

LICENSING SUB – COMMITTEE

6 September 2005

Report of City Secretary and Solicitor

Contact Officer: Ceri Ponzi. Tel No: 01962 848118

Application to Vary the Premises Licence for:

**Savannah
8 – 9 Jewry Street
Winchester**

Part A.	Report	<i>Buff</i>
1	Application	
2	Responsible Authorities	
3	Interested Parties	
4	Observations	
5	Conditions	
6	Other Considerations	
Part B.	Appendices	
Appendix 1	Application	<i>White</i>
Appendix 2	Representations from Responsible Authorities	<i>Green</i>
Appendix 3	Other Appendices	<i>White</i>

Part A.**1. Application****Applicant:** Wolverhampton and Dudley Breweries plc**Premises:** Savannah, 9 Jewry Street, Winchester**Conversion of the Existing Licence/s.**

The conversion of the existing licence(s) was granted under delegated powers on 17 August 2005.

The current permitted hours are;

Monday to Saturday	1000 to 2300
Sunday and Good Friday	1200 to 2230
Christmas Day	1200 to 1500 1900 to 2230
New Year's Eve	1000 to 2300 1 January 1900 to 2230

The above hours are extended by one hour after the terminal hour on Sundays to Saturdays, and during the period 1500 to 1900 on Christmas Day, by virtue of a Supper Hour Certificate, for persons taking a table meal.

The premises hold a Public Entertainment Licence and a Special Hours Certificate extending the hours for alcohol, music, singing and dancing to:-

Monday to Wednesday	0000
Thursday and Saturday	0100
Friday	0200

The conditions attached to the Public Entertainment Licence are transferred to the Premises Licence.

Application for Variation.

The application is for variation of the Premises Licence during the Transitional Period under Schedule 8 paragraph 7(b) of the Licensing Act 2003, to extend the hours when the premises are open to the public, for the sale of alcohol, regulated entertainment and late night refreshment

The application is also to remove all embedded restrictions inherent in the Licensing Act 1964, Supper Hour Certificate and Special Hours Certificate.

Notice of the application was displayed outside of the premises for a period of 28 days until 12 August 2005, and advertised in the Hampshire Chronicle.

The Operating Schedule, copied at Appendix 1, proposes the Relevant Licensable Activities as:

1 Regulated Entertainment (B,C,E,F,H,G,I,J)

Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance

Monday to Wednesday 1000 to 0000

Thursday to Saturday 1000 to 0200

Sunday 1100 to 0000

When hours for sale of alcohol are extended these hours are also extended

2 Late Night Refreshment (L)

Monday to Wednesday 2300 to 0000

Thursday to Saturday 2300 to 0200

Sunday 2300 to 0000

When hours for sale of alcohol are extended these hours are also extended

3 Supply of Alcohol (M)

Monday to Wednesday 1000 to 0000

Thursday to Saturday 1000 to 0200

Sunday 1100 to 0000

4. Hours Premises Open To The Public (O)

Monday to Wednesday 0830 to 0030

Thursday to Saturday 0830 to 0230

Sunday 0830 to 0030

Premises open to the Public from 0830 to 1000 for the sale of food and non-alcoholic drinks

In the event that the application for the above hours is not granted, the applicant is applying for an alternative terminal hour of 0100 on Friday, Saturday, Sunday and Monday at Bank Holiday weekends, Christmas Eve, Boxing Day and to open to the same hour on up to 20 occasions per annum upon 7 days prior notice to the Police. In addition – Christmas Day 1100 to 2300 and New Years Eve 1000 to New Years Day with the terminal hour as proposed.

Other times to coincide with any special sporting event, with 7 days prior notice to Police.

(The above letters in brackets refer to the relevant sections of the application form)

Designated Premises Supervisor

Tristram Hugh Stafford-Langan

Steps to promote the Licensing Objectives

Please see Section Q Appendix 1

Removal of Embedded Restrictions

The application includes an application to remove the embedded restrictions inherent in the Licensing Act 1964. In respect of these premises, these relate to the following matters:-

- (a) Permitted hours (limitation of sale of alcohol to the standard permitted hours for licensed premises under the 1964 Act).
- (b) Children prohibited from bars (Note that Section 145 Licensing Act 2003 restricts unaccompanied children in premises supplying alcohol).
- (c) Children's Certificates (Section 168A(1) of the 1964 Act (as amended)) provides for children's certificates to be issued, allowing children into designated areas of licensed premises. No Children's Certificate submitted with this application).
- (d) Supper Hours Certificate (section 68)

Public Entertainment Licence Conditions:-

- (a) The applicant has asked for the removal of the Condition relating to door staff, however there is no such specific condition attached to their Public Entertainment Licence.

Notice of Hearing

Notices of the hearing were sent to all Parties on 19 August 2005.

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application and make the following representations:

Director of Communities

No representations received.

