

LICENSING SUB – COMMITTEE

25 April 2016

Report of the Head of Environmental Health and Licensing

Contact Officer: Anya Pyke. Tel No: 01962 848 443

Application: Variation of Premises Licence

Premises: Vodka Bar and Nightclub
Upper Brook Street,
Winchester,
Hampshire,
SO23 8AL

Part A. Report

- 1 Application**
- 2 Responsible Authorities**
- 3 Other Representations**
- 4 Observations**
- 5 Conditions**
- 6 Other Considerations**

Part B. Appendices

- Appendix 1 Application**
- Appendix 2 Representations from Responsible Authorities**
- Appendix 3 Representations from Other Persons**
- Appendix 4 Other Appendices**

Part A.**1. Application**

Applicant: Omaha Leisure Limited

Premises: Vodka Bar and Nightclub, Upper Brook Street, Winchester, Hampshire, SO23 8AL

- 1.1 This report relates to an application to vary the Premises Licence under Section 17 of the Licensing Act 2003 for Vodka Bar and Nightclub, Upper Brook Street, Winchester, Hampshire, SO23 8AL.
- 1.2 The purpose of the application is to extend the licensable area to include a newly built outdoor area, listed on the application as a smoking area and to increase the opening hours on Sundays until 0200 and removing the seasonal variation times. There is no change to the times for the licensable activities.
- 1.3 The applicant, Mr Lee Davies, originally applied for a minor variation to include the newly built outdoor area on the 19 November 2015. It was viewed that as there would be significant changes to the layout of the premises which could potentially have an adverse impact on the promotion of one or more of the four licensing objectives, officers felt that a full variation would be appropriate.
- 1.4 The applicant applied for a full variation on the 25 February 2016.
- 1.5 Representations were received from Mrs Abigail Toms on behalf of Winchester City Council's Environmental Health Team, which is a responsible authority. The representation relates to the public nuisance licensing objective. A copy of this can be found at Appendix 2.
- 1.6 The City Council's Environmental Health team have received three formal noise nuisance complaints since the outside area has been built from local residents, in relation to the newly built outdoor area. The area is currently being used but not for licensable activities.
- 1.7 No representations were received from any other persons.
- 1.8 Notice of the application was displayed outside of the premises for a period of 28 days until 24 March 2016, and advertised in the Hampshire Chronicle on 3 March 2016.
- 1.9 Notices of the hearing were sent to all Parties on 8 April 2016.

Designated Premises Supervisor

Mr Lee Davies

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:

Environmental Health

Representation relating to the public nuisance licensing objective was received on 23 March 2016.

Hampshire Constabulary

No representations received.

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Building Control

No representations received.

Head of Safety Standards

No representations received.

Public Health Manager

No representations received.

Licensing Authority

No representations received.

3. **Representations from Other Persons**

No representations have been received from Other Persons

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 appropriate 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 appropriate 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 appropriate to promote the Licensing Objectives.

(Licensing Policy Part 4, A8)

Licensing Objectives.

Crime and Disorder

The Sub-Committee should consider any appropriate conditions to prevent crime and public disorder relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy 1.6, 2.11, 2.17)

Public Safety

The Sub-Committee should consider any appropriate conditions relating to public safety having regard to the relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, B3, B4)

Public Nuisance

The Sub-Committee should consider any appropriate conditions to prevent public nuisance caused by noise and light pollution from the premises relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, Section C)

Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children relating to the premises having regard to the operating schedule and the representations.

(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, appropriate 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

Where the Licence Authorises Supply of Alcohol:

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.

Where the Licence requires Door Supervision:

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

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

– effective from 1 October 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
 3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) 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 either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
 4. The responsible person must 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;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014
– effective from 28 May 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula- $P = D + (D \times V)$
 where-

- (i) **P** is the permitted price,
 - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Possible Conditions

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

Operating Hours

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

- (i) ***Sunday to Wednesday 1000 to 0200***
- (ii) ***Thursday to Saturday 1000 to 0300***

All Licensing Objectives

[Dealt with in relevant sections below].

