

LICENSING SUB-COMMITTEE

10 March 2014

Attendance:

Councillors:

Izard (Chairman) (P)

Green (P)

Lipscomb (P)

Officers in Attendance:

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Property and Licensing Solicitor)

1. **APPLICATION FOR A PREMISES LICENCE – CAFÉ CENTRO, ST GEORGES STREET, WINCHESTER**

(Report LR433 refers)

The Sub-Committee met to consider an application for a premises licence for a Café Centro, a restaurant in St Georges Street, Winchester.

The Chairman welcomed to the meeting Mr J Mitchell (the Applicant) and Mr W Sclater (a person making relevant representations).

Mr J Myall presented the application as set out, subject to the following changes to the possible conditions outlined on Page 9 of the Report:

- Deletion of the Live Music condition as this was not required, as explained in Paragraph 1.3 of the Report.
- Deletion of the Recorded Music condition as this was not required as the Applicant only intended to play background music, incidental to the other licensable activities.
- Inclusion of Film (for the same hours as stated for recorded music) – this had been included in the Licence Application but accidentally omitted from the Report.

Mr Myall stated that no representations had been received from Responsible Authorities, but a set of conditions had been agreed between the Applicant and the Police.

One representation had been received from Mr Sclater (a resident of Parchment Street) as included within Appendix 2 of the Report.

In response to questions, Mr Myall clarified that a licence to play films would include pre-recorded television. However, transmission of live TV did not

require a premises licence as this does not fall within the definition of regulated entertainment.

The Applicant, Mr J Mitchell explained that he was in the process of acquiring a lease of 52 St George's Street and intended to re-open as the licensee in a few weeks' time. Together with his mother, he currently operated a small tea shop in Romsey and it was intended that this premises would operate in a similar manner, with the addition of the ability to open a few evenings a week offering a bistro type menu. Alcohol would be available to accompany food and there was no intention to operate the premises as a bar. Mr Mitchell explained that he intended to occasionally show films in the basement area and at times, have entertainment in the form of live singing accompanied by guitar in the evenings (the latter not requiring a licence if it took place during the hours the premises were licensed for the sale of alcohol).

In response to questions, Mr Mitchell advised that his pre-contract enquiries had revealed that office accommodation, not residential premises, were located above the café. He confirmed that the premises were air-conditioned and that there was no intention to have live music or show films other than in the basement area.

Mr Sclater addressed the Sub-Committee as a person making relevant representations and drew Members' attention to his concerns as set out in Appendix 2 of the Report. He welcomed the Applicant's statements that he would not be operating a bar from the premises and would not have live music or films in the ground floor area. However, he requested that an additional condition be imposed restricting films and live music to the basement only. In addition, he requested a condition requiring CCTV to be installed be included, as had been required for the recent licence granted for the Deli on Parchment Street.

In response to questions, Mr Sclater confirmed that he was a member of the Parchment Street and Upper Brook Street Residents' Association, although in this instance his comments were primarily made on his own behalf.

Mr Mitchell explained that he intended to install a CCTV system within the premises and he would not object to a condition restricting the playing of films to the basement area only.

Mr Myall clarified that any additional conditions could only relate to regulated entertainment, which did not include live music, for the reasons stated above. In addition, any conditions imposed must be appropriate to addressing the licensable activities (i.e. sale of alcohol and playing films).

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representation from Mr Sclater. It had taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

The Sub-Committee had agreed to grant the licence as set out on Pages 8 to 10 of the Report, amended to remove the conditions relating to live music and recorded music, with an additional condition relating to the showing of films as set out in italics below:

Films – Only to be shown in the basement

- | | | |
|--------------|------------------------------|---------------------|
| <i>(i)</i> | <i>Mondays to Thursdays</i> | <i>0830 to 1800</i> |
| <i>(ii)</i> | <i>Fridays and Saturdays</i> | <i>0830 to 2200</i> |
| <i>(iii)</i> | <i>Sundays</i> | <i>1000 to 1800</i> |

The reason for the decision was that the Sub-Committee considered that the Applicant had taken account the concerns of Mr Sclater in addressing the licensing objectives and noted that there had been no representations from responsible authorities. The Sub-Committee did not consider it appropriate to include a condition relating to CCTV, but noted that the Applicant was intending to install CCTV cameras in any case.

Before closing the meeting the Chairman encouraged the Applicant to enquire of Mr Myall about the local Pub Watch scheme as it might be of interest to him.

RESOLVED:

That the application be granted subject to the following Conditions:

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

Films (In Basement Only)

- | | | |
|--------------|------------------------------|---------------------|
| (i) | Mondays to Thursdays | 0830 to 1800 |
| (ii) | Fridays and Saturdays | 0830 to 2200 |
| (iii) | Sundays | 1000 to 1800 |

Supply of Alcohol

- | | | |
|--------------|------------------------------|---------------------|
| (i) | Mondays to Thursdays | 0830 to 1800 |
| (ii) | Fridays and Saturdays | 0830 to 2200 |
| (iii) | Sundays | 1000 to 1700 |

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

- | | | |
|--------------|------------------------------|---------------------|
| (i) | Mondays to Thursdays | 0830 to 1800 |
| (ii) | Fridays and Saturdays | 0830 to 2200 |
| (iii) | Sundays | 1000 to 1800 |

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 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.
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.

Conditions to Reflect the Operating Schedule

1. 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.
2. The refusals log shall be kept and maintained at the premises and shall be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.
3. The record of refusals shall be retained for 12 months.
4. Staff shall 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 shall be kept of such training which must be signed and dated by the member of staff who has received that training.
5. All staff shall 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.
6. There shall 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.
7. Acceptable identification for the purposes of age verification shall include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.
8. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol shall be made to or for that person.

2. **EXEMPT BUSINESS**

RESOLVED:

1. That in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

2. That the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100I and Schedule 12A to the Local Government Act 1972.

<u>Minute Number</u>	<u>Item</u>	<u>Description of Exempt Information</u>
##	Application for a Personal Licence) Information relating to any individual (Para 1 Schedule 12A refers))) Information which is likely to reveal the identity of an individual (Para 2 Schedule 12A refers)))

3. **APPLICATION FOR A PERSONAL LICENCE**
(Report LR432 refers)

The Sub-Committee noted that the applicant had withdrawn this item prior to its consideration at the meeting and therefore the Chairman agreed to remove the Report from the agenda.

The meeting commenced at 10.00am and concluded at 10.50am.

Chairman