

FOR DECISION  
WARD(S): St Michael

**LICENSING SUB – COMMITTEE**

3 July 2012

Report of the Head of Legal Services

Contact Officer: John Myall. Tel No: 01962 848443

Application: Variation of a Premises Licence

Premises: Bar 3 One  
31b The Square  
Winchester  
SO23 9EX

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**Part A.****1. Application****Applicant:** Fun N Games (South) Ltd.**Premises:** Bar 3 One

- 1.1 This report refers to an application made under Section 34 of the Licensing Act 2003, for a variation of the premises licence for Bar 3 One.
- 1.2 The current premises licence allows live and recorded music, and dancing, and the supply of alcohol for consumption both on and off the premises. These timings are shown on the current premises licence at Appendix 1a.
- 1.3 The purpose of the application is to extend the hours for the provision of licensable activities, vary the condition relating to door supervisors, add the activity late night refreshment.
- 1.4 It is also to include in the licensed area, the outside courtyard.
- 1.5 The application is to extend the terminal hour for recorded music by one hour to 0230 Mondays, Tuesday and Wednesdays, and by 30 minutes to 0100 on Thursday, Friday and Saturday, and two hours to 0100 on Sundays
- 1.6 The terminal hour for performance of dance, facilities for dancing, and making music are to extended to the same terminal hours shown above in paragraph 1.3, from 0000 Mondays, Tuesday and Wednesdays, 0100 on Thursday, from 0200 on Friday and Saturday, and from 2300 on Sundays.
- 1.7 The application also covers late night refreshment until 0230 Mondays, Tuesday and Wednesdays, to 0100 on Thursday, Friday and Saturday, and 0100 on Sundays
- 1.8 Current hours for the sale of alcohol are 1000 to 0100 Monday to Wednesday, Thursday to Saturday 1130 to 0230, Sunday 1000 to 0000 and for 24 hours on New Year's Eve, for consumption on and off the premises.
- 1.9 The applicant seeks to extend those hours to 0230 Monday, Tuesday and Wednesday, Thursday, Friday and Saturday to 0300, Sunday to 0100, for the sale of alcohol for consumption on the premises only.
- 1.10 Notice of the application was displayed outside of the premises for a period of 28 days until 29 May 2012, and advertised in the Hampshire

Chronicle within the prescribed period.

- 1.11 The Operating Schedule, copied at Appendix 1b, proposes the Relevant Licensable Activities. The applicant has not detailed any further steps to promote the licensing objectives.
- 1.12 A representation was received from the Head of Environmental Protection relating to the public nuisance objective. Appendix 2a.
- 1.13 A representation was received from the Chief Officer of Police for Hampshire relating to the crime and disorder, public safety, and public nuisance objectives. Appendix 2b.
- 1.14 Representations were received from three interested parties relating to all of the licensing objectives. Appendix 3.
- 1.15 Notices of the hearing were originally sent to all Parties on 12 June 2012, however owing to the applicant's availability, a new date was set and new hearing notices sent on 19 June 2012.

## **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:

#### **Head of Environment**

A representation was received from the Head of Environmental Protection relating to the public nuisance objective.

#### **Hampshire Constabulary**

A representation was received from the Chief Officer of Police for Hampshire relating to the crime and disorder, public safety, and public nuisance objectives.

#### **Hampshire Fire and Rescue Service**

No representations received.

#### **Child Protection Team**

No representations received.

#### **Head of Building Control**

No representations received.

#### **Head of Safety Standards**

No representations received.

#### **NHS Public Health Manager**

No representations received.

#### **Licensing Authority**

No representations received.

**3. Interested Parties**

1. Mr A Mawson
2. Mrs J Klingels
3. Mr & Mrs G Scott
4. Cllr I Tait

#### **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 licence subject to conditions in accordance with the operating schedule (modified to such extent as the authority considers necessary for the promotion of the licensing objectives) and the mandatory conditions;
2. exclude from the scope of the licence any of the licensable activities to which the application relates;
3. refuse to specify a person in the licence as the premises supervisor;
4. reject the application.

#### **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 Part 4, 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 and the other parties.

(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 observations of the Head of Environmental Protection, the Police and the other parties.

(Licensing Policy Part 4, B3, B4)

### Public Nuisance

The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise and light pollution from the premises having regard to the observations of the Head of Environmental Protection, the Police and the other parties.

(Licensing Policy Part 4, Section C)

### Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children having regard to the Council's Licensing Policy.

(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, 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**

The following conditions are imposed on a premises licence in any case.

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.
4. No film shall be exhibited unless it has received a U, PG, 12, 15 or 18 certificate from the British Board of Film Classification, or it is a current newsreel which has not been submitted to the British Board of Film Classification. The admission of children shall be restricted in accordance with the recommendations of the British Board of Film Classification.
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
9. 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 a holographic mark.
10. The responsible person shall 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: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

### **Possible Conditions**

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule:  
[Varied hours shown in *italics*]

#### Operating Hours

##### 1. Live Music (No Change)

- (i) **Monday to Wednesday 1100 to 0000**
- (ii) **Thursday 1100 to 0100**
- (iii) **Friday 1100 to 0200**
- (iv) **Saturday 1100 to 0100**
- (v) **Sunday 1200 to 2300**

#### Recorded Music

- (i) **Monday to Wednesday 1130 to 0230**
- (ii) **Thursday to Saturday 1130 to 0300**
- (iii) **Sunday 1130 to 0100**

##### 2. Performance of Dance

Anything of similar description to Live Music, Recorded Music or Performance of Dance

Provision of facilities for making music

Provision of facilities for dancing

Provision of facilities for entertainment of a similar description to making music or dancing

- (i) **Monday to Wednesday 1100 to 0230**
- (ii) **Thursday to Saturday 1100 to 0300**
- (iii) **Sunday 1200 to 0100**

**3. Late night refreshment**

- (i) **Monday to Wednesday 2300 to 0230**
- (ii) **Thursday to Saturday 2300 to 0300**
- (iii) **Sunday 2300 to 0100**

**4. Supply of Alcohol**

- (i) **Monday to Wednesday 1100 to 0230**
- (ii) **Thursday to Saturday 1100 to 0300**
- (iii) **Sunday 1200 to 0100**
- (vi) **New Years Eve 1000 to 1000 1 January (1200 if on a Sunday) (No Change)**

**The above hours may be extended by 1 hour on; Christmas Eve and Bank Holidays. (No Change)**

**All Licensing Objectives**

If the application is granted, the Sub Committee may wish to consider any additional conditions considered appropriate to promote the licensing objectives.

## **6. Other Considerations**

### **Sustainable Community Strategy and Change Plans (Relevance To:)**

This report covers issues which affect the principles of "Active Communities and a Prosperous Economy."

### **Resource Implications**

A licence fee of £315 has been received. This is a statutory fee to cover the administration of the licensing process.

### **Appendices**

1. Application by Fun N Games (South) Ltd
2. Representations by Responsible Authorities
3. Representations by Interested Parties
4. Map of premises location.



## Premises Licence

**Premises Licence Number**

PREM196

11/01977/LAPRMT

### Part 1 – Premises Details

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

Bar 3 One  
31B The Square  
Winchester  
Hampshire  
SO23 9EX

**Telephone number**

**Where the licence is time limited the dates**

**Licensable activities authorised by the licence**

- e) Live Music
- f) Recorded Music
- g) Performance of Dance
- h) Anything of similar description to Live Music, Recorded Music or Performance of Dance
- i) Provision of facilities for making music
- j) Provision of facilities for dancing
- k) Provision of facilities for entertainment of a similar description to making music or dancing
- m) Supply of Alcohol

**Times the licence authorises the carrying out of licensable activities**

- e) Live Music
  - (i) **Monday to Wednesday 1100 to 0000**
  - (ii) **Thursday 1100 to 0100**
  - (iii) **Friday 1100 to 0200**

(iv) **Saturday** 1100 to 0100

(v) **Sunday** 1200 to 2300

f) Recorded Music

(i) **Monday to Wednesday** 1130 to 0130

(ii) **Thursday to Saturday** 1130 to 0230  
(14 December 2010 to 14 March 2011 1130 to 0200)

(iii) **Sunday** 1130 to 0000

g) Performance of Dance

h) Anything of similar description to Live Music, Recorded Music or Performance of Dance

i) Provision of facilities for making music

j) Provision of facilities for dancing

k) Provision of facilities for entertainment of a similar description to making music or dancing