Below are the current conditions of licence, with the additional conditions offered up by the applicant in italics (these are conditions PS2 and PN9)

Crime and Disorder

- CD1. No new patrons shall be admitted to the premises after 0130 Sunday to Wednesday and after 0200 Thursday to Saturday.
- CD2. From the opening time until closing time of the venue, a ratio of two frontline door supervisor SIA registered security staff shall be employed at the venue for the first one hundred persons and then one per 100 thereafter,
- CD3. All persons who are frontline door supervisors SIA registered and whose position or role profile is solely security at the venue, shall wear a fluorescent and/or reflective tabard, clearly marked security at all times.
- CD4. The licence holder shall maintain a duty register giving details of each and every person employed in the role of a security/door person and shall provide these details upon request by any Police Officer of Council Officer.
- CD5. All front door refusals are to be recorded promptly, including reason for refusal.
- CD6. A nominated member of security shall be positioned at the entrance/exit doors and shall be responsible for counting persons in and out of the venue. They shall use a device as approved by the Police licensing department. As such, an accurate number of persons in the venue must be known at all times the venue is operating under its premise licence.
- CD7. The licence holder shall comply with the following requirements concerning the use of CCTV at the premises.

Operating and storage

- a) A recording CCTV system that captures images from the main entertainment areas must be fully operational whilst licensable activities are taking place. The recording equipment must be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.

- b) A record shall be kept of any access made to information held on the system, The system shall be checked regularly for accuracy taking account of GMT and BST.
 - c) Digital systems shall have sufficient storage capacity for 31 days evidential quality recordings. The images produced will be date and time stamped.
- CD8. There will be no entry or re-entry to the premises after cessation of alcohol sales.
- CD9. The premises licence holder shall ensure that a representative of the premises (whenever possible the DPS) attends regular pubwatch meetings or meetings of any similar scheme, so long as the scheme is in existence and welcomes participation of the venue representative.
- CD10. The DPS or their representative shall ensure that descriptions of disorderly/banned individuals are circulated to other licensed venues via pubwatch or similar scheme.
- CD11. The DPS will work with Hampshire Constabulary and other licensed venues by refusing entry to any person who has been included on the banned list.

Public Safety

- PS1. One steward/supervisor to be present in the smoking area when 40 or more people are present.
- PS2. *One steward/supervisor would be present in the smoking area when 20 or more people are present. (This will supersede the current PS1 condition).*

Public Nuisance

- PN1. 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.
- PN2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
- PN3. Staff shall be given appropriate 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.

- PN4. Prominent, clear notices shall be displayed at the point of sale and all exits requesting customers to use the litter bins provided.
- PN5. Regulated entertainment shall be restricted to the inside of the premises.
- PN6. All doors and windows that are capable of being opened directly to the outside of the premises shall be kept closed, except for access and egress, whilst the premises are in use for the purposes of regulated entertainment.
- PN7. The volume of music shall be reduced to a background level no later than 30 minutes before the premises close.
- PN8. A dispersal policy shall be implement and adhered to.
- PN9. *No customer shall enter or re-enter the smoking area after 0130 Sunday to Wednesday and 0230 Thursday to Saturday. The smoking area shall close at 0145 Sunday to Wednesday and 0245 Thursday to Saturday.*

Protection of Children

- PC1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme.
- PC2. No person under the age of 18 years shall be permitted on the premises after 2100.

6. Other Considerations

Corporate Strategy (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. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by Omaha Leisure Limited
2. Representations by Responsible Authorities
3. Map of premises location.



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.

