

LR 403
FOR DECISION
WARD(S): St Bartholemew

LICENSING SUB – COMMITTEE

29 January 2013

Report of the Head of Legal Services

Contact Officer: John Myall. Tel No: 01962 848443

Application: Premises Licence

Premises: Bodega, 11A Parchment Street, Winchester

Part A. **Report** *Buff*

- | | |
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Part A.**1. Application**

Applicant: Michele Christine Ames, Bodega Ltd.

Premises: 11A Parchment Street, Winchester.

- 1.1 This application, made under Section 17 of the Licensing Act 2003 is for a new premises licence for Bodega Ltd, 11A Parchment Street, Winchester.
- 1.2 The premises is a continental delicatessen from which it is intended to sell high quality wines, beers, champagne and liqueurs for consumption off the premises.
- 1.3 The hours of operation which have been applied for are:- Mondays to Saturdays, 0800 to 2100, and on Sundays, 1200 to 1800.
- 1.4 The Operating Schedule, copied at Appendix 1, proposes the Relevant Licensable Activities.
- 1.5 The applicant sent copies of the application to the responsible authorities. No representations were received.
- 1.6 The application had correspondence with the Head of Safety Standards and agreed to three conditions relating to the protection of children objective.
- 1.7 The original application was for live and recorded music, and for performances of dance. This attracted representations from four people.
- 1.8 Owing to changes in the legislation, which allows live music between the hours of 0800 and 2300 without the requirement for licensing, this activity was removed from the application.
- 1.9 The type of recorded music which was envisaged is background music. This is 'incidental music,' as defined in the Act, and does not require licensing. Therefore this was also removed from the application.
- 1.10 The performance of dance which was intended to accompany any themed events was also removed. These events would be very occasional and would be covered by Temporary Event Notices.
- 1.11 In view of points 1.9 to 1.11 above, three of the representations were withdrawn.

- 1.12 The remaining representation is concerned with the public nuisance objective.
- 1.13 This representation was at first considered not relevant to the application and licensing objectives. As there was some discussion over its relevance, the closing date for this particular representation was extended until 8 January 2013 as it was deemed to be in the public interest to do so.
- 1.14 Notices of the hearing were sent to all Parties on 9 January 2013.

Designated Premises Supervisor

Michele Christine Ames

Steps to promote the Licensing Objectives

Please see Section Q Appendix 1

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

No representations received.

Hampshire Constabulary

No representations received.

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.

Public Health Manager

No representations received.

Licensing Authority

No representations received.

3. **Other Persons**

1. William Sclater, 58 Parchment Street, Winchester

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 operating schedule.

(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 operating schedule.

(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 representation.

(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 Operating Schedule.

(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

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 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.
5. 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.

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 be used for the sale of alcohol shall be:
 - (i) **Mondays to Saturdays 0800 to 2100**
 - (ii) **Sundays 1200 to 1800**

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

1. The premises licence holder shall ensure that there is an operational CCTV system which also covers the external pavement.

Public Safety

None

Public Nuisance

None

Protection of Children**1) Refusals book**

A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the store manager/manageress. The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority. The record of refusals will be retained for 12 months.

2) Challenge 25

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.

'Challenge 25' posters shall be displayed in prominent positions at the premises.

3) Training-

Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and records are to be kept of this refresher training which should be signed and dated by the member of staff who received that training.

All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of two years. Training records will be kept on the licensed premises to which they relate to.

6. Other Considerations

Corporate Strategy (Relevance To:)

This report covers issues which affect the principles of “economic prosperity” and “safe and strong communities.”

Resource Implications

A licence fee of £190 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by Michelle Ames
2. Representations by other persons
3. Map of premises location.



Winchester

City Council

City Offices
Colebrook Street
Winchester
SO23 9LJ

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We BODEGA LIMITED

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

| | | | |
|--------------------------------------------------------------------------------------------------------------|------------|-----------|----------|
| Postal address of premises or, if none, ordnance survey map reference or description 11A PARCHMENT STREET | | | |
| Post town | WINCHESTER | Post code | SO23 8AT |

| | | |
|-----------------------------------------|--------------|------------|
| Telephone number at premises (if any) | 01962 865554 | [REDACTED] |
| Non-domestic rateable value of premises | £12000 | |

2 JAN 13

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- | | | |
|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input checked="" type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

| | | | | | |
|-----------------------------------------------------------|------------------------------|-------------------------------|-----------------------------|--------------------------------|------------------------------------------|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| I am 18 years old or over | | | | | <input type="checkbox"/> Please tick yes |
| Current postal address if different from premises address | | | | | |
| Post Town | | | | Postcode | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |

SECOND INDIVIDUAL APPLICANT (if applicable)

| | | | | | |
|-----------------------------------------------------------|------------------------------|-------------------------------|-----------------------------|--------------------------------|------------------------------------------|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| I am 18 years old or over | | | | | <input type="checkbox"/> Please tick yes |
| Current postal address if different from premises address | | | | | |
| Post Town | | | | Postcode | |
| Daytime contact telephone number | | | | | |
| E-mail address (optional) | | | | | |

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

| |
|------------------------------------------------------------------------------------------------------------------|
| Name MICHELE AMES |
| Address BODEGA LTD 11A PARCHMENT STREET WINCHESTER SO23 8AT |
| Registered number (where applicable) |
| Description of applicant (for example, partnership, company, unincorporated association etc.) LIMITED COMPANY |
| Telephone number (if any) [REDACTED] |
| E-mail address (optional) [REDACTED] |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | | | | | | | |
|-----|---|---|-------|---|---|------|---|---|
| Day | | | Month | | | Year | | |
| 0 | 1 | 7 | 0 | 1 | 1 | 2 | 0 | 1 |
| 3 | | | | | | | | |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| | | | | | | | | |
|-----|---|---|-------|---|---|------|---|---|
| Day | | | Month | | | Year | | |
| 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| | | | | | | | | |

Please give a general description of the premises (please read guidance note1)
 Bodega is a bespoke continental delicatessen . Situated just away from the main shopping area .
 In addition to quality foods we would like to offer High quality Wines , Beers , Champagnes & Liqueurs.
 The venue will be also used occasionally in the evening for Tastings , Demonstrations & Training
 events . These events may include themed entertainment to compliment them E.g. Flamenco dancers

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

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)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

M

| | | | | | | | | |
|-------------------------------------------------------------------------------------|-------|--------|----------------------------------------------------------------------------------------------------------------|------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7) | On the premises | <input type="checkbox"/> | | | |
| | | | | Off the premises | <input checked="" type="checkbox"/> | | | |
| | | | | Both | <input type="checkbox"/> | | | |
| Day | Start | Finish | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | | | | |
| Mon | 08.00 | 21.00 | | | | | | |
| Tue | 08.00 | 21.00 | | | | | | |
| Wed | 08.00 | 21.00 | | | | | | |
| Thur | 08.00 | 21.00 | | | | | | |
| Fri | 08.00 | 21.00 | | | | | | |
| Sat | 08.00 | 21.00 | | | | | | |
| Sun | 12.00 | 18.00 | | | | | | |
| | | | | | | 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 (please read guidance note 5) | | |

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

| | |
|-----------------------------------------------------------------------|---------|
| Name MICHELE CHRISTINE AMES | |
| Address OLD INN COTTAGE JOYS LANE CHILBOLTON HANTS | |
| Postcode | SO206BD |
| Personal Licence number (if known) TBC | |
| Issuing licensing authority (if known) TEST VALLEY DC | |

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)

NONE

O

| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variations (please read guidance note 4) The business will primarily be open during the day only . However it is intended to use the facility for events/ demonstrations /tastings in the evening |
|--------------------------------------------------------------------------------------------------|-------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Day | Start | Finish | |
| Mon | 07.00 | | Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) |
| | | 22.00 | |
| Tue | 07.00 | | |
| | | 22.00 | |
| Wed | 07.00 | | |
| | | 22.00 | |
| Thur | 07.00 | | |
| | | 22.00 | |
| Fri | 07.00 | | |
| | | 22.00 | |
| Sat | 07.00 | | |
| | | 22.00 | |
| Sun | 12.00 | | |
| | | 18.00 | |

P Describe the steps you intend to take to promote the four licensing objectives:

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

Bodega is a small delicatessen offering high quality food & drink .
In addition it will be used for private pre-booked events in the evenings . to promote new products ,
styles of preparation etc . This may involve music & entertainment . No alcohol will be sold for
consumption on the premises , however small product tastings may take place.

b) The prevention of crime and disorder

The Bodega will have a full CCTV system covering the external pavement .
Any evening events will be private & therefore admission controlled by the management

c) Public safety

No issues anticipated , this is a ground floor business

d) The prevention of public nuisance

The business will close at 10pm latest , this will only be occasionally

e) The protection of children from harm

No alcohol will be sold to Under 18's , Please find attached childrens policy .