(i) **Monday to Wednesday** 1100 to 0000

(ii) **Thursday** 1100 to 0100

(iii) **Friday** 1100 to 0200

(iv) **Saturday** 1100 to 0100

(v) **Sunday** 1200 to 2300

m) Supply of Alcohol

(i) **Monday to Wednesday** 1000 to 0100

(ii) **Thursday to Saturday** 1130 to 0230  
(14 December 2010 to 14 March 2011 1130 to 0200)

(iii) **Sunday** 1000 to 0000

(vi) **New Years Eve** 1000 to 1000 1 January (1200 if on a Sunday)

**The above hours may be extended by 1 hour on; Christmas Eve and Bank Holidays.**

**The opening hours of the premises**

n/a

**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**

Fun N Games (South) Ltd  
 40 Pearson Avenue  
 Parkstone  
 Poole  
 Dorset  
 BH14 0DT

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

Registered Company Number                      7669 654  
 Registered Charity Number

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

Lee William Davies  
 187 Barnes Lane  
 Sarisbury Green  
 Southampton  
 SO31 7BH

**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                      **2006/00202/02SPEN**  
 Licensing Authority                              **Southampton City Council**

Head of Legal Services

**Annex 1 – Mandatory conditions**

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.
4. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
5. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
8. 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 a holographic mark.
9. The responsible person shall 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: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

**Annex 2 – Conditions consistent with the Operating Schedule****Crime and Disorder**

1. CCTV - see Annexe 3 Condition 9.

2. The premises shall be a member of the local Pubwatch scheme and utilize radio contact with the Local Control Room if available.
3. There shall be no entry to new patrons after 0130 on any night.

### **Public Safety**

1. There shall be at least six SIA registered Door Staff, three of which will be deployed inside the premises on duty from 2100 until close on Thursday and Saturday evenings, and at least two SIA registered doorstaff on duty on Fridays, or when the premises are open for licensable activities after 0100. (Minor variation 5 January 2011) see also Annexe 3 Condition 6.
2. All Door Staff shall wear reflective jackets and name badges. See also Annexe 3 Condition 7.
3. Staff shall be given instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. Prominent clear notices shall be displayed at the point of sale and at the exit to the premises requesting patrons to use litter bins provided and requesting customers to respect the needs of local residents, to leave the area quietly.

### **Public Nuisance**

1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.

### **Protection of Children**

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme. See Mandatory condition 7.
2. No person under the age of 18 shall be permitted on the premises after 2100.

### **Conditions from existing licences:-**

### **Justices On-Licence**

None

### **Public Entertainment Licence**

The number of persons permitted to be in the whole premises whilst in use for the purposes of this Licence shall not exceed 250. The maximum number of persons in the Upstairs Bar shall not exceed 120 at any time (or 200 at any one time provided that improvements to the first floor fire escape have been completed to the written satisfaction of City Secretary and Solicitor in consultation with the Head of Building Control and the Hampshire Fire and Rescue Service).

A written plan of evacuation of the premises in the event of an emergency shall be maintained. All staff shall be made aware of the plan, which should include the role of each individual member of



staff in the event of an emergency evacuation. All staff should be trained in implementation of the plan.

All doors and windows that are capable of being opened directly to the outside of the premises shall not be kept open, wedged open, or maintained open by a mechanical or other device whilst the premises are in use for the purposes of this Licence. Both sets of doors at the front of the premises shall be kept shut as far as possible whilst music is being played and one set of doors shall be kept shut while people are entering and leaving the premises.

### INSCRIPTION

There shall be affixed and kept up on some conspicuous place on the outer side of the principal door or over and outside the principal entrance of the place licensed an inscription in capital letters not less than one inch in height in the words following: -

"Licensed in pursuance of Act of Parliament for the public ... "followed by a word or words indicating the purpose for which the place is licensed.

### HOURS OF OPENING

The place licensed shall not be opened for the purpose of public entertainment between 2.00am and 8.30am on any day.

### RESPONSIBLE PERSON

The licensee or a responsible person nominated by the licensee in writing, not being a person being under 21 years of age shall be in charge of, and present in the place licensed at all times members of the public are present.

### MAXIMUM NUMBERS

The maximum numbers of persons to be admitted at any one time to the licensed premises shall not exceed the number specified in the licence.

### ATTENDANTS AND SECURITY PERSONNEL

During the time the premises are in use for public entertainment, there shall be in attendance the following numbers of staff or other attendants acquainted with the established routine to be followed in the case of fire or other emergency. The aim of the attendants should be the avoidance of panic and the orderly evacuation of the premises:-

Up to 25 persons	2 attendants
Over 25 persons	4 attendants for the first 250 persons 1 attendant for each of the additional 250 persons
Where at any licensed function the majority of persons attending are under the age of 16 years	Double the above number of attendants plus one attendant for each exit

### OR SUCH LOWER NUMBER OF ATTENDANTS AS MAY BE AGREED IN WRITING BY THE LOCAL AUTHORITY

**Where an attendant is responsible for security, protection, screening the suitability of people entering premises or conflict management they must be licensed by the Security Industry Authority.**

### SAFETY OF PERSONS

The licensee shall take all precautions necessary for the safety of persons frequenting the licensed premises.

### FORM OF ENTERTAINMENT

No public entertainment shall be permitted or suffered to take place in the place licensed which is licentious, indecent or likely to produce riot, tumult or breach of the peace.

### BEHAVIOUR

The Licensee shall to the best of his ability maintain and keep good order and decent behaviour on the licensed premises whilst open for public entertainment.

### NUISANCE

No public entertainment shall be permitted or suffered to take place in the place licensed which is a nuisance, annoyance or inconvenience to the occupiers of any other property.

### INTOXICATION

No person shall be permitted or suffered to enter or remain within the place licensed while in a state of intoxication

### OFFENDERS

If any disorderly conduct shall take place, the Licensee shall himself and his employees assist to the utmost in the apprehension or expulsion of the offenders.

### HYPNOSIS

No exhibition, performance or demonstration of hypnotism shall be permitted at the place licensed except with the express written consent of the Council.

Permitted exhibitions, performances or demonstrations of hypnotism shall be in accordance with the conditions set out in the Home Office Circular 42/89.

### SEATING

Seating, tables and chairs and other furniture and fittings shall be so arranged as to allow free and ready access to exits.

### FLOOR COVERINGS

All floor coverings shall be secured and maintained in such a way as to prevent unevenness in the floor level.

## CURTAINS AND DRAPES

Curtains shall be adequately supported and where hung across doorways or across corridors they shall be arranged as to draw easily from the centre and slide freely, and be so hung that they are clear of the floor and shall be treated with fire retardant.

## TOILETS

Adequate and separate sanitary conveniences suitably marked shall be provided for persons of both sexes and shall be maintained in good working order and kept in a clean condition.

## EXITS

The number, size and position of all doors or openings provided for the purpose of the egress of the public from the premises shall be to the satisfaction of the Licensing Authority.

Doors and Fastenings – Unless otherwise permitted in writing by the Council, exit doors and gates shall open in the direction of exit, and shall in all cases be free from fastenings other than panic bolts or other such fastenings as shall be approved by the Council. Any panic bolts or other approved fastenings must be signed “PUSH BAR TO OPEN” or as is appropriate to the fastening to ensure that the mode of operation is readily apparent to any person.

Exit Routes – All exit routes including passages, courts, ramps, and stairways, which lead from the place licensed to the outside, shall at all times be kept free from obstruction.

## LIGHTING AND HEATING

Provisions – All parts of the place licensed shall be suitably and adequately illuminated. Except where otherwise permitted in writing by the council, all those parts to which the public have access and all exit routes shall be illuminated by at least two independent sources each of a standard approved by the Council.

Standard of Illumination – The illumination from each source shall be sufficient to enable the public, performers and staff to see their way out of the place licensed in safety at any time, and shall not be derived from pre-payment meters.

Segregation of the Two Systems of Lighting – The two or more lighting systems provided shall each be so installed so that a fault or accident arising in one system shall not jeopardise any other system.

Exit Notices – Each exit route from the parts of the place licensed to which the public has access shall be signed “Exit” in the manner approved by the Council. Each sign so provided must be illuminated, internally or otherwise, by at least two independent sources.

Special Effects – No laser beam or other hazardous effect may be used in the place licensed without prior written approval of the Council. The Licensee must give at least 21 days notice to the Council to allow adequate consideration.

The form of heating of the licensed premises shall be to the satisfaction of the Council.

Safety in Heating Appliances – No heating appliances shall be used in proximity to any woodwork, curtains, drapes or other materials likely to be ignited by use of the appliance.

All heating appliances must be sufficiently guarded or protected so as to avoid injury to any person.

