



Meeting	Licensing Sub-Committee
Date and Time	Monday, 25th July, 2022 at 10.00 am.
Venue	Walton Suite, Guildhall, Winchester

Note: *This meeting is being held in person at the location specified above and the following arrangements apply. Members of the public should note that a live audio feed of the meeting will be available from the councils website (www.winchester.gov.uk) and the video recording will be publicly available on the council's YouTube channel shortly after the meeting.*

A limited number of seats will be made available at the above named location. Please note that priority will be given to those who have made written representation to the application following confirmation with the Licensing Team, over those wishing to attend and observe. Those who may wish to observe must notify the council at least 3 working days in advance of the meeting.

AGENDA

- To confirm a Chairperson for the meeting**
- Disclosure of Interests**
To receive any disclosure of interests from Members and Officers in matters to be discussed.
Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.
- Application for Review of Premises Licence - Wicks Bar and Grill, Unit D, South Square, Knowle, Fareham, PO17 5FL (LR562) (Pages 5 - 38)**

L Kirkman
Strategic Director and Monitoring Officer

12 July 2022

Agenda Contact: Claire Buchanan, Senior Democratic Services Officer
Tel: 01962 848 438 Email: cbuchanan@winchester.gov.uk

The Membership of the Sub-Committee will be:

Councillors Cunningham, Laming and Westwood

Reserve

Appointments – The Sub-Committee consists of a Chairperson and two other Members who are appointed on a rota basis from the membership of the full Licensing and Regulation Committee (not including deputies) subject to availability. The confirmation of a Chairperson will be made at the start of each meeting from the three Members that form the Licensing Sub-Committee.

For the information, the Membership of the Licensing and Regulation Committee is:

Councillors: Williams, Achwal, Batho, Cunningham, Isaacs, Kurn, Laming, McLean, Reach, Small and Westwood (Deputies: Cllrs Clear, Cramoysan, Pearson and Read)

FILMING AND BROADCAST NOTIFICATION

This meeting will be recorded and broadcast live on the Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Access to Information Procedure Rules within the Council's Constitution for further information, which is available to view on the [Council's website](#).

Licensing Sub Committee – Procedure for Hearing Review Applications.

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, the hearing will take the form of a discussion led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary to properly consider the matter.

Written objections, representations and petitions will be circulated with the Agenda and Report and will be taken into account by Members of the Sub-Committee. Only those who have made “relevant representations” within the meaning of the Licensing Act 2003 will be entitled to be heard as of right by the Sub-Committee.

1. The **Chairman** will set out the procedure to be followed in the hearing
2. The **Licensing Manager** will introduce the Report.
3. The Members may ask questions of the **Licensing Manager**.
4. The **Applicant for the review** or representative may address the Sub-Committee, as follows:- a) clarification of any points which the Licensing Authority has given notice of (Regulation 7(1)(d) of the Licensing Act 2003 (Hearings) Regulations 2005 b) address the Sub-Committee and present the application.
5. Members of the Sub-Committee may ask questions of the **Applicant** or representative

Responsible Authorities who have made representations will then be allowed to introduce their representations. The Sub-Committee may ask them questions, and (subject to the permission of the Sub-Committee) the Applicant or representative may ask them questions.

6. **Environmental Health Officer**
7. **Police**
8. **Fire Service**
9. **Child Protection Team**
10. **Local Planning Authority**
11. **Health and Safety Executive**
12. **Trading Standards**
13. **NHS Public Health Manager**
14. **Licensing Authority**

Persons who have made Relevant Representations (within the meaning of the Licensing Act 2003) will then be allowed to introduce their representations. The Sub-Committee may ask them questions, and (subject to the permission of the Sub-Committee) the Applicant or representative may ask them questions.

15. **Persons making Relevant Representations**
16. The **Licence Holder** or representative may address the Sub-Committee in order to reply to any representation made in the review application or by a party to the hearing.
17. Members of the Sub-Committee may ask questions of the **Licence Holder** or representative
18. The **Applicant for the review** or representative may address the Sub-Committee in order to reply to any representation made.

