

**Item 5 Application for the variation of a Premises Licence –
Red Lion Country Inn, Clanville, Andover SP11 9HN**

1 The application

- 1.1 The application is by Ewelme Almshouse Charity for the premises the Red Lion Country Inn, Clanville, Andover SP11 9HN. The premises have traded as a public house for a number of years and currently benefit from a Premises Licence which permits live music, recorded music, provision of facilities for dancing and sale and supply of alcohol for consumption both on and off the premises under the terms of the Licensing Act 2003 up to 2300 hours Monday to Saturday and until 2230 hours on Sunday. The licensable activities may continue until 0030 hours Monday to Saturday in conjunction with wedding receptions or parties. A copy of the existing licence is attached as Annex 1 to this report.
- 1.2 The applicant has now applied under section 34 of the Licensing Act 2003 for a variation of this licence. This variation application has attracted representations necessitating the application to be determined at a hearing. The nature of the variation application as submitted is as follows:-
- a) To vary the times for sale of alcohol and provision of regulated entertainment by way of live music, recorded music and provision of facilities for dancing from 1100 to 2300 hours Monday to Saturday and 1200 to 2300 hours Sunday or until 0030 hours in conjunction with wedding receptions or parties (i.e. to bring forward the start time for live music and dancing and to extend the provision of all licensable activities by an extra 30 minutes on Sundays).
 - b) To allow the provision of regulated entertainment as detailed in a) above outdoors as well as indoors.
 - c) To vary the existing conditions attached to the licence to take account of the variations in a) above.
 - d) To amend condition number 4 so as to allow 100 events in the year when regulated entertainment might be provided (i.e. an increase from the current 50 events).
 - e) To remove the existing condition 9 and replace it with the previous voluntary agreement that the Designated Premises Supervisor will monitor music levels at the boundary of the premises to ensure that noise nuisance is kept to a minimum.

A copy of the application is attached as Annex 2 to this report.

2 Background

- 2.1 The premises are in a village setting providing extensive dining and conference facilities. The building is detached standing in its own large grounds and fronting the public highway. There is a restaurant and also a large function room.

3 Promotion of the Licensing Objectives

- 3.1 The applicant makes the following comments in relation to the steps taken to promote the four licensing objectives:-

- a) General – none.
- b) The prevention of crime and disorder – none.
- c) Public safety – none.
- d) The prevention of public nuisance – the insertion of a condition in the licence requiring the Designated Premises Supervisor to monitor music levels.
- e) The protection of children from harm – none.

The measures to promote the licensing objective of prevention of public nuisance are of relevance when considering the representations received.

4 Relevant Representations – Responsible Authorities

- 4.1 **Environment and Health Service** – The Pollution Team have submitted an objection to the application in relation to the licensing objective of the prevention of public nuisance. The particular concerns relate to the provision of regulated entertainment outdoors and the applicant has been asked to agree to a condition restricting the number of outdoor events. The detailed objection is set out in Annex 3 to this report.

- 4.2 The Health and Safety team have no comments to make in relation to the licensing objective of public safety.

- 4.3 **Planning Service** – There is one planning restriction with regard to noise attenuation on the planning history for this site. This relates to an extension permitted under planning permission number TVN.03651/2 and condition 8 requiring sound proofing before the development could be occupied. There are no planning restrictions with regard to opening hours on the planning history for this site. Whilst the application site lies within the countryside,

some concern is expressed for the residential amenities of the neighbouring dwelling (Acre Cottage) particularly with regard to the performance and playing of music outdoors, as the music itself may be an impact and three increased use of an outdoor patio area as a consequence may also result in excessive noise. If the Environment and Health Service are minded not to object on these grounds, then the Local Planning Authority also has no objection.

4.4 **Hampshire County Council Trading Standards** – No representation.

4.5 **Hampshire Fire and Rescue Service** – No representation.

5 Relevant Representations – Interested Parties

5.1 There are no representations from interested parties.

6 Policy Considerations

6.1 It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant.

5.46 – The operating schedule

5.47 – Steps to promote the licensing objectives

5.65 – Considering applications for new and major variations

7.38 – Public nuisance

6.2 It is considered that the following extracts from the Licensing Authority's own Statement of Licensing Policy are relevant to this application:

Section C: Prevention of Public Nuisance

The Statement of Licensing Policy is enclosed with a copy of this report for Members of the Committee. Additional copies will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Administration Service or downloaded from the Council's website.

7 Observations

7.1 The Committee is obliged to determine this application with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council's own Statement of Licensing Policy. The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- a) Grant the application as requested
- b) Modify the conditions of the licence, by altering or omitting or adding to them. (The Committee may where appropriate attach different conditions to different parts of the premises concerned and/or to different licensable activities).
- c) Reject the whole or part of the application (in the case of the latter for example by only allowing some of the licensable activities or permitting them to take place at times other than those requested).

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote one or more of the four licensing objectives:-

- a. Prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Premises Licence variation application for the Red Lion Country Inn, Clanville and all associated paperwork			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	3		
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