### ELECTRICAL INSPECTIONS

All electrical installations shall be inspected every three years by a competent qualified electrician to the requirements of the Institute of Electrical Engineers Wiring Regulations and a Certificate as to the condition of the electrical installations shall be furnished to the Council.

In the intervening years the electrical installations shall be inspected annually by a competent electrician.

Any alterations, modifications or extensions to the electrical installations with which the premises are provided shall be carried out by a competent electrician and shall be strictly in accordance with the Institute of Electrical Engineers Regulations. Any portable electrical appliances or equipment used in the premises shall be in efficient working order and correctly wired and connected.

### FIRE PRECAUTIONS

Except with the written consent of the Council and subject to any conditions which may be attached to such consent, explosives or highly inflammable material shall not be brought in or used on the premises.

The use of naked flame shall not occur except when strictly necessary to any performance and when expressly permitted in writing by the Council.

Combustible or flammable materials or liquids shall not be stored within the place licensed except with the written consent of the Council and subject to any conditions which may be attached to such a consent.

If it appears to the council that the use of material, fabric or finish might assist the spread of fire, then it may require the material fabric or finish to be removed or treated forthwith in such a manner as to reduce the risk.

### SWITCHES

All gas taps and electric switches used in connection with the lighting or heating of the place licensed shall be rendered inoperable other than by the licensee, the responsible person in charge of the place licensed and any staff or attendant employed by the Licensee.

### FIRE FIGHTING EQUIPMENT

There shall be provided in the place licensed fire fighting equipment of a standard approved by the Fire Officer and acceptable to the Council. Such equipment shall be examined at least once annually by a competent person. All portable fire extinguishers shall be inspected and tested by a competent person. The date on the test to be clearly marked on a label firmly fixed to the extinguisher.

### CEILINGS

Where considered necessary, provision shall be made to the Council's satisfaction, for the examination from the above of any suspended ceiling over parts of the premises to which the public have access and such other parts of the premises as the Council may deem necessary.



**CONSTRUCTION**

Wall and Ceiling Linings, Insulation, Treatment, etc – Any material used as a wall or ceiling lining, or as a suspended ceiling, or for acoustic or thermal insulation purposes shall be to the Council's satisfaction and shall be fixed and supported in such a manner as may be approved by the Council.

Note: For the purpose of this condition the council will normally require such material to be non-combustible or be rated class 1 of the classification for the surface spread of flame when tested in accordance with the appropriate British Standards and be throughout its thickness of no greater flammability than its surface. Certain other materials may, however, be accepted subject to compliance with such conditions as the Council may consider appropriate in the circumstances of the case.

**ALTERATIONS**

No structural or other alteration of the place licensed or of the means of exit there from shall be made during the continuance of this licence without the written approval of the council except such alterations as shall from time to time be approved by the licensing justices under the Licensing Acts.

NB: The council has no power to retrospectively approve unauthorised alterations made during the period of the licence.

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

Review 22 November 2010 to have effect from 14 December 2010.

1. The Designated Premises Supervisor, Lee Davies shall attend and pass the National Certificate for Designated Premises Supervisors Course (NCDPS) within 3 months.
2. A Personal Licence Holder shall be on the premises at all times whilst licensable activities are being provided;
3. All licensable activities to cease at 02:00 Thursday to Saturday for a period of 3 months after which the hours will revert to 0230 (sale of alcohol and recorded music).
4. Door staff at all times to use a clicker system or other system approved by the Police to ensure compliance with the capacity limit of the premises;
5. All door staff to be trained in the use of the clicker (or other) system, such training to be documented in writing and available to the Police and Licensing Authority upon request;
6. There shall be at least six SIA registered Door Staff, three of which will be deployed inside the premises on duty from 2100 until close on Thursday and Saturday evenings, and at

least two SIA registered doorstaff on duty on Fridays or when the premises are open for licensable activities after 0100,. (Minor variation 5 January 2011)

7. All internal door staff shall wear clearly identifiable reflective arm bands showing SIA identification. (See also Public safety condition 2.)
8. Written records shall be made on a daily basis of all incidents at the venue, with details of the door staff involved. These records shall be made available for inspection by the Police during normal operating hours;
9. A CCTV System shall be installed and maintained to a standard agreed with Police within 3 months;
  - i. The system shall be capable of producing evidential standard quality images with a minimum of six frames per second operating in normal conditions within the public areas.
  - ii. All public areas shall be covered by CCTV. This shall include the front door and bar areas and shall be capable of providing good quality head and shoulder images;
  - iii. All images shall be retained for 30 days and made available to an authorised officer on request;
  - iv. There shall always be a member of staff capable of operating the CCTV system whilst the premises are open for licensable activity;
  - v. Any images recovered shall be in a format that can be readily taken away and viewed on any computer operating on any windows based program acceptable to the Police, or DVD player. This will be without the requirement for addition software to be installed;
  - vi. The CCTV system shall be operating at all times whilst the premises are open for licensable activity;
  - vii. Records shall be made and kept for inspection to show that the system is functioning correctly and that data is being securely retained;

10. There should be no entry or re-entry to the premises by any customers after 0100 hours on Thursday to Saturday inclusive, for a period of 3 months after which the hours will revert to 0130, save for using the enclosed side yard for smokers;
11. No Regulated Entertainment consisting of amplified or live music shall be provided until a noise limiter is installed, calibrated and maintained to the written satisfaction of the Licensing Authority . All amplification systems shall be routed through the noise limiter;
12. An acoustic report, prepared by a competent person shall be obtained by the Premises Licence Holder within 21 days, and any remedial works proposed by that report to be agreed, implemented and completed to the satisfaction of the of the Licensing Authority. Any remedial works shall be completed within a timescale agreed by the Licensing Authority.
13. A noise management plan shall be in place to ensure that there are suitable measures taken to prevent unreasonable disturbance to neighbours. The plan shall be approved in writing by the licensing authority and any proposed amendments by either party shall be agreed in writing by both parties;
14. Wind down period
  - i. During the last 30 minutes of bar service the points in each bar will be reduced and certain staff re-allocated to collecting glasses or to offer service to assist customer departure from the premises;
  - ii. Volume levels, type and tempo of music played and gradual increase in lighting levels within the venue will be used to encourage the gradual dispersal of patrons during the last part of trading and during the drinking up period.
  - iii. The premises shall use a dispersal procedure, amended from time to time in consultation with the Police and a copy of which is attached, to ensure the gradual dispersal of patrons at the end of the evening.
  - iv. DJ announcements may be used to encourage gradual dispersal and to remind customers of consideration for neighbours.
15. The premises shall maintain a Neighbours' Charter.

**Annex 4 – Plans** See attached





**Winchester**  
City Council



**Application to vary a premises licence 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.

**The** Fun N Games (South) Ltd.  
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	PREM 196
-------------------------	----------

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
31 <sup>b</sup> The Square Winchester Hants			
Post town	Winchester	Post code	SO23 9EX

Telephone number at premises (if any)	01962 849236 / 07775 71723
Non-domestic rateable value of premises	£

**Part 2 – Applicant details**

Daytime contact telephone number	
E-mail address (optional)	

29/5

Current postal address if different from premises address			
Post Town		Postcode	

**Part 3 - Variation**

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

① would like to extend hours on a Monday, Tuesday and Wednesday to 02.30 hrs (0230) and Thursday Friday and Saturday to 03.00 hrs Sunday closing

② would also like to reduce floor supervisors to 4 on a Thursday and Saturday. The door supervisors were amended on our licence following a licence review however this was only for a 3 month period.

