition now reads "*The Premises Licence Holder shall ensure that nearby residents are aware of events and provide them with a telephone 'hotline' number in case they wish to make a complaint.*"
- iv. Condition PN4 to remain as set out in the officer's report
- v. The Premises Licence Holder shall ensure that Live Music occurs on no more than six occasions per calendar year, at a frequency of no more than once every other month.

The Chairman thanked all those present for attending the meeting and explained to all parties that they would be formally notified of the decision in writing in due course and of their right to appeal to the Magistrates' Court within 21 days from the date of the decision letter.

#### RESOLVED:

1. That the application for a variation to premises licence only be granted to G A Gourmet Ltd, Old House Hotel, The Square, Wickham, subject to the conditions set out in Section 5 of the Report and the further conditions offered by the applicant, as set out in (i) to (v) above.

#### REASON

The application as amended represents a balance between minimising the potential for public nuisance and the rights of the applicant to use their premises to generate an income.

The meeting commenced at 10.00 am and concluded at 11.50 am

Chairman