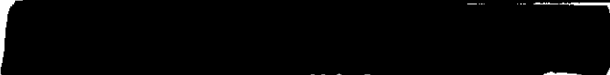
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

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

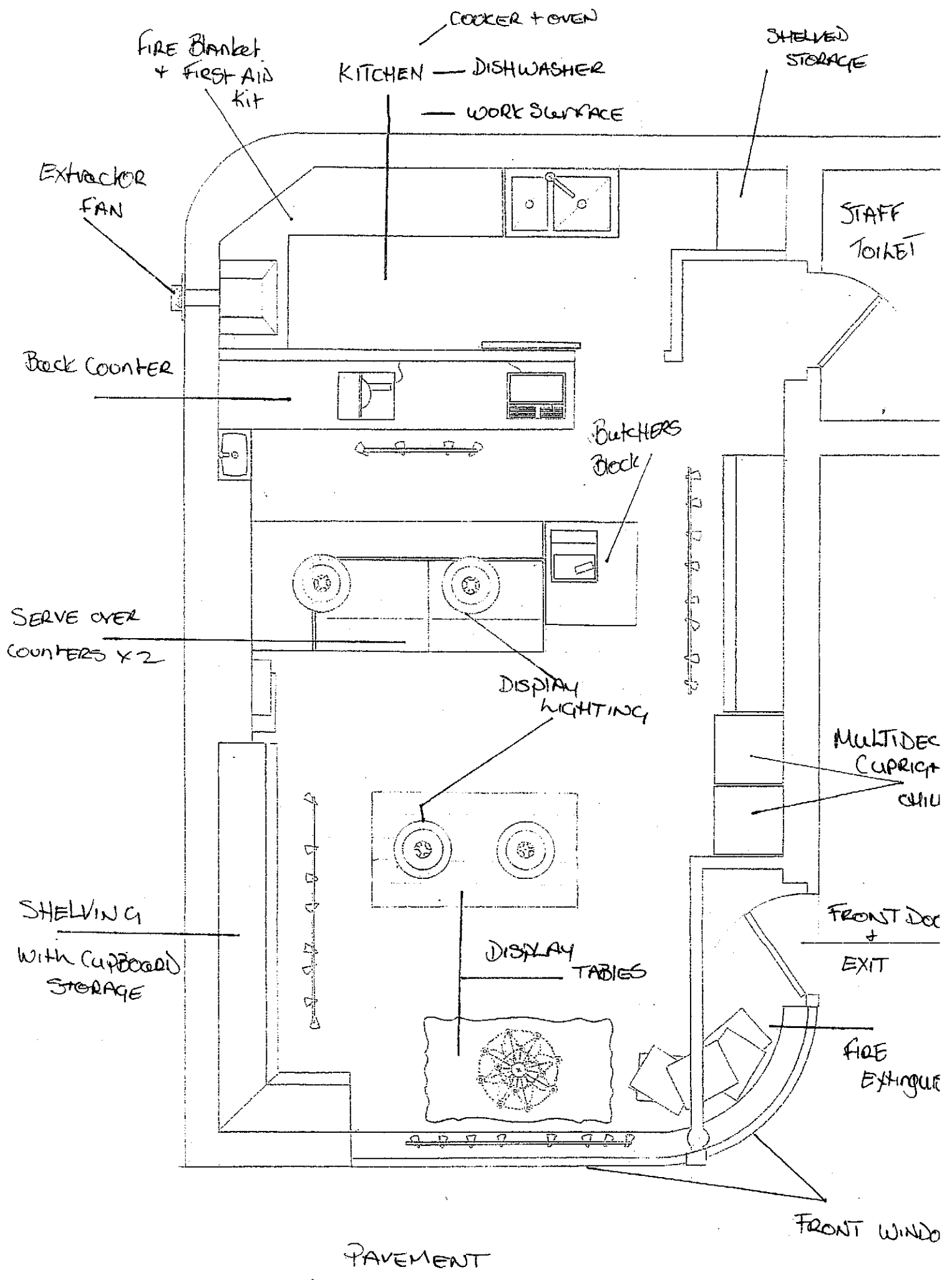
| | |
|-----------|------------------------------------------------------------------------------------|
| Signature |  |
| Date | 3 rd Dec 2012 |
| Capacity | owner |