19. Members of the Sub-Committee may ask questions of the **Applicant for the review** or representative

The Committee will retire to consider the application in private with only the Head of Legal and Democratic Services' representative and Committee Administrator in attendance. The Committee will reach its determination and notify the applicant of the decision in accordance with Regulations 26 – 29 of the Licensing Act 2003 (Hearings) Regulations 2005.

LR562
FOR DECISION
WARD(S): SOUTHWICK AND WICKHAM

LICENSING SUB – COMMITTEE

Monday 25 July 2022 10:00 Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Claire Humphreys

Tel: 01962 848188

Email: licensing@winchester.gov.uk

Application: Application for Review of Premises Licence

Premises: Wicks Bar & Grill, Unit D, South Square, Knowle,
Fareham, Hampshire, PO17 5FL

Part A. Report

- 1 Application**
- 2 Responsible Authorities**
- 3 Other Representations**
- 4 Observations**
- 5 Conditions**
- 6 Other Considerations**

Part B. Appendices

- Appendix 1 Application**
- Appendix 1a Supporting Evidence from Applicant**
- Appendix 2 Representations from Other Persons**
- Appendix 3 Premises Licence**
- Appendix 3a Plan**

Part A.

1. Application

Applicant: Mr Philip Tidridge, Environmental Protection, Winchester City Council

Premises: Wicks Bar & Grill, Unit D, South Square, Knowle, Fareham, Hampshire, PO17 5FL

- 1.1 This is an application to review the premises licence for the above premises, submitted in accordance with section 51 of the Licensing Act 2003.
- 1.2 The application was submitted on 30 May 2022 by Mr Philip Tidridge on behalf of the Environmental Protection Team at Winchester City Council, a Responsible Authority as defined under section 13 of the Licensing Act 2003.
- 1.3 The application relates to the prevention of public nuisance licensing objective, and cites noise monitoring from events held under the premises licence in 2022, as evidence to support the applicant's view that this licensing objective was not promoted. The application can be seen at Appendix 1 and supporting evidence at Appendix 1a.
- 1.4 Parnell Food Outlets Limited have held the premises licence since 28 September 2020.
- 1.5 The premises licence authorises the provision of late night refreshment and the supply of alcohol (for consumption on and off the premises). Full details of the operating schedule and existing conditions can be seen at Appendix 3.
- 1.6 The premises is permitted to provide regulated entertainment between the hours of 08:00 and 23:00 on any day, for an audience of less than 500 persons. This is a deregulation under the Live Music Act 2012 that this premises benefits from, because it supplies alcohol for consumption on the premises.
- 1.7 Notice of the application to review the premises licence was displayed at the premises for a period of 28 days until 27 June 2022. It was also published on the Council's website.
- 1.8 No representations have been received from Responsible Authorities.
- 1.9 Representations have been received from one 'Other Persons'. This is shown at Appendix 2.
- 1.10 Notice of the hearing was sent to all parties on 28 June 2022.

Designated Premises Supervisor

George Madgwick

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:

Environmental Health

Applicant, as the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health.

Hampshire Constabulary

No representations received.

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Building Control

No representations received.

Head of Trading Standards

No representations received.

Public Health Manager

No representations received.

Home Office

No representations received.

Licensing Authority

No representations received.

Planning

No representations received.

3. Representations from Other Persons

Representations have been received from one 'Other Person' and is in support of the application This is shown in Appendix 2.

4. Observations

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to all of the representations.

The Sub-Committee must take the following steps it considers appropriate to promote the Licensing Objectives:

1. Modify the conditions attached to the premises licence either permanently or temporarily for a period not exceeding three months;
2. Exclude a licensable activity from the premises licence either permanently or temporarily or for a period not exceeding three months;
3. Remove the designated premises supervisor from the premises licence;
4. Suspend the premises licence for a period not exceeding three months;
5. Revoke the premises licence.