③ would also like to include our Smoking area as part of our premises licence plan attached.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Proposed variation continued

(4) Provide late night refreshments

5 Sale of tea/coffee and food throughout the day from 8.00 am

**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment**

**Please tick yes**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

**Provision of late night refreshment (if ticking yes, fill in box L)**

**Sale by retail of alcohol (if ticking yes, fill in box M)**

In all cases complete boxes N, O and P

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>Indoors or outdoors or both</u> - please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon		02:30	Please give further details here (please read guidance note 3) <i>Music will be amplified but on a limiter so not loud</i>	Bath	<input type="checkbox"/>
Tue		02:30			
Wed		02:30	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur		03:00 <del>02:30</del>			
Fri		03:00 <del>02:30</del>	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat		03:00 <del>02:30</del>			
Sun		<del>03:00</del> 01:30			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick (see guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			<b>Please give a description of the facilities for dancing you will be providing</b>  Dance floor inside		
Day	Start	Finish	<b>Please give further details here (please read guidance note 3)</b>		
Mon		02.30			
Tue		02.30			
Wed		02.30	<b>State any seasonal variations for providing dancing facilities (please read guidance note 4)</b>		
Thur		03.00			
Fri		03.00			
Sat		03.00	<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sun		01.00			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take <u>place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon.		02.30	<b>Please give further details here</b> (please read guidance note 3)  Provide food during evening	Both	<input type="checkbox"/>
Tue		02.30			
Wed		02.30	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur		03.00			
Fri		03.00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat		03.00			
Sun		01.00			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption</b> (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Mon		02:30			
Tue		02:30			
Wed		02:30			
Thur		03:00			
Fri		03:00			
Sat		03:00			
Sun		01:00			
			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 8)



Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

N/A

**b) The prevention of crime and disorder**

N/A

**c) Public safety**

N/A

**d) The prevention of public nuisance**

N/A

**e) The protection of children from harm**

N/A

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures** (please read guidance note 10)

**Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.**

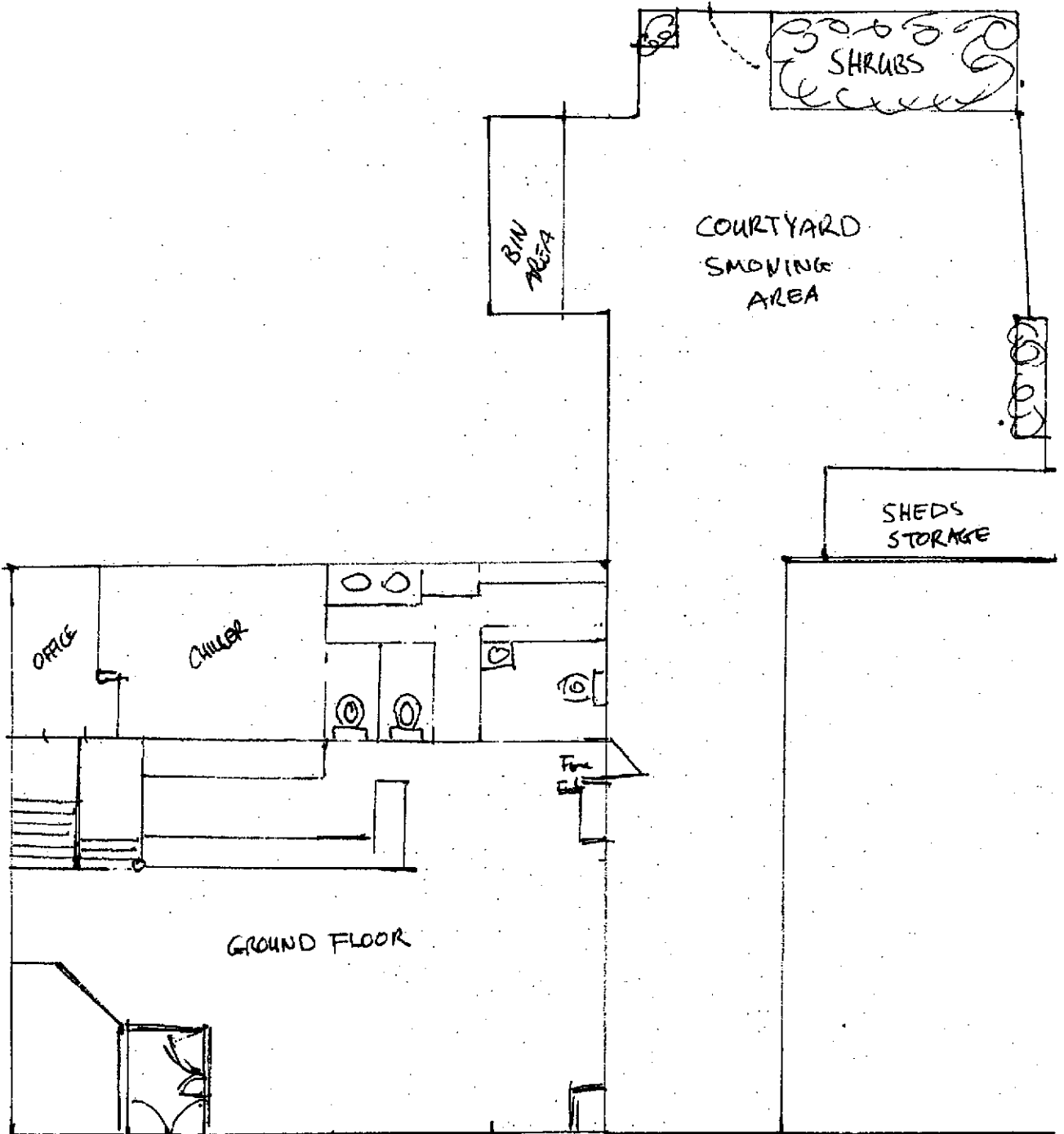
Signature	
Date	28/04/2012
Capacity	Company director

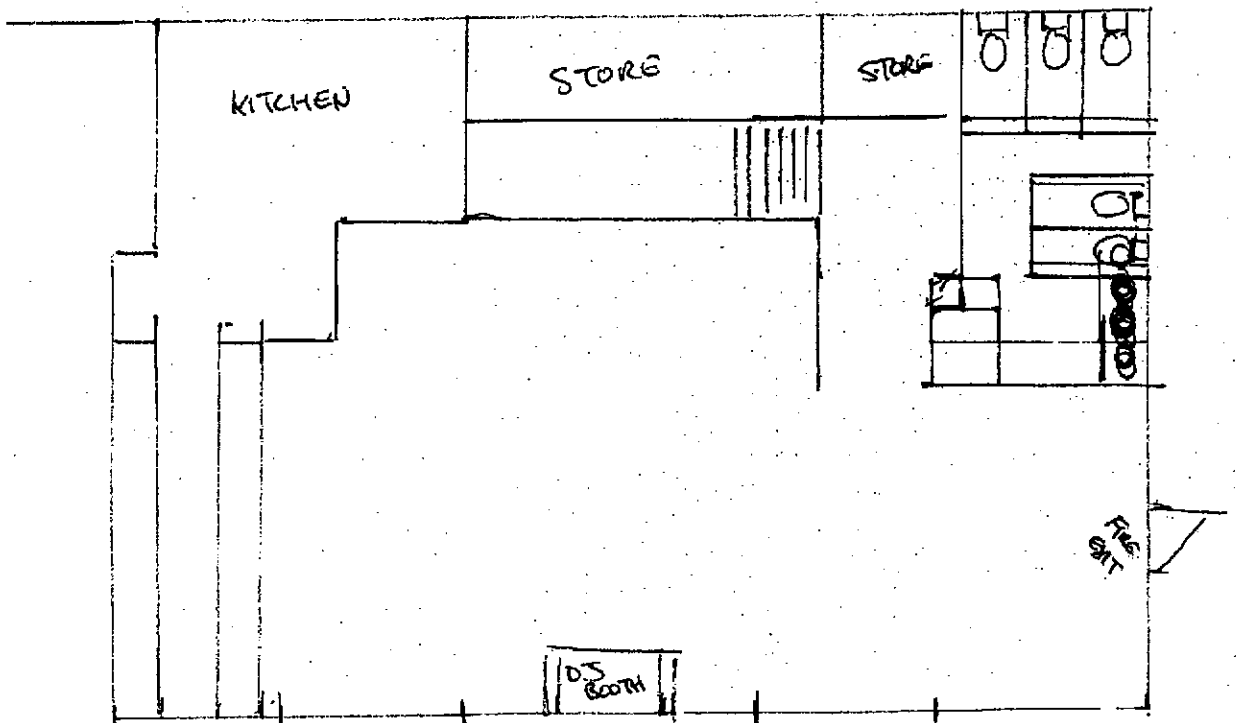
**Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)**

Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			





**MEMORANDUM**

**TO:** Head of Legal Services  
**FAO:** Licensing Dept  
**FROM:** Sara Hayes-Arter  
**DATE:** 23 May 2012

Licensing Act 2003  
Application for Premises Licence and Variation  
Bar 3one, 31B The Square, Winchester  
Variation of Licence

Extend hours for the sale of alcohol, regulated entertainment and late night refreshment to:-

- 0230 on Mondays, Tuesdays and Wednesdays
- 0300 on Thursdays, Fridays and Saturdays
- Reduce the number of door supervisors on Thursdays and Saturdays from six to four.
- Increase the area for licensable activities to include the courtyard.