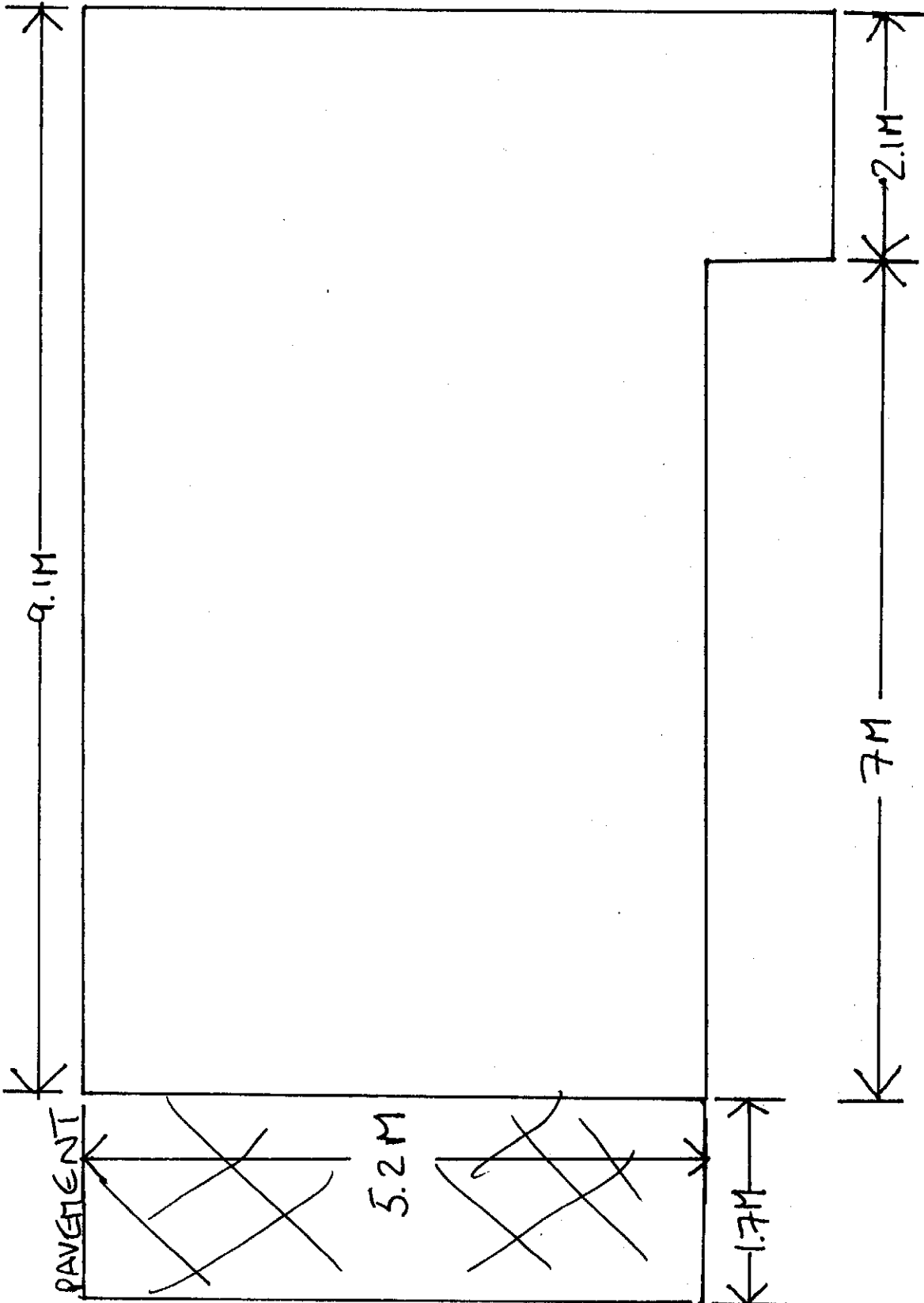
For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