In deciding which of these powers to invoke, it is expected that the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

Licensing Objectives

Crime and Disorder

The Sub-Committee should consider any appropriate conditions to prevent crime and public disorder relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy 1.9, 2.9 - 2.11, 2.17, 2.19 – 2.21 and Part 4 Section A)

Public Safety

The Sub-Committee should consider any appropriate conditions relating to public safety having regard to the relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, B2, B3)

Public Nuisance

The Sub-Committee should consider any appropriate conditions to prevent public nuisance caused by noise pollution from the premises relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, Section C)

Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, D6, D7)

Human Rights

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, appropriate in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

Public Sector Equality Duty

The Public Sector equality duty must be taken in to consideration with all decision making. The duty is stated in section 149 of The Equality Act 2010. This application raises no considerations under this Act.

5. Conditions

Existing Conditions

All existing conditions on the premises licence can be seen at Appendix 3.

Proposed Conditions

The application made by Environmental Health proposes that conditions are applied to the live and recorded music permitted by the deregulation under the Live Music Act 2012. This is permitted only in the circumstances of an application to review a premises licence.

Where licence conditions are imposed on a premises licence in relation to the provision of live and recorded music, these conditions are suspended between the hours of 08:00 and 23:00 where the audience is less than 500 persons.

However, section 117A(4) of the Licensing Act 2003 permits the Sub-Committee to impose conditions on the premises licence and have them apply to live and recorded music that would have otherwise been deregulated. Where this type of condition is imposed, the license must include a statement (as per s117A(3)) clarifying that deregulation under section 177A of the Act no longer applies .

6. Other Considerations

Council Strategy Outcome (Relevance To:)

This report relates to the fourth Strategic Outcome; 'Improving the quality of the District's environment' by working with partners and using powers available to us to make Winchester and it's District a safe and pleasant place to live, work and visit.

Resource Implications

No fee is applicable for this application. In regulating the activities it is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by Mr Philip Tidridge, Environmental Protection, Winchester City Council
- 1a. Supporting Evidence from Applicant
2. Representations by Other Persons
3. Premises Licence
- 3a. Plan

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**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Philip Tidridge

(Insert name of applicant)

(delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Wicks Bar and Grill
 Unit D
 South Square
 Knowle
 Fareham
 Hampshire

Post town Fareham

Post code (if known) PO17 5FL

Name of premises licence holder or club holding club premises certificate (if known)

Parnells Food Outlets Limited

Number of premises licence or club premises certificate (if known)

PREM 764

Part 2 - Applicant details

I am

Please tick yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms

Other
title

(for example, Rev)

Please tick yes

Surname

First names

I am 18 years old or over

Please tick yes

**Current
postal
address if
different
from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Environmental Health - Public Protection Winchester City Council City Offices Colebrook St Winchester Hampshire SO23 9LJ
Telephone number (if any)
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

Since relaxation of Covid regulations, the licence holder has started using the restaurant/Bar for regular live music events. These are commonly but not exclusively tribute acts using a backing track and occur most weeks on a Friday or Saturday night (occasionally both).

This listed building is surrounded by domestic premises and following extensive noise monitoring it is Environmental Health's view that such frequent use results in noise impacts that fail to meet the prevention of public nuisance licensing objective.

We are of the view that the proximity of residential premises and the poor acoustic attenuation offered by this listed building is the reason for the noise impacts experienced rather than any poor noise management or excessive music volumes.

It is considered additional controls by limiting volume of music or increasing noise attenuation to the premises are not feasible. The only further control available is limiting the number/duration/hours that such use occurs.

Currently the premises licence does not specify any regulated live or recorded music.

This review therefore seeks to limit the amount/times of live and recorded music that are granted to such a premises licence through the Live Music Act 2012 (as amended).

Please provide as much information as possible to support the application
(please read guidance note 3)

Environmental Health first received complaints of increased noise from this venue/licence holder by a local resident on 6 December 2021. There had been similar issues with this venue in the past under previous licence holders (2011 to 2015 Artys wine bar and 2017 to 2018 - Clifford Browns).

Further complaints were subsequently received which now total 6 different premises located to both the rear and front of this venue.