I write in respect of the above application. I have considered the application in detail, and unfortunately the applicant has not provided any details of how noise or disturbance will be minimised or controlled. I note that the venue has a noise limiter installed but the noise levels have not been assessed with the courtyard in use and I am concerned that noise from live and recorded music will cause a disturbance to nearby residential dwellings whenever the courtyard doors are opened for access. Furthermore, there have been no details provided as to how noise from patrons using the courtyard will be controlled or whether it will have an impact of nearby residential dwellings.

I do not feel that the applicant has provided sufficient detail to enable me to adequately assess the application and I have no alternative other than to make representation.

Should you require further information please contact me on 01962 848 146

Sara Hayes-Arter  
Environmental Protection



New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

Hampshire Constabulary is a responsible authority and wish to make a representation regarding under the Licensing Act 2003, regarding the:

Table with 2 columns: Application type and Object within days. Includes options for personal licence, TEN, transfer, variation, and grant/variation of premises licence.

Table with 2 columns: Name of Applicant (Fun N Games (South) Ltd) and Name of Proposed DPS.

Table with 1 column: Details of relevant conviction (Personal Licence Applications ONLY)

Table with 2 columns: Postal address of premises (31b The Square, Winchester, Hampshire) and Postcode (so239ex)

Details of responsible authority applicant

Form containing personal details of the applicant: Mr Alan Read, Police Constable, Winchester Police Station, SO238DW, 01962841561, alan.read@hampshire.pnn.police.uk

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003



**New grant or variation of premises licence  
Or club premises certificate  
Form for representations from Hampshire Constabulary**

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

- |   |                                     |  |
|---|-------------------------------------|--|
| 1) The prevention of crime and disorder | <input checked="" type="checkbox"/> | <i>Please select<br/>one or more<br/>boxes</i> |
| 2) Public safety                        | <input checked="" type="checkbox"/> |  |
| 3) The prevention of public nuisance    | <input checked="" type="checkbox"/> |  |
| 4) The protection of children from harm | <input type="checkbox"/>            |  |

Please state the ground(s) for representation:

Hampshire Constabulary have received notification of an application to vary the premises licence PREM 196 proposing an extension to its permitted hours, a reduction in the number of doorstaff required, the inclusion of the smoking area as part of the licensed premises, the provision of late night refreshment and the sale of food and hot drinks from 0800 hours throughout the day.

Bar 3 One is a licensed premises that attracts the younger 18-25 element and one that actively targets its customer base from the student population in the Winchester area. This can be clearly evidenced by a recent complaint from Mr Neil HOPKINS the principal at Peter Symonds College who complained to police following an incident at the College on 3<sup>rd</sup> April 2012 when employees of Bar 3 One entered the college grounds uninvited and were found handing out leaflets publicising cheap alcohol on Friday nights at their premises. Mr Hopkins complaint was that most of his students were under 18 and that he felt that encouraging underage drinking was "totally irresponsible" (A copy of his e mail will be available to the committee if required)

The premises licence was subject to a review on 22<sup>nd</sup> November 2010 following a large number of reported incidents at the premises that required police attendance including many assaults and other violence related matters. The committee at this review imposed a set of conditions on the premises licence in order to promote the licensing objectives. These conditions were deemed at the time to be necessary and proportionate to achieve this goal. It has to be said that since the review the number of reported incidents at the premises have reduced, the conditions imposed have gone a long way to improving the way the premises has operated and have had a positive impact of the promotion of the licensing objectives. There are however still issues at the premises and research of the police record management system have revealed that since 10<sup>th</sup> February 2012 ther have been six assaults reported at the premises three of which have been on staff , there have been four theft reports, mainly of phones, there have been Five rowdy and inconsiderate calls to the premises and one reported criminal damage where a customer has broken a window by headbutting it.

All of the above incidents have occurred later than 0100 hours in the morning with the exception of one rowdy and inconsiderate call which occurred when staff ejected a drunken male from the premises at 2340 hours 10/2/12 who refused to leave the area of the door arguing with doorstaff until he was subsequently arrested by police. Seven of the reported





**New grant or variation of premises licence  
Or club premises certificate  
Form for representations from Hampshire Constabulary**

incidents occurred beyond 0200 hrs in the morning.

The late night economy of Winchester requires considerable resourcing from Hampshire Constabulary to ensure a safe environment for all to enjoy and it is fair to say that Bar 3 One contributes considerably to this requirement, being one of the busiest bars in town, with a young customer base.

In relation to the application by the premises licence holder Hampshire Constabulary would have no issues with the proposals for either the provision of late night refreshment or the provision of food and hot drinks from 0800 hrs. Hampshire Constabulary would say that this should assist the premises to actively promote the licensing objectives by being able to supply food and hot drinks to its customers prior to closing, those customers are less likely to cause problems at external take away establishments once they leave the premises.

The application to reduce the number of door staff at the premises to four on a Thursday and Saturday is strongly opposed by Hampshire Constabulary who feel that this would be a major backward step that would adversely effect the promotion of the licensing objectives. The application states that the provision of six door staff on those nights was "only for a three month period" following the review of the licence and this is patently not the case. The condition relating to door staff was clearly set out by the committee following the review and Hampshire Constabulary would go as far as to state that they feel that this condition was one of the most influential in turning this business around and achieving an active promotion of the licensing objectives. From a policing perspective I as the licensing officer have heard first hand reports from colleagues commending the door team at this premises for their proactive work both inside and outside the premises and feel that a reduction in this excellent team would be a retrograde step that could well lead to further issues at the premises and undermine the public safety and crime and disorder licensing objectives.

Hampshire Constabulary would oppose the inclusion of the smoking area into the licensed area of the premises as there is nothing within the application to indicate how this area will be managed so as not to cause problems for local residents and breach the public nuisance licensing objective. It is impossible from the application to ascertain how the licence holder proposes to ensure that this area is run in a way that promotes the licensing objectives. The proposed reduction in door staff at the premises in this application would make this area even more problematic for their staff to "police".

Hampshire Constabulary would oppose the proposed extension to the licensing hours feeling that an extension to the hours at this premises would adversely effect the licensing objectives. As stated previously the reported incidents at this premises are all in the early hours of the morning with many near the existing terminal hour. To allow the premises to supply alcohol until 0300 hrs on a Thursday - Sat night would have the effect that most of its clientele would not be exiting onto the street until 0330 hrs not only creating an unacceptable burden upon the resourcing required from Hampshire Constabulary but also an ever later disturbance to those residents living in the vicinity. Hampshire Constabulary would suggest that the granting of the later terminal hour would adversely effect the licensing objectives stated.



**New grant or variation of premises licence  
Or club premises certificate  
Form for representations from Hampshire Constabulary**

**It is an offence, under section 158 of the Licensing Act 2003 to make a false statement  
in or in connection with this representation**

Police recommendations (including any conditions)

Hampshire constabulary would ask the committee to reject the proposed extension to hours, and reduction in door staff numbers.

Hampshire constabulary would ask the committee to reject the proposed inclusion of the smoking area into the licensed area unless the applicant can clearly demonstrate what steps they propose taking to ensure that the licensing objectives are promoted.

Hampshire Constabulary have no issues with the proposals for Late night refreshment or the provision of food and hot drinks from 0800 hrs

Signature of Officer Completing

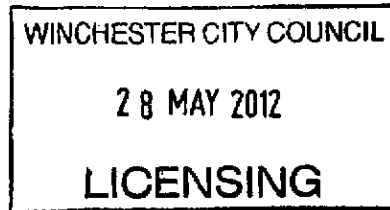
Name A.Read Collar Number: 1168  
Signature: \_\_\_\_\_ Date: 28/5/12

Signature of Authorising Officer

Name PS R WALLIS Collar Number: 2003  
Signature: \_\_\_\_\_ Date: 29/5/12

28 May 2012

Licensing Section  
Winchester City Council  
City Offices  
Colebrook Street  
Winchester  
SO23 9LJ



**BY HAND AND E-MAIL : [licensing@winchester.gov.uk](mailto:licensing@winchester.gov.uk)**

Dear Sir

**Written Representations**

**Licence for Bar 3one 31b The Square Winchester SO23 9EX**

The purpose of this letter is to make representations and to object to the application for the variation of the premises licence by Fun 'n' Games (South) Limited, 40 Pearson Avenue, Parkstone, Poole, Dorset, BH14 0DT for Bar 3one, 31b The Square, Winchester, Hampshire, SO23 9EX.

I am the proprietor of Mawson & Company 14 The Square and a resident of 5 Great Minster Street living in vicinity of the premises.

My views also reflect those of a number of residents and business owners in The Square, Great Minster Street and Little Minster Street.