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

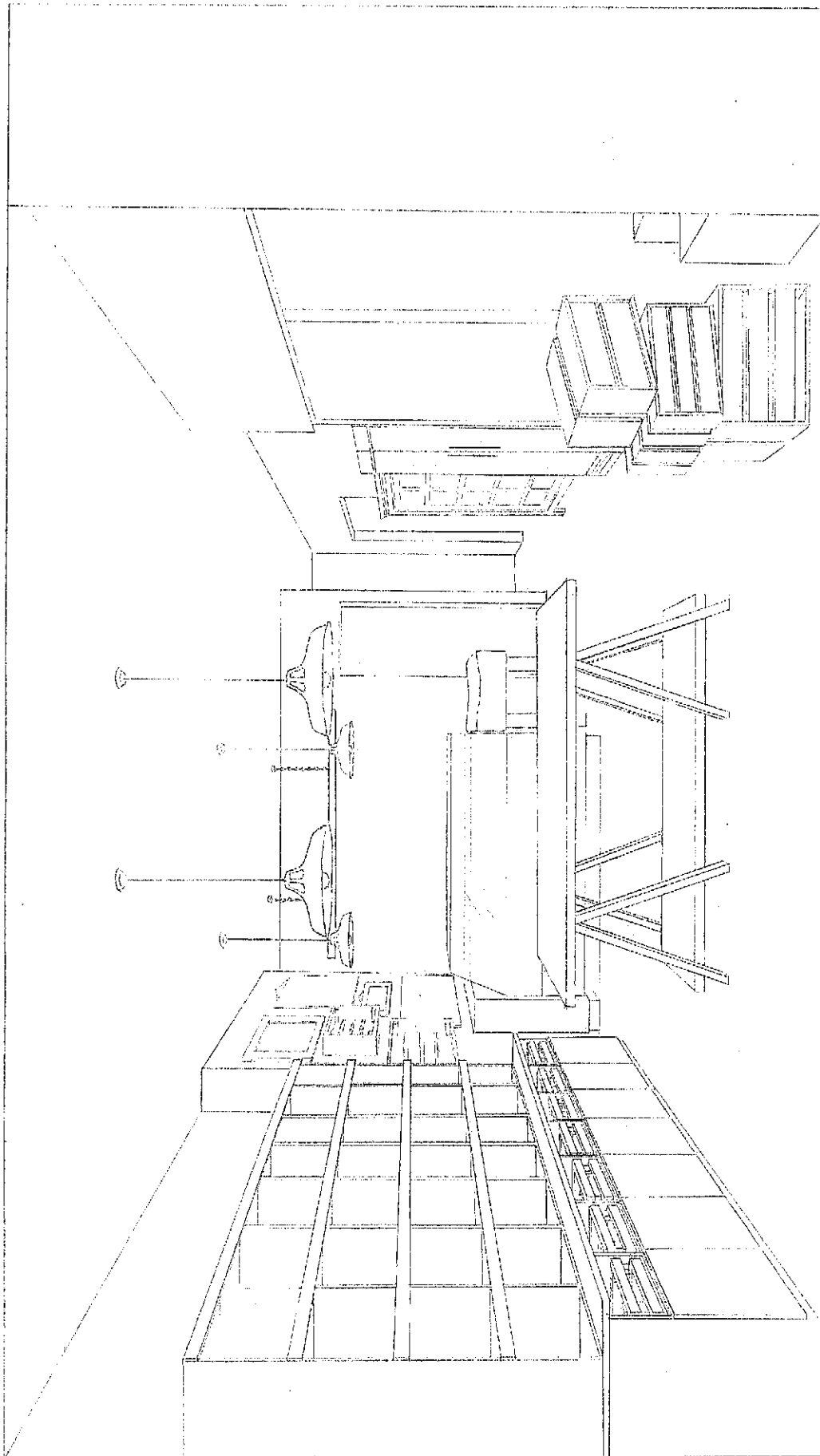
| | | | |
|----------------------------------------------------------------------------------------|--|-----------|--|
| | | | |
| Post town | | Post code | |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) | | | |





SCALE 1:1000

METRES



BODEGA
AGE RECOGNITION POLICY

IF YOU ARE LUCKY ENOUGH
TO LOOK UNDER **25**

WE ARE GOING TO ASK YOU
FOR I.D. TO PROVE YOU ARE
18

THE ONLY MEANS OF I.D. WE ACCEPT IS ;-

PHOTO DRIVING LICENSE (PROV &
FULL)

OR PASSPORT

John Myall

From: [REDACTED]
Sent: 08 January 2013 22:27
To: John Myall
Subject: 11a Parchment Street- Bodega
John

(i) Further to your confirmation in your 2 January 2012 email that the applicant has confirmed that this premises will close by 6pm save for when it is open for occasional events in the evening,

(ii) on the basis that occasional has its dictionary definition of "done infrequently and irregularly", and

(iii) providing that the applicant will agree that there are the standard pooled conditions in Appendix C of the Secretary of State guidance to Section 182 of the Licensing Act 2003 on the licence including as to keeping the CCTV in place that the applicant refers to in the operating schedule, keeping doors and windows closed and informing residents in the occasional evening events to respect the residents when leaving the premises

I will be able to agree to withdraw my objections to this licence application.

As can also be seen from those objections (and thus if the above did not apply and I was not able to withdraw my objections) they include (ie following on from my emails on 27 December 2012, 4 January 2013 and 7 January 2013) the points made as to the cumulative effect on Parchment Street of allowing this off-licence part of this premises in close proximity to the Toscanaccio off-licence. This is going to have an even more pronounced effect now that since the Toscanaccio off-licence was granted its licence earlier last year, the other 2 off-licences in the town (ie Spirited Wines and Wine Shack) have closed. In addition there is now a drug and alcohol addiction centre on St George Street (near the entrance to Parchment Street), and alcoholics are already congregating more on the Street. Allowing this off-licence element at this 11a Parchment Street site is going to create an off licence cluster (and the only Street in Winchester centre with any offlicences on it) and exarcebate this problem, and the nuisance to Parchment Street to both its residents (with the residential element comprising 2/3rds of the Street) and its businesses and put people off the Street and be harmful to the residents/other businesses.

It is also the case that this 11a Parchment Street premises is in the residential part of Parchment Street (and unlike the Toscanaccio part of the Street). There are flats immediately above and houses opposite and practically adjoining. Parchment Street is also full of young families with kids sleeping in Parchment Street bedrooms (and in turn very near to this premises). This off-licence without the above referred confirmations and conditions in points (i) - (iii) of this email (and thus if those did not apply and my objections are not withdrawn) is going to cause nuisance and also harm to children.