Noise monitoring equipment was installed at one of these premises between the 10 to 19 December 2021, which captured 5 live music events

10/12/21 – Michael Jackson tribute
11/12/21 – Michael Jackson tribute
14/12/21 - Freddie Mercury/Queen tribute
15/12/21 – Freddie Mercury/Queen tribute
16/12/21 – Freddie Mercury/Queen tribute

The noise monitoring equipment was installed in the bedroom facing towards the rear of the premises. On reviewing these recordings, the music was considered highly intrusive and it was possible to identify each and every track from the music and lyrics recorded. These events ran up to 11pm.

These recordings were only analysed after the Christmas break and an appointment was made with Mr George Madgwick of Parnells Food Outlets Limited to discuss these concerns. The initial appointment had to be cancelled due to storms and a meeting was not held with Mr Madgwick (myself and Abigail Toms attending) at the premises until 10 March 2022. At this meeting, we raised our concerns about the suitability of the building for such events but it was agreed that Mr Madgwick could look to control the impacts over the coming month and we would monitor these events to establish a final position. Mr Madgwick advised he had already looked at possible controls and would be limiting events and also look to finish by 21:30. A schedule of events proposed for late March/April was provided to assist in scheduling this monitoring. It was agreed we would discuss our findings after the local elections as Mr Madgwick was involved in these elections and would be too busy until these had passed.

Four different staff from Environmental Health monitored a selection of events in March/April at different customers' properties. All the file notes (names/addressess redacted) are provided as an Appendix to this document. In summary the following events were monitored by Environmental Health staff including the Team leader for Environmental Protection (Abigail Toms) and the Service Lead for Public Protection (David Ingram)

18 March - Abigail Toms
01 April – Philip Tidridge
09 April – Harry Veness
15 April – David Ingram
23 April – Harry Veness

It was agreed by all officers that the noise they witnessed showed that the premises

was failing to meet the licensing objective for the prevention of public nuisance. Further it was concluded that it was not that the venue was playing music above "normal" levels for entertainment purposes; the issue was simply one of poor acoustic insulation to this listed building and the proximity of the residential premises. It was agreed that in such circumstances the only appropriate control would be a restriction on the number and timing of events.

This was communicated to Mr Madgwick during a "Teams" meeting with myself and Abigail Toms on 19 May 2022.

Although we had concerns over any live/recorded music for entertainment purposes we did advise that on balance it was reasonable for restaurant style venues to hold occasional events as part of their normal operation and that this probably needed to be recognised by local residents. It was therefore suggested that live and recorded events were restricted to one per Calendar month finishing at 22:00 and that an additional event with an 01:00 finish time could be allowed for New Year's Eve.

Mr Madgwick was understanding to Winchester's position and advised he would accept such a restriction for most months but not for the Christmas period which was very important to him. He wanted unrestricted or at least a greater number of events in December. This remained a sticking point in our discussions so it was agreed that Environmental Health would request a review of the licence.

Environmental Health are therefore requesting consideration is given to the removal of the hours granted for live and recorded music by the Live Music Act 2012. This should then be replaced by the granting of live and recorded music between the hours of 09:00 to 22:00 except on new year's eve (when 09:00 31 December to 01:00 1 January should apply). Further a condition should be included (suggested to be PN3) that restricts licenced regulated live or recorded music on the premises to no more than once per calendar month, except for December where two events can occur (to allow for New Years Eve)

Environmental Health of course respect the licensing sub committees final decision, particularly regarding the frequency of events that they may consider reasonable.

Please tick yes

Have you made an application for review relating to the premises before?

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

NONE

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 30 May 2022

.....

Capacity **Chartered Environmental Health Practitioner**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Winchester City Council
City Offices
Colebrook St
Winchester
Hampshire

Post town

Winchester

Post Code

SO239LJ

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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APPENDIX – OFFICER FILE NOTES FROM MONITORING IN MARCH/APRIL 2022

21/03114/NOINRI – Nokie from The Wickes, Knowle (The venue) – 1 April 2022

Phil Tidridge

Arrived on site at 20:05 and went straight to xxxx East Mews, approaching from the non venue side. Went to upstairs child's bedroom which faces towards the venue (window was cracked open). Music commenced at 20:20 and was clearly an Adele tribute Act as expected. The style of music meant it was not very bassy but was still intrusive and would interfere with the enjoyment of the property, particularly during the more up tempo songs. 5 minute recording made on a Norsonics 150 noise meter.

