

LICENSING HEARINGS

Date and Time: Monday 13 November 2023 at 3.00 pm

Place: Council Chamber

Present:

Forster (Chairman), Axam and Butler

In attendance:

Bob Betts – Applicant and Licence Holder
Kevin Healy and Barry Aspinall – from Greene King
Piers Warne – Legal Director TLT LLP
Martin McCarthy

Officers:

Francis Umukoro, Shared Legal Services
Deborah Lazenby, Licensing Officer
Neil Hince, Environmental Health & Licensing Manager
Adam Reddings, Environmental Health Practitioner
Jenny Murton, Committee and Member Services Officer
Emma Evans, Committee and Member Services Officer
Claire Lord, Committee and Members Services Officer

12 APPOINTMENT OF CHAIRMAN

Councillor Forster had been appointed Chairman for this Hearing.

13 DECLARATIONS OF INTEREST

None declared and there were no objections to the Members on the Panel from the Applicant or his Legal representatives.

Councillors Axam and Forster said they had both visited the Wyvern Public House in the past but had no personal, or prejudicial declarations to declare.

14 VARIATION TO PREMISES LICENCE - THE WYVERN PUBLIC HOUSE, 75 ALDERSHOT ROAD, CHURCH CROOKHAM

The Chairman welcomed everyone to the hearing and all those present introduced themselves.

The Licensing Officer confirmed that all information from representatives had been passed to the relevant parties.

Mr Warne highlighted there was a mistake in the report and the Licensing Officer confirmed she would detail this in her opening summary.

The Licensing Officer summarised the application contained in her report. The application seeks to extend the terminal hours for licensable activities and extend the opening hours by one hour on Thursdays to Saturdays (from 01:00 to 02:00) at the Wyvern Public House, Church Crookham. The officer confirmed that paragraph 2.5 in the report should also contain a third condition: that the application seeks to remove and replace other licensing conditions. These conditions are shown on pages 35 and 36 of the report.

The officer also confirmed that during the consultation period, twenty-two representations were received from other parties (residents).

One representation was received from a Responsible Authority, and this was from the Council's Environmental Health Practitioner. This representation raised concerns relating to the impact of proposed later hours on residents.

Mediation correspondence was also submitted from the Agent via a letter dated 6 November; this was shared by the Panel and relevant parties prior to the hearing.

A Member asked for clarification on the additional conditions the Applicant wanted included, and this was confirmed as being on page 37 of the report.

A Member queried what a sales refusal log was for and if it was used on a day-to-day basis. Mr Betts and Mr Warne summarised the logs' purpose, function and that it was good practise.

The Chairman asked for further detail on staff inductions, training for existing and new staff and the Challenge 25 policy. These questions were answered by Mr Betts and Mr Warne.

Mr Warne addressed the hearing. He said in reflection to two letters received from residents, he would like to propose the following, if the application was granted:

- the premises would keep the same time for Live Music (10:00-23:00) and not pursue a midnight extension.
- Recorded music to stop at midnight. After this time only background music to be played.
- No amplified loud noise or music to take place outside the main building after 23:00 – this condition to remain.

Mr Warne summarised that the Applicant's intention is not to turn the public house into a nightclub and summarised the condition that details: no new last entry to the premises after midnight (Thursday-Saturday) and the dispersal policy at the end of the night. He also discussed signage and the conditions that detail signage on page 71 of the report.

Mr Warne stated that there had been no official complaint against the public house since 2016 and he also discussed the smoking area and arrangements on when it closes.

The Licensing Officer questioned Mr Warne if he was proposing that the Outside Area Management Plan be a condition on the licence itself. Mr Warne clarified that he believed the details of the Plan should not be included as an official condition on the licence as it could be subject to change in response to managing the best needs for residents and the public house.

The meeting adjourned from 3:45 to 3:53pm for the Panel and the Applicants and his Legal representatives to clarify several of the conditions contained in the officer's report and the proposed amends made to these conditions that the Applicant and his team had suggested after the report was published.

The Chairman queried the Applicant and his Legal representatives on potential noise levels that the public house could generate regarding live and recorded music and glass deposal, and how this could be measured.

A Member asked the Applicant how he had addressed residents' concerns regarding customers leaving the public house late at night and potential noise disturbance.

Members queried:

- whether the public house may have to close if the application was not granted.
- How realistic it was that the Outside Area Management Plan would ensure a quieter and smoother leaving of customers at the end of the night.
- How residents will be affected by the proposed changes to opening and serving hours.

The Chairman questioned if vapers would have to use the smoker's area and how no new customers after 11pm would be enforced.

Mr Warne replied that vapers would need to use the smoker's area only and re-entry to the public house from this area would be logged.

The Council's Environmental Health Practitioner addressed the hearing and summarised that he still had concerns regarding the proposed additional hours, the dispersal process at the end of the night and potential noise the smoker's area could generate at that time.

The Environmental Health Practitioner acknowledged that the public house had good signage and the council would continue to monitor the noise levels that the premise's live music would create.

Mr Warne confirmed that late night refreshments included hot beverages.

Mr McCarthy, a resident who had commented on the application spoke to the group. Mr McCarthy said he still had concerns about possible noise disturbance

in the early hours of the morning, that the proposed later hours of the public house may generate.

Mr Warne said he was open to closing the pub's garden at different times if the application was granted. He stated that this however should not be a condition of the licence.

Mr McCarthy asked Mr Betts what type of research and investigation he had done, including gauging residents' opinions before he had submitted the application. Mr Betts said that on reflection he would have consulted residents.

The group discussed how the application was publicised to residents and the community and the Licensing Officer confirmed that all legal obligations had been met.

The Chairman highlighted that he wanted to possibly raise the publication of Licensing applications with Council.

The Licensing Officer and Mr Warne gave their closing statements.

Mr Warne highlighted to the Panel on a map where the smoker's area was. He also highlighted that if residents had any questions or complaints in the future then they should also get in contact with Greene King.

The Chairman closed the Hearing.

Decision Notice - Wyvern Public House

The meeting closed at 4.47 pm