**Background to the application**

The Licensing Sub-Committee met to consider a Review of the premises licence for Bar 3one in 22 November 2010. At that time, the police and City officers made a number of recommendations which arose from involvement with the premises. The outcome of that Review was the imposition of additional conditions. These included, among other things, rigorous training, a requirement to hold written records and the installation of a functioning CCTV system. In addition, a condition was imposed to prevent entry or re-entry to the premises by any customer after 01:00 for the first three months (and 01:30 thereafter) on Thursday to Saturday nights inclusive, save for using the enclosed side yard for smokers.

The licence was Reviewed to impose requirements about the provision of a noise limiter and a noise management plan. The plan had to be approved in writing by Winchester City Council (WCC). Proposed amendments by either party had to be agreed in writing by both parties. Other important conditions of which there are many, include a carefully worded condition imposing a 'wind-down' period, and the requirement for a Neighbours' Charter.

## **Defects in the application**

If the history of this premises and the most recent Review is considered, it is suggested WCC will inevitably conclude that the paucity of information provided by the applicant is fatal to its prospects of success. It is a matter of concern me, neighbouring residents and businesses that there is no attempt by the applicant to address in any positive way how the proposed changes in the application are addressed, in terms of explaining how these changes will impact upon the four licensing objectives or on local residents and businesses. There is no attempt to provide reasoning for the changes, or to deal with these through additional Operating Schedule information. Whilst it is possible for the applicant to argue that no changes to the conditions are necessary in order for the variation to be consented, there is no attempt by the applicant to justify that there should be no changes.

In relation to the variation proposal number 3 (the number of door supervisors), the application is unclear. The current licence does not appear to require six supervisors for only a three month period, reverting to four thereafter, as suggested by the applicant on the application form. Points four and five are also unclear.

The general submission on this application is that it is not sustainable for WCC to approve a variation on the basis that the new area for licensable activities, including the courtyard, will be subject to new or identical conditions imposed on the existing area. There is no analysis in the proposal of the changed nature of the premises cumulatively or separately in relation to the extended area. It is impossible for Winchester City Council to properly apply its policy without the information. It is not plain whether the use of 'N/A' means the applicant is proposing no further steps or does not think WCC's policy applies. And in any event, even if the applicant did try to bolster its proposal with reasoning, the application presents some overwhelming detriments to the licensing objectives.

## **Prevention of crime and disorder**

This section contains representations that relate to how the variation of the licence would have a negative effect on the promotion of the licensing objective of the prevention of crime and disorder. Paragraph 3.24 of the Winchester City Council Licensing Policy dated January 2011 (the Licensing Policy), makes it plain that applications for major variations will need to include an Operating Schedule which deals with the issues relating to the licensing objectives, in so far as these are affected by the variations sought. Representations following such applications can only address the impact of variation.

It is accepted the risk of an increase in crime and disorder is a matter primarily for the police. However, there is evidence that in the period before the Review, the premises had been the subject of police intervention. The applicant has provided no evidence of any change in the position. It is submitted that on this occasion an updated Operating Schedule is required because of the proposal to increase the area for activities to include the courtyard. At the present time, it would appear that the limitation on entry and re-entry would be swept aside, if the area was increased together with an increase in the late night period for the sale of alcohol. For example, there is no attempt by the applicant to consider if an open area needs to be laid out with care to avoid outdoor furniture being misused. It is not

clear whether consideration has been given to whether an outdoor area will assist or detract from the objective of preventing crime.

It is plain that the applicant has not considered any proposals to address any new conditions that might be appropriate to deal with this larger area. The site of the area in comparison to the currently consent area is of significance, because it will inevitably result in a potential increase in the number of patrons. The general position is that an applicant must indicate in their Operating Schedule the steps that it proposes to take to prevent crime and disorder. The premises are open between 23:00 and 08:00, and this means the Council's own Licensing Policy A.8 would expect Operating Schedules to have considered and include arrangements for the measures set out in that policy unless the applicant can justify why such measures shall not be required. The extension in hours and area, together with a proposed reduction in door supervisors all require justification, in so far as they change the context of compliance with the licence conditions.

These measures include occupancy limits, no admissions after a specified time, procedures for risk assessing promotions and events. There are many more matters of significance listed in Licensing Policy A.8. There is no indication in this application that the operators of the current premises have satisfied the police and the Council that the measures imposed by the Sub-Committee on 22 November 2010 have actually been complied with at all. In addition, WCC must consider if it is appropriate to grant an extension when there has not been a full opportunity for debate about any additional measures that may be required in relation to the courtyard area. For example, is the CCTV working as required, and will it be extended to the outdoor area in any event? No information is provided. Will the restriction on the courtyard area in terms of re-entry in the current licence be maintained? No information is provided.

### **Public safety**

It is clear that Licensing Policy B4 is in point in relation to this application. It is not clear from the application whether the applicant has addressed any additional considerations that may arise by mixing a number of important factors: increasing the period during which patrons may be drinking in the premises; an increased number of patrons; activities over a larger area with a reduction in supervisors. If there is no restriction on the number of patrons in the courtyard, then it seems incumbent upon the applicant to consider whether an overall reduction, or 'split' control on occupancy is necessary as between the outside and the inside areas. In addition, the application does not consider if it is appropriate to revise the emergency plan? Furthermore, if there are questions as to whether the courtyard area is still effective as an escape route, then these ought to be addressed? There appears no evidence of any intention to consider the revision of fire safety provisions or systems. The extend of the right of the applicant to control or occupy the courtyard is of indirect relevance to these concerns.

This aspect of public safety is also relevant to the proposal in the variation to reduce the number of door supervisors on Thursdays and Saturdays from six to only four. No reason is given in the application for this, other than that the requirement is no longer enforceable because the three month period since the review of the licence has expired. It is important for the Council to consider whether or not that proposition is correct. In any event, it is suggested that a reduction in supervisors at the same time as increasing the hours and the licensed

area is not compatible with the promotion of public safety. For example, given the requirement to keep track of the number of people in the premises, it would seem sensible to have considered whether additional door supervisors are required to limit the number of persons in the courtyard (notwithstanding the strong representations against the additional nuisance such a variation would create). Even if the courtyard proposal were acceptable, which it is not, there is no reason given for the reduction. Is the reason a response to an analysis of the licensing objectives or for other reasons? No information is provided.

### **The prevention of public nuisance**

This is the most significant of the objections given the personal experience of residents and businesses. An increase in queues or closing time results may cause damage to glass windows, and more litter to clear up in the mornings. This has been the pattern in the past. Disturbance to local residents is at a maximum when these premises close. From 11pm until 2pm from Thursday until Saturday residents are subjected to nuisance noise. There is singing, shouting, swearing and arguing. If this variation is permitted, the price residents will pay is simply additional nuisance on Mondays through to Wednesdays, as well as an additional half an hour of disruption on Thursdays to Saturdays. This will amount to almost an additional working day of disturbance for six nights a week. Is more time required in a residential area? The premises might be less intrusive in an industrial estate. It must be right that given the incontrovertible existence of nuisance in this street arising in some part from the current premises, there is no positive reason why that inconvenience should be extended.

Given the structure of the current licensing hours in relation to other premises in the area, the application in this case might perhaps be characterised as an attempt to increase competitiveness. Whilst it is important that the City Council have regard to business competitiveness, it is far more relevant given the statutory objectives, to take into account the negative impact of further extended hours of a premises of this nature. The continuing attractiveness of The Square, Winchester as a retail and services destination is equally relevant.

Contrary to Policy C.5, the applicant has not explained the consideration given to the nature of the area where the premises are situated, the type of premises concerned or the needs of the local community in so far as they relate to the variation. Given the extended open area proposed, it is unimpressive that the applicant has chosen not to demonstrate how these new arrangements will be managed to maintain any resemblance of neighbourliness to residents, business and other venues.

There is no evidence to contradict the natural starting point for WCC's consideration, which should be that opening up the courtyard area in the manner proposed will materially increase the amount of noise and nuisance to residents and cause nuisance. The applicant has decided not to identify any new areas of sound leakage from the premises in order to identify any measures for addressing those areas. No mitigation is proposed. The most important aspect is the entry and exit from the main building to the courtyard which seems to be self-evidently a source of increased noise nuisance. It is our view WCC's Environmental Health team would be acting responsibly to object on this basis. Where does the applicant address the Noise Management Plan, or Neighbours' Charter?