Then went to xxxx Brandt House passing by the venue to observe it was not busy. Made additional observations from the main kitchen/dining room on the upper floor (French patio doors to Juliet balcony ajar). Noise impacts comparable to xxx East Mews. 5 minute recording made.

Music stopped at 21:30 so assumed that event was over as business owner (Mr Madgwick) had advised they would be aiming to finish events in April at 21:30.

NOTE - it was subsequently reported that this was just a break and music recommenced after I left and went on to about 10:30. Both residents also advised that the noise impacts from the same performer on the Saturday night was similar to that observed.

Noise monitoring – The Wicks, Knowle – Officer Notes (HARRY VENESS)

Saturday 9th 2022

Arrived at xxx Brandt House at 20:30.

Act started at 20:50.

Customer opened French doors in living room facing towards venue slightly to simulate what music sounds like in warmer months. Music from the venue was loud and clearly audible from customer property. This is made worse when customers enter and exit through the venue's front doors.

Sound level metre was set up in customer living room.

Both music and act talking to audience were audible word for word through the performance.

Venue was busy throughout the performance, with at least 30 customers in attendance.

Act stopped at 22:10.

Should be noted that noise from customers leaving was also very audible in customer property, and not managed in anyway by venue staff.

Officer waited for 10mins before leaving in case act started up again.

Saturday 23rd 2022

Act already performing by time of officer arrival at 20:30.

Conducted walk around venue before making way to xxx East Mews. Venue was far less busy for this performance, with around 10 guests in attendance across two tables.

Entered xxx East Mews at 20:45 and was shown to customer's daughter's bedroom, where SLM was set up and recordings taken. Customer slightly opened window in bedroom. Customer and I commented on the quality of the performance (a George Michael tribute act on this occasion). Customer mentioned that act the evening before had been a live jazz band which customer said he much preferred, despite the fact it still impacted his property. Music was highly audible within customer property, with all spoken words being clear.

Left xxxx East Mews at 21:30

Walked over to xxxx West Mews at 21:30

Set up recording equipment in customer living room. Again customer slightly opened window facing towards venue. Music was audible from customer property, though less so than at xxx East Mews. Customer explained that her main issue with the music was the frequency of performances. Should be noted windows in xxx West Mews were single glazing. Location of property was also slightly further than other two residences visited.

Act finished at 22:30.

Music from venue stopped at 22:40.

Re: The Wicks Noise Monitoring 15th April 2022 (DAVID INGRAM)

As requested, here are my thoughts subsequent to my monitoring visit on the evening of 15th April 2022 (Good Friday). I will initially set out my observations and then provide my professional viewpoint based on the observations.

- 20:15 - Arrived on site and parked on Knowle Avenue opposite The Wicks. Walked around the locality to familiarise myself with the orientation of The Wicks bistro and bar. Walked past and saw that the stage was prepared for an Elvis tribute act although the performance has not yet started. There were not many people in the bar that I could see at this time.
- 20:23 - Walked back to and sat in the car, when I called xxxx, the complainant, to say that I was outside and although the Elvis act has not yet started, the stage was set up for the performance.
- 20:25 – As I was talking to the complainant, the Elvis tribute act started with 'Blue Suede Shoes', which I could hear from my vantage point in the car.
- 20:30 - I then proceeded to xxxx Brandt House and set up the SLM in the lounge with the microphone at 1.5m pointing at window which was slightly ajar. From the window, I could see directly down on to the front façade of The Wicks, which was only a matter of metres away.