Paragraph 9.9 and 9.19 in the Secretary of State Guidance under Section 182 of the Licensing Act 2003 are clear that these are relevant representations. Furthermore that as this premises has not had an off-licence before there is no requirement or in fact any ability to provide any further supporting evidence/documents in relation to these matters.

I look forward to receiving confirmation that the points (i) -(iii) apply and as part of that the conditions these points (i)- (iii) are agreed and thus that my objections are in turn withdrawn and this matter does not need to go to the Licensing Committee for a hearing.

Regards

William

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

21/01/2013

John Myall

From: [REDACTED]
Sent: 07 January 2013 09:29
To: John Myall
Subject: Fwd: 11a Parchment Street Winchester-Bodega

John

Further to my email on 4 January 2013 (copy below), and my email on 23 December 2012 (and your emails on 27 December 2012 and 2 January 2013), this just a quick reminder (and as further support for various of the points I have made in these emails) that:

(i) the second sentence of paragraph 2.19 in the Winchester City Council Licensing Policy ("the Licensing Policy") states that proximity of other off licence premises is relevant not least in terms of the cumulative impact of allowing another one nearby

(ii) paragraph 2.33 of the Licensing Policy states that in areas of denser residential accommodation stricter conditions relating to noise control will be imposed

(iii) the first sentence of paragraph 2.34 of the Licensing Policy states that the Council will impose conditions to reflect the applicant's operating schedules in all cases [NB in this case you state in your 2 January 2013 email that the applicant has amended their application so they will not be opening after 6pm except for occasional events. You have not gone on to say in that 2 January 2013 email that there will be a corresponding condition on the applicant's licence if it was to be granted]

(iv) Bearing in mind how straightforward it is (and as paragraph 3.11 to 3.16 of the Licensing Policy reminds) for a premises operator to obtain a temporary event notice it has not been explained why the applicant needs general permission for occasional events. Also how frequent such proposed occasional events are and what the proposed hours of such occasional events are. Occasional is thus far too vague and also far too open for exploitation and it is not seen why the ability to apply for a temporary event notice (and which only requires 10 working days notice) is not sufficient in terms of dealing with occasional events (and also ensuring that there are some reasonable controls on such occasional events)

(v) paragraph C4 in Section C of the Licensing Policy states that stricter conditions in the licence with regard to noise control will be expected in denser residential accommodation areas

(vi) paragraph C5 in Section C of the Licensing Policy states that the applicant's Operating Schedule has to demonstrate how it is intended that the premises will be good neighbours to residents

(vii) paragraph C8 in Section C of the Licensing Policy states that the applicant's Operating Schedule has to provide satisfactory steps to ensure that doors and windows are kept closed, there is acoustic insulation, and sound limiting devices

Regards

William
[REDACTED]

-----Original Message-----

From: wsclater [REDACTED]

21/01/2013

To: JMyall <JMyall@WINCHESTER.GOV.UK>
Sent: Fri, 4 Jan 2013 11:14
Subject: Re: 11a Parchment Street Winchester-Bodega

John

Have just picked up this email. Our objections still stand (and which you kindly acknowledged in your 27 December 2012 email extend to include nuisance related matters). I will send you an email later today further amplifying the points and by reference also to relevant parts of the licensing policy. In the meantime it would be much appreciated if you could email through a copy of the amended application/operating schedule that shows that the applicant is now saying that they will not open beyond 6pm save for occasional events and which also sets out what frequency the applicant envisages of those occasional events are.

As previously flagged up we are talking here about the residential part of Parchment Street, with a premises that has never opened after 6pm, with residential flats immediately above it, and houses opposite it and practically adjacent to it and where there are also a number of young families including with children sleeping on the Parchment Street side.

The blue notice does also refer to 4th January 2013 as being the deadline date for objections (ie although there seems to have been some crossing out on the date it still refers to "th" after the number and the number still seems to be the number 4).

Regards

William

-----Original Message-----

From: JMyall <JMyall@WINCHESTER.GOV.UK>
To: wsclater [REDACTED]
Sent: Wed, 2 Jan 2013 16:39
Subject: RE: 11a Parchment Street Winchester-Bodega

Dear Mr Sclater

I refer to my earlier email regarding the above application for a premises licence.

As I explained, there is no requirement for a licence for live music. The applicant has also explained to me that the only recorded music will be background music (colloquially "lift music"). This is regarded as "incidental music" under the Licensing Act and such also requires no licence. In fact, the "entertainment" as described at the type of proposed events would not be considered licensable as the entertainment would be incidental to the main event - i.e. cookery demonstrations.

Therefore the applicant has removed the requirement for live and recorded music from the application.

This leaves us only with the application for the sale of alcohol between 0800 and 2100 Mondays to Saturdays and 1200 to 1800 on Sundays. The applicant only envisages occasional events which would require opening later than 1800.