In addition, it is absolutely clear that the changes are designed to attract a greater number of patrons, some or all of whom may be attracted outside. It is not clear that the current condition controlling entry and re-entry will have any practical use if the courtyard area is open. That condition is imposed to limit the nuisance acknowledged by WCC in the Review process. There is no attempt to deal with the practical matter of how a wind-down period will operate in the courtyard. It will no longer simply be a smoking area. The applicant should set out proposals for operating in the manner envisaged by the variation absolutely plain, so local businesses and residents are able to provide an informed response to the proposals.

With this new source of nuisance noise, over a wider area and for much later in the evening, the applicant has pointedly failed to demonstrate that the introduction of an extension of licensable activities would not be likely to cause adverse impact, especially on local residents. If there is potential to cause adverse impact, in which this case undoubtedly there is, the applicant has failed to demonstrate that the appropriate measures will be put in place to prevent it. In addition, it is plain that by opening up the courtyard there will be an increase in the cumulative adverse impact from these activities on the adjacent residential area, and neighbouring flats for a greater period. This will lead to more disturbance to residents.

#### **The wider considerations**

The response of WCC to this application will send an important signal to the local community and businesses about the City's vision for The Square and surrounding areas. The City is a vibrant heritage destination, with world class attractions and architecture including the magnificent Cathedral. There are award-winning pubs and restaurants and a tempting array of independent shops and services. The City has to consider: is this variation the appropriate direction for the night time economy?

#### **Conclusion**

For the reasons provided, this representation urges WCC to reject the variation application on the basis that the applicant has failed to justify the reasons for it, having regard to the licensing objectives and the Winchester Licensing Policy 2011. In addition, this representation sets out how the variation will be detrimental to the licensing objective of prevention of crime, public safety and prevention of nuisance in the manner described above. In any event, the Sub-Committee should hold a public meeting into this application given the concerns of residents and businesses.

I understand this representation will be made available to the public.

Yours sincerely

Anthony Mawson  
5 Great Minster Street  
Winchester  
Hampshire  
SO23 9HA

**THE MINSTERS RESIDENTS' ASSOCIATION**

Great & Little Minster Streets, Winchester

Hon Sec: Judith Klingels, 30 Little Minster Street, Winchester, SO23 9HB

Tel: 01962 851514

Licensing Section  
Winchester City Council  
City Offices  
Colebrook Street  
Winchester SO23 9LJ

28 May 2012

WINCHESTER CITY COUNCIL

28 MAY 2012

LICENSING

Dear Sirs

**Licensing Act 2003 – Application to vary the Premises Licence for Bar-3-One,  
31B The Square, Winchester, Hampshire, SO23 9EX**

We are writing to object to the granting of the above licence variation in view of its likely negative impact on the prevention of public nuisance.

For many years, local residents have been subjected to unacceptably high levels of noise and anti-social behaviour arising directly from this establishment. For example, it is not uncommon for residents to be woken up between midnight and 2.30 a.m. when the pounding of the bass amplifier penetrates into neighbouring houses (including those in Little Minster Street with 2<sup>nd</sup> floor bedrooms) – even when windows are closed. *(A General Complaint Log Sheet detailing the occurrence of such incidents over a ten-month period, from January to October 2010, was submitted to Environmental Health on 8 November 2010, but unfortunately this missed the deadline of 2 November 2010 for consideration at the Police review of Bar-3-One's Premises Licence no. PREM 196. Copies of this log sheet and the covering letter to Ms Abigail Toms at Environmental Health are enclosed).*

Local residents are regularly woken between 02.30 and 04.00 hours by screaming, shouting and swearing – *not just a few metres away but often right outside their front doors*; they frequently find evidence of urine, vomit and broken glass in and around their doorways/garages and on the pavement; many visitors and tourists, both from the UK and overseas, have expressed their shock at such levels of degenerate behaviour in what they had always considered to be a beautiful and respectable city.

We do appreciate, of course, that the proprietors of businesses such as Bar-3-One cannot take total responsibility for any anti-social behaviour of customers once they have left the premises, but it is nearby residents who suffer the consequences.

Thank you for your consideration of our comments.

Yours faithfully

Judith Klingels

For and on behalf of the Minsters Residents' Association



**THE MINSTERS RESIDENTS' ASSOCIATION**

Great & Little Minster Streets, Winchester

Hon Sec: Judith Klingels, 30 Little Minster Street, Winchester, SO23 9HB

Tel: 01962 851514

E-mail: [judith.klingels@btinternet.com](mailto:judith.klingels@btinternet.com)

Ms Abigail Toms  
Environmental Health Officer  
Winchester City Council  
City Offices  
Colebrook Street  
Winchester SO23 9LJ

8 November 2010

COPY

Dear Ms Toms

**General Complaint Log Sheet**

**Type of Complaint: Excessive night club noise**

**Source: BAR-3-ONE, 31b The Square, Winchester**

I enclose a Log Sheet detailing the occurrence of unacceptably high noise levels from Bar-3-One from January to October 2010.

It is frequently the case that, around midnight, the music volume is turned up to such an extent that the persistent boom of the bass amplifier penetrates into neighbouring houses (including those in Little Minster Street), causing sleep disruption for many residents – even when bedroom windows are closed. One resident even went out in the early hours one morning to have a friendly chat with the nightclub doorman who himself agreed that the noise was above acceptable levels. Unfortunately, this informal action, together with numerous subsequent telephone calls to Bar-3-One politely requesting a reduction in the music volume, has not resulted in any tangible improvement in the situation.

I note that an application has been received from the Chief Officer of Police for Hampshire for a review of Bar 3 One's Premises Licence number PREM 196. Although the deadline for submitting a representation has now passed (2 November 2010), I should be grateful if you would keep the enclosed Log Sheet on file.

Yours sincerely

Judith Klingels, Hon Sec

Encls



# Winchester

City Council

copy

Communities  
Directorate

City Offices  
Cobdenek Street  
Winchester  
Hampshire SO23 9LA  
Tel 01962 840 222  
Fax 01962 840 588  
Telephone calls may be recorded

## GENERAL COMPLAINT LOG SHEET

Complainant's Name & Address: **JUDITH KLINGGELS**  
**THE MINSTERS RESIDENTS ASSOCIATION**

**30 LITTLE MINSTER STREET, WINCHESTER, SO23 9HG**

Type of Complaint: **EXCESSIVE NOISE - MUSIC**

Source: **BAR-3-ONE, THE SQUARE, WINCHESTER**

Complaint Ref No: **BAR-3-ONE**

Date Delivered/Sent: **8 NOVEMBER 2010**

Investigating Officer: **8 NOVEMBER 2010**

I certify this is a true & accurate record of events, observed by me at the time the incidents occurred. I understand that it may be used as evidence in court if necessary

Complainant's Signature: **8 NOVEMBER 2010**

DAY & DATE	START TIME	FINISH TIME	DURATION	COMMENTS
SAT. 16 JAN '10	11.40	12.45	65 mins	
TUES. 19 JAN '10	11.25	12.15	40 mins	
THUR. 21 JAN '10	12.00	- onwards	1+ hrs	
SAT. 23 JAN '10	2.00 a.m.	2.30	30 mins	
THUR. 28 JAN '10	11.40	1.00	1 Hr. 20 mins	<b>Please see enclosed covering letter</b>
SAT. 30 JAN '10	11.50	- onwards	1+ hrs	<b>8.11.10</b>
SAT/SUN. 6/7 FEB.	12.25 a.m.	- onwards	1+ hrs	
SUN. 14 FEB.	12.45 a.m.	- onwards	1+ hrs	
FRI/SAT. 26/27 FEB.	12.00	- onwards	1+ hrs	
SAT/SUN. 29/28 FEB.	11.25	- onwards	1+ hrs	
TUES. 2 MAR.	11.45	- onwards	1+ hrs	
FRI/SAT. 5/6 MAR.	12.00	- onwards	1+ hrs	

PLEASE RETURN TO ABOVE ADDRESS WHEN COMPLETED.

