

LICENSING SUB-COMMITTEE

Wednesday, 28 July 2021

Attendance:

Councillors

Green (Chairperson)

Bentote

McLean

Officers in attendance:

Briony Appletree – Interim Licensing Manager

Matthew Stewart – Licensing Officer

Fiona Sutherland – Public Law Manager

[Full audio recording](#)

1. DISCLOSURE OF INTERESTS

No disclosures of interest were declared

2. VARIATION OF PREMISES LICENCE - THE ROEBUCK INN, 57 STOCKBRIDGE ROAD, WINCHESTER, SO22 6RP (LR547)

The Chairperson welcomed all those present to the meeting:

Applicant & Representatives

Piers Warne - TLT Solicitors (representing applicant)

Mark and Penny Thornhill (Managers and Designated Premises Supervisor)

Other Persons who have made written representations:

Susan Lynn Thomas (representation on pages 43 – 46)

Jan Harrison (representation on page 47)

Tiffany Hung (on behalf of Sally Ting and Andy Hung – representation on pages 48-50)

The Interim Licensing Manager introduced the report which set out an application for a variation to a Premises Licence under Section 34 of the Licensing Act 2003 for The Roebuck Inn, 57 Stockbridge Road, Winchester. The premises were described as a public house with a garden located on the Stockbridge Road, Winchester.

The application was seeking a change to the layout by adding an external bar/servery to be used between 1200 and 2100 hours each day and to add

conditions to the licence as set out in section 5 of the report. Notably, the application proposed to amend an existing condition to read 'No deliveries or collections from the premises shall take place before 0700 or after 1600 hours each day'. The full application was set out in Appendix 1 to the report.

The Sub-Committee were advised that no representations had been received by Responsible Authorities. However, conditions were agreed with Hampshire Constabulary on behalf of Greene King Retailing Limited, via their legal representatives during the consultation period and these were also set out in Section 5 of the report. Six written representations had been received from 'Other Persons', all against the application. These representations primarily related to the licensing objectives of the prevention of public nuisance and public safety and were set out in full in Appendix 2.

In conclusion, the Interim Licensing Manager advised the Sub-Committee that, if minded to approve the application, there were conditions to consider, as set out in Section 5 of the report, which the Sub-Committee could amend as appropriate to promote the licensing objectives.

At the invitation of the Chairperson, Mr Warne addressed the Sub-Committee on behalf of the applicant and responded to questions.

Mr Warne made reference to the contents of the letter he had submitted, as set out in Appendix 6 to the report and outlined the success of the premises since the new managers, Mr and Mrs Thornhill had taken over in April 2021. He clarified that following menu changes, this had resulted in an increase to food deliveries. Mr Thornhill addressed the sub-committee and summarised his previous experience in the hospitality industry and set out how he ran the premises as an operator. Mr Warne clarified that the car park had been removed from use as it was not being utilised by customers for the purposes it was intended.

In relation to the external area and the proposed bar/servery, Mr Warne clarified that use of the external space was important to the running of the business. The bar/servery would prevent queuing at the main internal bar area, improve safety in serving and assist in the management of bar numbers, thereby promoting the licensing objectives. It was noted that there had been no objections to the use of the external space.

Mr Warne made reference to the existing restrictive wording that 'No deliveries or collections from the premises shall take place before 0700 or after 0900 hours each day', which he considered exacerbates issues in respect of the concerns raised regarding safety, disturbance and access due to its clash with the morning rush hour traffic movements. However, it was recognised that timing of deliveries was the primary licensing reason giving cause for concern to residents, as set out in many of the written representations made by 'Other Persons'.

Mr Warne made reference to the dray delivery access points on site to allow for the sale of alcohol but clarified that access concerns for the delivery of food on site was not relevant to the application and neither was it a material licensing

consideration and that it would be for Hampshire Highways to determine any highway safety issues arising from these deliveries.

The Chairperson then invited 'Other Persons' who had made relevant written representations against the application to address the Committee. All the points raised were answered by the Licensing Officer and the applicant's representative accordingly.

Susan Lynn Thomas addressed the Sub-Committee and referred Members to her representation shown on pages 43 to 46 of the report. In summary, she stated that she objected to the change to the permitted hours for deliveries and collections on the grounds of public nuisance, public safety and the risk of children from harm and considered that an increase to delivery hours would exacerbate existing access issues and would cause more disruption to residents over a longer period each day. Ms Thomas expressed concern regarding the permitted increase to the business and number of deliveries with the removal the customer car park and stated that deliveries were now being made to the premises via privately owned land resulting in residents not being able to safely access their private car parking area.

Jan Harrison addressed the Sub-Committee and referred Members to her representation shown on page 47 of the report. In summary, she stated that she agreed with the comments made by Ms Thomas and that the proposed change to the hours of deliveries and collections would cause unnecessary disturbance and inconvenience to those who access their properties via the private land and considered that an open meeting be held with the premises licence holders and residents to address the issues raised.

Tiffany Hung addressed the Sub-Committee on behalf of her parents, Sally Ting and Andy Hung and referred to their representation shown on pages 48-50 of the report. In summary, she stated that the change to delivery and collection times would cause more public nuisance due to the increased range of hours each day and created a higher risk to public safety, when residents already experienced difficulties gaining access to their land

In summing up, Mr Warne clarified that the written representations solely raised objection to the change to the delivery and collection hours and that the addition of an external bar/servery had not been objected to. He urged the local residents to enter into regular dialogue with Mr and Mrs Thornhill to discuss ongoing issues as and when they arose and confirmed that there was no change to the number of deliveries, no change to the dray deliveries and that no patrons had made a complaint regarding the removal of the customer car park.

The Sub-Committee retired to deliberate in private.

In his closing remarks, the Chairperson stated that the Sub-Committee had carefully considered the application, the written representations made by Other Persons and the Applicant's evidence received. It had taken into account the Council's Statement of Licensing Policy, the Home Office Guidance issued under section 182 of the Licensing Act 2003, the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

The Sub-Committee has concluded that the Application to change the layout of the premises by adding an external bar/servery be granted, subject to the additional conditions as set out in section 5 of the report.

The Sub-Committee has concluded that the Application to vary the existing condition regarding deliveries, be granted and amended as follows:

- (1) 'No deliveries or collections from the premises shall take place before 0700 or after 1600 each day'.

The Chairperson 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 notification of the decision.

RESOLVED:

1. That the application to change the layout of the bar/servery be granted, subject to the additional conditions set out in section 5 of the report: and
2. That the application to vary the existing condition regarding deliveries be granted and amended, as set out above.

REASON

The extension of hours will reduce disruption thereby promoting the licensing objectives of prevention of public nuisance and public safety.

Advisory:

The Sub-Committee strongly encourages the relevant parties to enter into dialogue to resolve access concerns and general issues around deliveries.

The meeting commenced at 10.00 am and concluded at 11.25 am

Chairperson