As this application has now changed, would you kindly let me know if you wish to continue with your representation, and if so under which licensing objectives. (the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm). These are the only considerations where determining the application. Your representation as it stands does not appear to address these issues with relation to the sale of alcohol.

It is not possible to provide evidence as the premises has not yet provided those activities, so the Licensing Sub Committee would give such weight as they considered appropriate to any representation.

In the absence of such relevant information, I consider that your representation is not relevant to this application and could not be considered in the determination of the application.

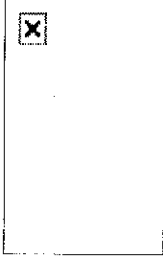
If you have any queries, please contact me.

Kind regards
John Myall MIO.L. ABII
Licensing Manager

21/01/2013

Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

T 01962 848 443
F 01962 848 365



From: John Myall
Sent: 28 December 2012 15:05
To: [REDACTED]
Subject: RE: 11a Parchment Street Winchester-Bodega

Dear Mr Sclater

I omitted to mention that although the application covers live and recorded music, it is only necessary to licence recorded music. This is because the Live Music Act 2012 repealed that part of the Licensing Act 2003 which defines 'regulated entertainment.'

Live music provided at a venue with an audience of less than 200 persons, between the hours of 0800 and 2300, is not to be regarded as regulated entertainment, and therefore does not require a licence.

My apologies for missing this from my previous email.

Kind regards
John Myall MLO. ABII
Licensing Manager
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

T 01962 848 443
F 01962 848 365



The Government Standard

From: John Myall On Behalf Of Licensing
Sent: 27 December 2012 09:38

21/01/2013

To: [REDACTED]
Subject: RE: 11a Parchment Street Winchester-Bodega

Dear Mr Sclater

Thank you for your representation. Relevant representations must relate to one or more of the four licensing objectives, the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. They should also relate to matters that are within the control of the licence holder.

To answer some of your points:-

- You state there is no need for another off licence. 'Need' cannot be considered when determining the application. This was removed when the Licensing Act 2003 repealed the 1964 Act.
- The application is primarily for an 'off-licence', but would have the facility for 'on-sales' for wine tastings and promotions. Hence the application for entertainment on those occasions.
- Planning legislation is totally distinct from licensing legislation. Planning consent is not relevant to licensing applications. If there was a breach of planning consent, that could be enforced under those provisions.

I believe your representation is made regarding the prevention of public nuisance objective, in that you perceive there will be noise nuisance from the premises. The other points you have made are not relevant to the application.

Relevant representations will be forwarded to the applicant to enable them to respond and will form part of a public document, which includes names and addresses. The document will also be published on the Council's website. If you do not wish your details to appear, your representation cannot be considered. Please let me know as soon as possible if you do **not** wish your details to be published (**telephone numbers and email addresses will not be published**).

When relevant representations are received for an application, the authority must hold a hearing to determine the application by the Licensing Sub Committee. The hearing will be held at Winchester Guildhall on a date to be arranged, which should be no later than 29 January 2013.

Any party making a relevant representation will be invited to the hearing and, subject to the return of a hearing notice, may address the Licensing Sub Committee. Oral representations must relate to the written representation. No new evidence may be introduced at the hearing. I will send you a notice of hearing in due course.

You may wish to look at <http://www.homeoffice.gov.uk/drugs/alcohol/alcohol-licences/community-involvement/> which gives some guidance for interested parties.

If the licence is granted, it is likely to contain conditions to address the licensing objectives.

If you have any queries, please contact this office.

Kind regards
John Myall MLO. ABII
Licensing Manager
Winchester City Council
City Offices
Colebrook Street
Winchester
SO23 9LJ

T 01962 848 443
F 01962 848 365



21/01/2013

From: [REDACTED]
Sent: 23 December 2012 22:23
To: Licensing
Subject: <v9_SmartSaved/> 11a Parchment Street Winchester-Bodega

Dear Sirs

We are writing to you to object to the above licence application.

There is no need for an off licence at this site. There is another one 100 metres or so west on Parchment Street at Toscanaccio (ie near the St Georges Street intersection).

This site has been saying that they were just going to be a deli.

This site is also just below flats, and opposite flats and houses, and in the residential part of Parchment Street (and unlike Toscanaccio). So a completely unsuitable site for an off licence and not least with any opening hours after 6pm. There are also a whole raft of other residential properties in close vicinity of this 11a Parchment Street property including ours.

It is also seen from the licensing application that this site is looking for the licence to cover live events/live music. Not only does this site only have planning permission for A1 retail and it is contrary to the Winchester Local plan to have anything other than A1 retail on the ground floor (and so events/live music is in breach of its planning permission/planning policy) but its proximity to residential properties makes this completely unsuitable. It is of course also the case that this site does not have any double glazing, and it has a historic extensively glazed shopfront. So there is no acoustic screening of this site from the residential properties (and in any event the sound would also travel up into the flats above as well as straight out through the non acoustically glazed shopfront).