CM0017-22183



**John Myall**

---

**From:** Ann Scott |  
**Sent:** 28 May 2012 15:21  
**To:** Carol Stefanczuk; Licensing  
**Subject:** Licensing Act 2003 Application to vary the Premises Licence for Bar 3one, 31B The Square, Winchester, Hampshire, SO23 9EX

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**Licensing Act 2003 Application to vary the Premises Licence for Bar 3one, 31B The Square, Winchester, Hampshire, SO23 9EX**

**Dear Ms Stefanczuk**

**We believe that extending the hours of this bar will create a serious public nuisance for residents in the surrounding streets.**

**These are the closing hours of other licensed premises in the area:**

<b>Closing times</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
<b>The Old Vine</b>	11pm	11pm	11pm	11pm	11pm	11pm	10:30pm
<b>La Place</b>	11pm	11pm	11pm	11pm	Midnight	Midnight	11pm
<b>The Slug and Lettuce</b>	11pm	11pm	11pm	2am	2am	2am	10:30pm

**Disturbance for local residents is at a maximum when these premises close. This means that from 11pm until 2am from Thursday until Saturday we are subjected to car doors slamming and, as the night wears on, singing, shouting, swearing, arguing and worse. This does not happen occasionally - it happens every weekend.**

**If this license is granted this will be the price for those of us living locally:**

<b>Closing times</b>	<b>Monday</b>	<b>Tuesday</b>	<b>Wednesday</b>	<b>Thursday</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
<b>The Old Vine</b>	11pm	11pm	11pm	11pm	11pm	11pm	10:30pm
<b>La Place</b>	11pm	11pm	11pm	11pm	Midnight	Midnight	11pm
<b>The Slug and Lettuce</b>	11pm	11pm	11pm	2am	2am	2am	10:30pm
<b>Bar 3one</b>	2:30am	2:30am	2:30am	3:00am	3:00am	3:00am	
<b>Street sweepers etc.</b>	6am	6am	6am	6am	6am	6am	

**In other words we will have to endure up to four hours of disturbance for six nights a week and can only expect one night a week of uninterrupted sleep. It must also be remembered that the heavy duty service vehicles start work at 6am. There is a real danger that other licensed premises will want to compete by extending their opening hours which will only exacerbate the situation.**

**Obviously business owners cannot be held responsible for their customers once they leave the premises but this does not mean they should be given a licence guaranteed to make life miserable for their neighbours. Winchester City Council is keen to sustain a residential element in the centre of the city. This sector will not flourish and expand if one business is**

allowed to have such an undesirable impact on the environment.  
Ann and Gavin Scott  
Minster House  
Great Minster Street  
Winchester  
SO23 9HA

Click [here](#) to report this email as spam.

**Cllr Ian Tait – St Michael Ward**

**2 Berewecke House  
14 Berewecke Road  
WINCHESTER  
SO22 6BB**

Licensing Department  
Winchester City Council  
City Offices  
Colebrook Street  
WINCHESTER  
SO23 9LJ

28 May 2012

Dear Sir

**Application for Premises Licence and Variation  
Bar 3one, 31B The Square, Winchester, SO23 9EX**

I wish to make a representation on the above mentioned Variation of Licence in my capacity as an Interested Party in so much as the premise in question is located in the City Council Ward that I represent. I have also been approached by a number of residents and business owners who have expressed their concern to me about the proposals. I understand that any comments I make must follow the Licensing objectives which are;

The prevention of crime and disorder

Public safety

The prevention of public nuisance

The protection of children from harm

My comments are as follows;

- The prevention of crime and disorder

I am very sensitive to the issue of petty vandalism and anti-social behaviour in the City Centre and whilst I am certainly not saying the Bar 3one can be held responsible for the actions of late night revellers I believe that there is a correlation between there the late night closing times and the incidents of unruly behaviour.

By extending the hours for the sale of alcohol will push the problems of anti-social behaviour later into the night with all the associated pressures this places on the Police.

- Public safety

I am concerned that the courtyard area to the side of the premises is increasingly being incorporated into the operational space for the Bar. Although the area is gated there are occasions when passers by congregate in front of the premises and this can lead to some interaction between those inside the courtyard.

- The prevention of public nuisance

This is the area where I have the greatest concern as there are already issues of anti-social behaviour in the City Centre with these problems moving out from the City Centre as people make their way home. By extending the hours of operation and days that the Bar will open will mean that residents in the adjoining areas will experience noise disruption for a longer period of time and on more days of the week. Having regularly followed revellers making their way home, it is not so much about the number of people but more so their individual actions.

Someone shouting or even talking loudly at 3.00am causes much more disruption than the same level of noise in say the middle of the afternoon. With the Council supporting the increase in residential accommodation in the City Centre means a clash of competing interests and by extending the opening hours will impact on the residential amenity of local people for longer.

I am concerned that the greater use of the courtyard will mean much more noise being generated in a fairly enclosed area which will impact on the people living nearby who already have cause to complain.

- The protection of children from harm

I have no particular comments to make in respect of this Licensing Objective

I hope that my comments may be taken into consideration when determining this Variation of Licence.

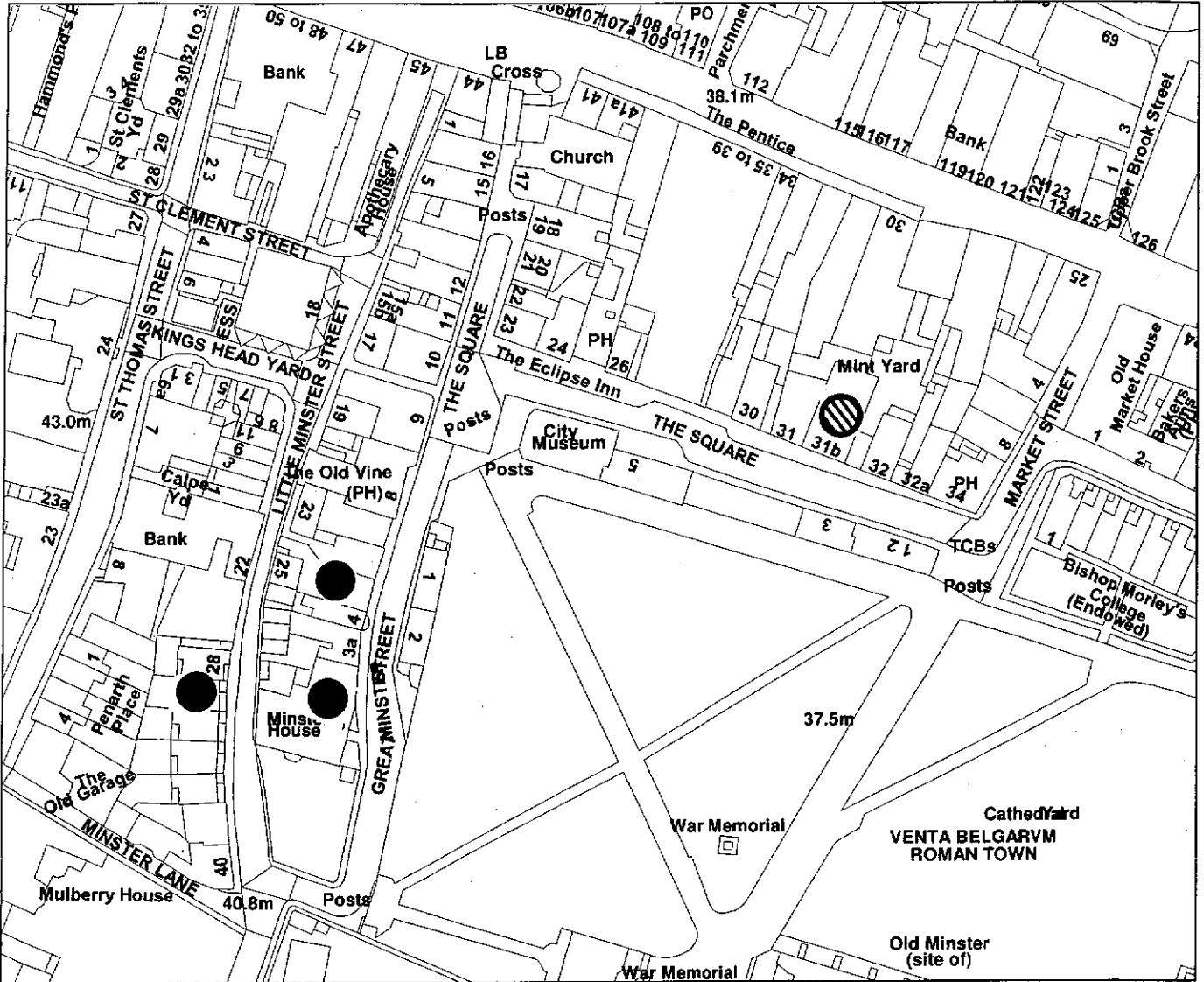
Many thanks

Yours faithfully



Ian Tait  
Cllr St Michael Ward

# Appendix 4

## Bar 3 One



**Legend**

-  Representations
-  Bar 3 One

Scale:



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<b>Organisation</b>	Winchester City Council
<b>Department</b>	Head of Legal Services
<b>Comments</b>	Variation of Premises Licence
<b>Date</b>	25 June 2012
<b>SLA Number</b>	00018301