Whilst sitting in the complainants lounge I could hear the following:

- 20:39 'Return to Sender'
- 20:42 Slower ballad type song, which I could not identify
- 20:53 'Save the last dance for me', could hear the lyrics *It's now or never; So darling, save the last dance for me* (repeated several times)
- 20:56 New slow ballad song with the lyrics '*I just can't help believing*' (repeated several times) Some clapping heard from the audience.
- 20:58 New song started 'The Wonder of you', heard lyrics '*That's the Wonder, the wonder of you*' again repeated several times.
- 21:02 New song – didn't recognise this one.
- 21:07 New song 'Like a Bridge over Troubled Water' was clearly heard. Interesting as I always thought this was a Simon and Garfunkel song? During this performance there was a sudden short burst of volume, indicating that the front door to the bar had been opened.
- 21:15 Went for a short walk to establish the number of clientele in the bar. Through the window I could see only 14 – 15 patrons enjoying the performance. Returned to xxxx Brandt House and sat in lounge.
- 21:31 New song but was unaware of its name but it sounded like an German umpah style of song.
- 21:31 King Creole was heard being sung, could hear '*He goes by the name of King Creole*'
- 21:38 New song 'Sweet Caroline' could be clearly heard. Lyrics '*reaching out, touching me, touching you*'.

- 21:40 New song 'Burning Love' clearly heard, lyrics '*Just a hunk, a hunk of burning love*'.
- 21:46 New song 'Suspicious Minds' lyrics heard '*Were caught in a trap, I can't walk out, because I love you too much baby*'
- 22:00 New song Dancing Queen by Abba clearly heard which was evidently a recording, indicating that the Elvis tribute act had concluded. Initially quite loud and then volume dropped significantly to inaudible.
- 22:05 All quiet and left xxx Brandt House

The volume of music inside of xxx Brandt House was clearly audible and intrusive and sufficient to interfere with the normal activities of the occupant in the normal activity of watching television or indeed listening to their own music at a reasonable volume. I consider that the volume of the music from the performance was sufficient to cause a statutory noise nuisance, even though the tribute act was a single performer with a backing track and with many of the songs performed as ballads.

Given The Wick as a venue holds live music acts on most Friday and Saturday nights it is reasonable to assume that these performances would present similar if not greater noise impacts to residents, especially if the performance is from a band and of a more lively genre. I am of the view that the venue's construction and its proximity to multiple units of residential accommodation makes this an unsuitable venue for regular live music.

18.3.22 – Noise monitoring carried out by AT from xxxxx property at xxx Brandt House, Knowle Village.

Arrived at South Square at approximately 1950hrs and walked around area surrounding Wicks. Live music - 'Barry Martin' so I understand was playing and was set up in the right hand corner as facing Wicks, with speakers facing into the premises and away from the residential flat that I monitored from. It appeared to be quite quiet inside the premises with few people – possible 10 attending. Monitored noise level from inside lounge of customer's property with both lounge window open and closed. This faces the Square. The bedroom was on the same orientation and was the immediate room next to lounge so I believe that the resident would experience a very similar noise impact from their bedroom to the lounge.

I made several recordings using the Norsonics sound level meter, having calibrated it and recorded the audio too. Even with the door closed in the resident's property, it was possible to hear the music, but with the door slightly ajar for ventilation, it was possible to hear the words as well. There was a short break in the middle of the entertainment, but it culminated with a rendition of Neil Diamonds 'Sweet Caroline' and finished at approximately 2125hrs. Whenever the door to the venue opened the music and words were louder. The music didn't appear to be being played at an extraordinarily loud level – merely at a level that would entertain the audience. However, the music and every word would easily be heard in the bedroom of the property. It is my view that the venue is not well enough insulated and is so close to residential properties that even with the best noise management it would still cause public nuisance if live or recorded music was being played regularly at the premises and the only control really would be to suitably restrict the number of occasions that such music could be played. E.g. to once a month or not permit live/ recorded music at all.

Abigail Toms

Environmental Protection Manager

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Shawna King
6 West Mews, Knowle, Fareham, PO17 5FA
Received 27 June 2022

Hello,

My name is Shawna King, I live on West Mews in Knowle (near Wicks restaurant) and I'd like to add my comments to the licence review.

When we first bought our first house Wicks was not playing live music, we knew it only as a restaurant, then Covid lifted and 2022 came and nearly every weekend they were playing very loud live music until 11pm. This has really affected us because we feel anxious every weekend, not knowing if we can relax on a Friday/Saturday evening because of the loud music.

I also sometimes work weekends, which involves early starts, so I have needed to on many occasions wait for the music to stop (sometimes not until 11pm) before I can go to bed. If we'd of known what we were going to be living next to, we would of never bought the house, which is such a shame.