I/We Omaha Leisure

(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 PREM59 15/01102/LAPMV

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Vodka Bar & Nightclub Upper Brook street Winchester Hants			
Post town	Winchester	Postcode	SO23 8AL

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	71-75 Shelton Street Covent Garden
Post town	London
Postcode	WC2H 9JQ

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

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

To extend Licensable Activities to the rear of the premises. The designated smoking area to be incorporated within this area and the addition of some fixed seating

To include an additional condition within the Premises Licence to state that no customer shall enter or re-enter the smoking area after 01:30 hours Sunday to Wednesday and 02:30 hours Thursday to Saturday and that the smoking area shall close at 01:45 hours Sunday to Wednesday and 02:45 hours Thursday to Saturday.

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:

0

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 all that apply

- 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 late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thurs			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thurs			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thurs			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both -- please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>		
Wed					
Thurs			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thurs			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thurs					
Fri			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					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thurs					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 3)</p>		
Wed					
Thurs			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</p>		
Fri					
Sat			<p>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both -- please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed					
Thurs			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 (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed					
Thurs			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)		
Fri					
Sat					
Sun					

K

<p>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).</p> <p>NONE</p>

L

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)	
Day	Start	Finish		
Mon		0200	NONE	
Tue		0200		
Wed		0200		
Thurs		0300	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)	
Fri		0300		
Sat		0300		NONE
Sun		0200		

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

None

M

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 and e) (please read guidance note 9)

One steward/supervisor to be present in the smoking area when 20 or more people are present.

b) The prevention of crime and disorder

c) Public safety

One steward/supervisor to be present in the smoking area when 20 or more people are present.

d) The prevention of public nuisance

No customer shall enter or re-enter the smoking area after 01:30hrs Sunday to Wednesday and 02:30hrs Thursday to Saturday. The smoking area shall close at 01:45hrs Sunday to Wednesday and 02:45hrs Thursday to Saturday.

e) The protection of children from harm

Checklist:


Please tick to indicate agreement

- 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 168 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	23/02/2016
Capacity	DPS / OWNER

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)			



Winchester
City Council

Environmental Health Representation

New Grant or Variation of Premises Licence/
Temporary Event Notice

Application Details

Temporary Event Notice	
Premises Licence	X
Variation to Premises Licence	

Applicant	Omaha Leisure
Address of Premises	Vodka Bar and Nightclub Upper Brook Street Winchester Hampshire SO23 8AL

Responsible Authority applicant details

Name of person making representation	Mrs Abigail Toms
Position	Environmental Health Manager
Address	Winchester City Council Colebrook Street Winchester Hampshire SO23 9LJ

Grounds for Representation

This representation is made in respect of the following Licensing Objective(s):

1)	The prevention of crime and disorder	
2)	Public Safety	
3)	The prevention of Public Nuisance	X
4)	The protection of Children from harm	

Please detail grounds for representation:

The applicant seeks to extend licensable activities to the outdoor area, which is described as a 'smoking area'. From a visit to the premises on 1st December 2016, I noted that the outdoor 'smoking area' has been considerably extended; being about 6 times larger than the area that originally existed for smokers. The new area, which I would consider to be more of an outdoor entertainment area, incorporates a small smoking area and larger patio/ decked area. It is equipped with patio furniture, heaters, a refreshment kiosk and built in wooden alcoves. I no longer believe that it solely serves smokers nipping out of the venue to smoke and then return to the premises.

I would estimate that this area could accommodate up to 200 people. Given the close proximity to residential properties that surround the area, I believe that the noise emanating from patrons could give rise to significant public nuisance, especially during the summer months when the outdoor area is likely to be in constant use and when neighbours wish to keep their windows open at night. The hours proposed under Section M(d) of the application are in my view unreasonable. Even with the best management controls in place, there is likely to be a significant hubbub of noise as well as occasional bursts of exuberance/ shouting / screaming that could awaken neighbours.