Hampshire Constabulary

Hampshire Constabulary has made representations with regard to the premises staying open until 0100 on up to 20 occasions per year. Hampshire Constabulary has also made representations with regard to the period of notice offered by the applicant to broadcast televised sporting events of National or International interest. In addition, Hampshire Constabulary has also made representations with regard to the provision of door staff at the premises. These representations are shown at Appendix 2.1.

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Director of Development

No representations received.

Head of Safety Standards

No representations received.

3. Interested Parties

None

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 such of the following steps it considers necessary to promote the Licensing Objectives:

1. Grant the application as per the application, or
2. Modify the conditions of the licence by alteration or addition, or
3. Reject the whole or part of the application.

Decisions made under 2 or 3 above must actually be necessary to promote the Licensing Objectives.

Terminal hours.

The Sub-Committee should take account of the National Guidance and the Council's Licensing Policy with regard to terminal hours and take such steps as it considers necessary to promote the Licensing Objectives.

(Licensing Policy A8)

Licensing Objectives.

Crime and Disorder

The Sub-Committee should consider any necessary conditions to prevent crime and public disorder relating to the premises having regard to the observations of the Police.

(Licensing Policy 1.6, 2.11, 2.17)

Public Safety

The Sub-Committee should consider any necessary conditions relating to public safety having regard to the Council's Licensing Policy.

(Licensing Policy B3, B4)

Public Nuisance

The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise from the premises having regard to the Councils Licensing Policy (Licensing Policy Section C)

Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children having regard to the Operating Schedule

(Licensing Policy 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, necessary 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.

5. Conditions

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

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.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Possible Conditions

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule:

Operating Hours

1. The hours the premises may open for other than Licensable Activities shall be:

- | | | |
|-------|-----------------------------|---------------------|
| (i) | Monday to Wednesday | 0830 to 0030 |
| (ii) | Thursday to Saturday | 0830 to 0230 |
| (iii) | Sunday | 0830 to 0030 |

2. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|------|-----------------------------|---------------------|
| (i) | Monday to Wednesday | 1000 to 0000 |
| (ii) | Thursday to Saturday | 1000 to 0200 |
| (ii) | Sunday | 1100 to 0000 |

3. The hours the premises may be used for regulated entertainment shall be:

- | | | |
|-------|-----------------------------|---------------------|
| (i) | Monday to Wednesday | 1000 to 0000 |
| (ii) | Thursday to Saturday | 1000 to 0200 |
| (iii) | Sunday | 1100 to 0000 |

4. The hours the premises may be used the provision of late night refreshment shall be:
- (i) **Monday to Wednesday** **2300 to 0000**
 - (ii) **Thursday to Saturday** **2300 to 0200**
 - (iii) **Sunday** **2300 to 0000**
5. The licence holder shall give 10 days notice in writing to the Police when it is proposed to open the premises for Licensable activities to show the broadcast of televised sporting events of National or International interest outside normal operating hours. The Police shall have the power to veto such opening times.

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

1. No customers apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises are open to the public.
2. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
3. There shall be four Doorstaff on duty when the Premises close at 0200 and three Doorstaff when the premises close at 0100. High visibility jackets shall be worn by the Doorstaff in order to clearly identifying them.

Public Safety

1. The maximum occupancy of the building (including staff and performers) shall not exceed 200 persons on the Ground Floor and 100 persons on the First Floor.

Public Nuisance

1. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
2. The licence holder shall ensure that noise and vibration shall not emanate from the premises so as to cause nuisance to nearby premises.
3. Noise from the premises after 2300 shall be inaudible at all times in all noise sensitive premises within the vicinity of the licensed premises.
4. Regulated entertainment shall be restricted to the inside of the premises.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.

Removal of Embedded Restrictions

1. The provisions of the Licensing Act 1964 shall not apply.
2. The provisions of the Cinematograph (Safety) Regulations 1955 and the Children and Young Persons Act 1933 shall apply.

Informatives

The following measures are recommended to the Licensee, but are not being suggested as conditions, and would not be enforceable under the Licensing Act. In many cases, however, they may be requirements under other legislation.

1. All doors on escape routes should be free from fastenings, or if fitted should only be simple fastenings that can be readily operated from the side approached by people making an escape. The operation of these fastenings should be without the use of a key and without having to manipulate more than one mechanism.
2. Periodic inspection certificates should be kept on the premises for the emergency lighting, fire fighting equipment, and fire alarm and detection system.
3. Copies of fire test results on any fabrics should be held on the premises for inspection if required.
4. If the premises are not fitted with a fire alarm and detection system then a written procedure for raising the alarm should be kept on the premises.

6. Other Considerations

Corporate Strategy (Relevance To:)

This report covers issues which affect the Community safety, Economic Prosperity, and Cultural and Leisure Opportunities of the Corporate Strategy.

Resource Implications

None

Appendices

1. Application by Wolverhampton and Dudley Breweries plc
2. Representations by Responsible Authorities
 - 2.1 Hampshire Constabulary
3. Map of premises location.