The staff do nothing to limit the noise of people leaving the premises either, often you hear people loudly shouting and signing and not being told to stop well past 11pm. When I've message George the ownee or called Wicks, I've been met with rude responses or simply ignored.

With the summer months now here we are unable to open our windows in the evenings, which is so uncomfortable. I've noticed the owner now has stopped advertising events on the local Knowle Facebook group. All of our neighbours I speak to have said they've complained directly to him at least once, and hate the live events every weekend.

If I could attend the licencing meeting in person I'd be more than happy too, I could also pass along the message to other neighbours as well if they wish to attend.

Thank you, Shawna

Apologies for my delay in getting back to you, my full address is:

6 West Mews
Knowle
Fareham
PO17 5FA

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Premises Licence

Premises Licence Number

PREM764

20/01078/LAVDPS

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Unit D
South Square
Knowle
Fareham
Hampshire
PO17 5FL

Telephone number 01329 834241

Where the licence is time limited the dates

Licensable activities authorised by the licence

- i) Late Night Refreshment
- j) Supply of Alcohol

Times the licence authorises the carrying out of licensable activities

- i) Late Night Refreshment
 - (i) **Christmas Eve** 2300 to 0000
 - (ii) **New Year's Eve** 2300 to 0100
- j) Supply of Alcohol
 - (i) **Monday to Thursday** 0900 to 2300
 - (ii) **Friday and Saturday** 0900 to 0000

- | | | |
|-------|-----------------------|---------------------|
| (iii) | Sunday | 0900 to 2230 |
| (iv) | Christmas Eve | 0900 to 0100 |
| (v) | New Year's Eve | 0900 to 0100 |

The opening hours of the premises

- | | | |
|-------|----------------------------|---------------------|
| (i) | Monday to Thursday | 0800 to 2300 |
| (ii) | Friday and Saturday | 0800 to 0000 |
| (iii) | Sunday | 0800 to 2230 |
| (iv) | Christmas Eve | 0800 to 0100 |
| (v) | New Year's Eve | 0800 to 0100 |

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Parnells Food Outlets Limited
68 High Street
Portsmouth
Hampshire
PO6 3AJ

Registered number of holder, for example company number, charity number (where applicable)

Registered Company Number **11768412**

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

George Madgwick

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal Licence Number **CCC102894**

Licensing Authority **Cardiff City Council**



Service Lead for Public Protection

Winchester
City Council



Annex 1 – Mandatory conditions

Where the Licence Authorises Supply of Alcohol:

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.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014
– effective from 1 October 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to

produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014
– effective from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula- **$P = D + (D \times V)$** where-
 - (i) **P** is the permitted price,
 - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted

price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

Crime and Disorder

CD1: CCTV

- (i) A CCTV system must be installed no later than 1 December 2009, and maintained to a standard agreed with the Police Crime Prevention Officer.
- (ii) The CCTV system must be capable of producing evidential standard quality images on a real time basis operating in normal conditions within the public areas.
- (iii) All public areas must be covered by CCTV. This must include the front door and bar/counter areas and must be capable of providing good quality head and shoulder images.
- (iv) All CCTV images must be retained for 30 days and made available to an authorised officer on request.
- (v) There must always be a member of staff capable of operating the CCTV system whilst the premises are open for licensable activity.
- (vi) Any CCTV images recovered must be in a format that can be readily taken away and viewed on any computer operating on any Windows based programme acceptable to the Police.
- (vii) The CCTV system must be operating at all times whilst the premises are open for licensable activity.

CD2: All staff dealing directly with the public shall receive appropriate training in respect of the sale of alcohol to persons who appear drunk, and conflict management. This must be recorded in a format that can be viewed by Police and updated with the dates when each employee has received the training.

CD3: There must always be at least one Personal Licence holder on duty on Friday and Saturday evenings, from 1900 until close of building.

Public Nuisance

PN1: Prominent, clear notices shall be displayed at all of the tables, the entrance/exit points requesting customers to respect the needs of local residents and to leave the premises and the area quietly.