As far as we are aware there has never been any kind of off licence in this site. Nor any shop opening beyond 6pm at this site. Its previous use has been as a furniture and soft furnishing premises (People Like Us) for very many years.

We hope therefore that this off licence/live music/events licence application will be turned down and in any event that the applicant will concede that they are not looking for any licence for any live music/live events, or to open beyond 6pm (and for any permission to open beyond 6pm), and that there will not be any decision made on this licence unless and until this has gone to the licensing committee.

Regards

William Sclater

58 Parchment Street Winchester SO23 8BA
[REDACTED]

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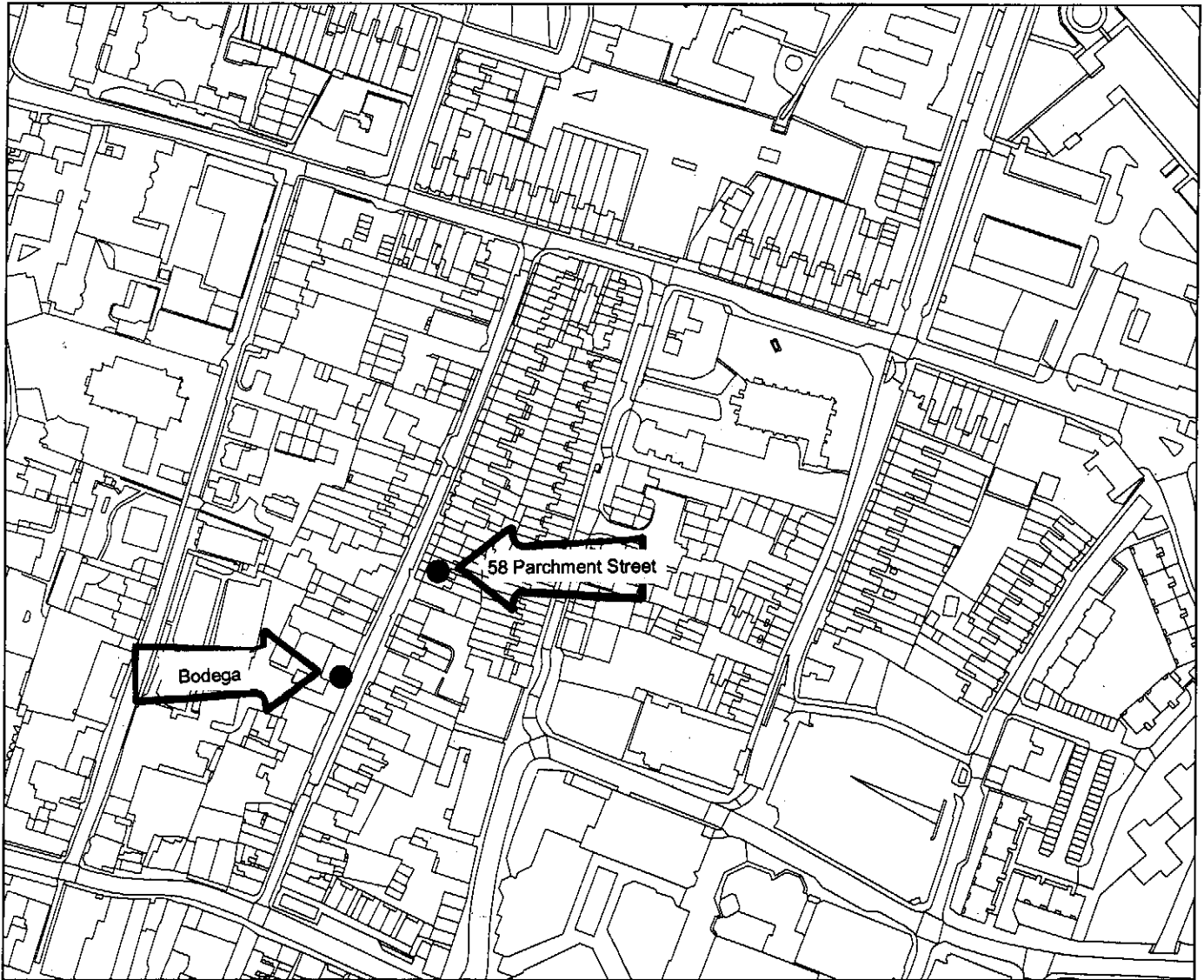
21/01/2013

Appendix 3

Bodega Ltd



Winchester
City Council



Legend



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Scale: 1:2500

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|---------------------|-------------------------|
| Organisation | Winchester City Council |
| Department | Legal Services |
| Comments | NOTHING |
| Date | 21 January 2013 |
| SLA Number | 100019531 |