PN2: The outside seating area shall only be used during the hours of 1000 to 2000 Sunday to Thursday, and 1000 to 2100 Friday and Saturday.

Protection of Children

PC1: Challenge 25

- (i) The premises shall adopt and implement the Challenge 25 scheme.
- (ii) The licence holder shall ensure that all cashiers are trained (and refresher trained at least once every 6 months) to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) for evidence of age.
- (iii) Evidence of proof of age shall be photographic, such as passport or photographic driving licence or identification including the PASS logo, until other effective identification technology (for example, thumb print or pupil recognition) is introduced.
- (iv) All cashiers shall be instructed, through training, that a sale shall not be made unless this evidence is produced.
- (v) Prominent notices will be displayed in the premises advising customers that they may be asked to provide evidence of age.
- (vi) All cashiers shall be instructed, through training (and refresher training at least once every 6 months) to enter in a refusal book (or electronic equivalent) details of any refusal to make a sale of alcohol to a customer. Such refusal book (or electronic equivalent) is to be monitored by the licence holder on a regular basis, and at least once every two weeks.

Annex 3 – Conditions attached after a hearing by the licensing authority

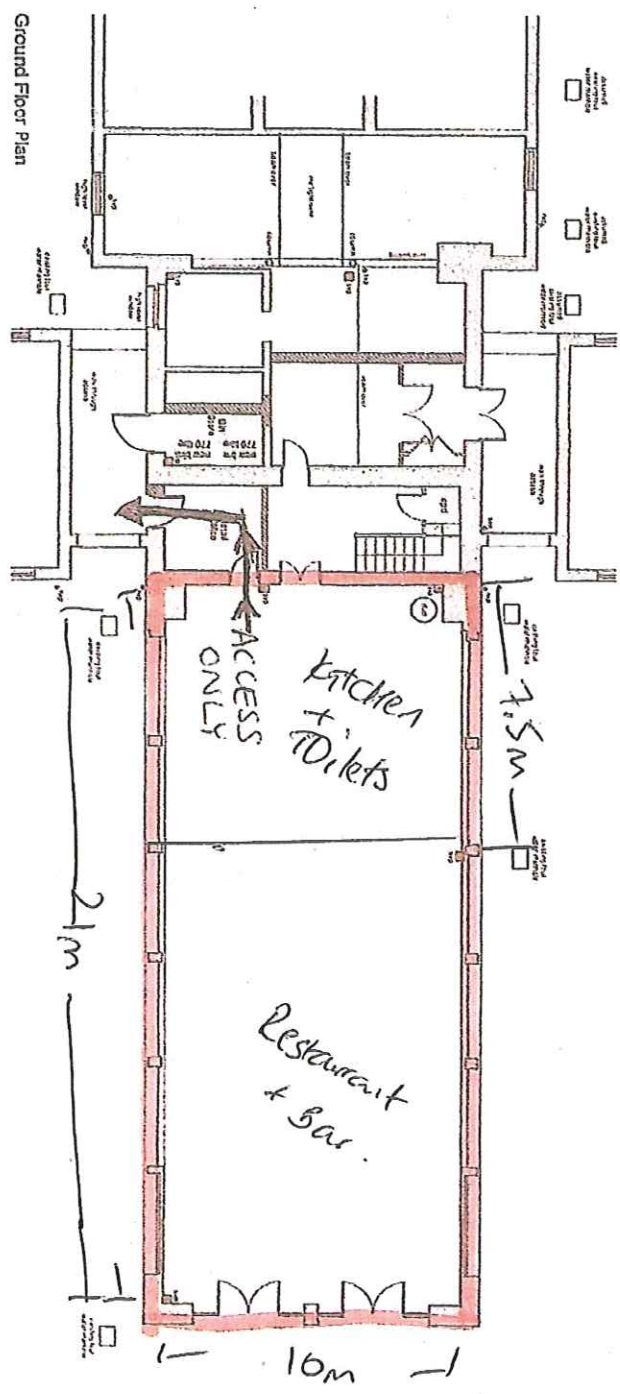
N/A

Annex 4 – Plans

See attached

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UNIT D, KANWU LE VILLAGE



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