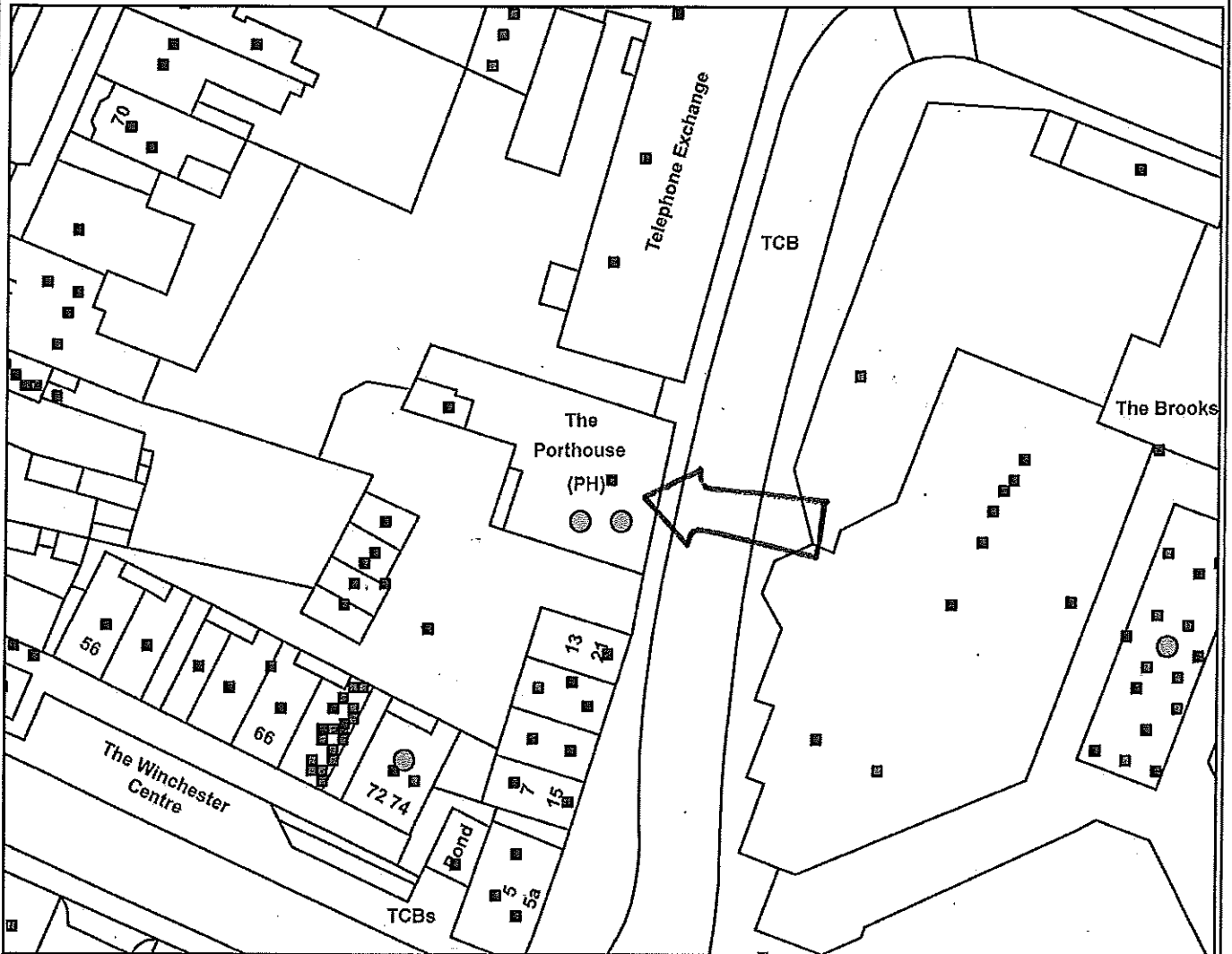
Signed:	Abigail Toms
Date:	23.3.16

Appendix 3



Winchester

City Council



Legend

- THE PREMISES
(VODKA BAR AND
NIGHTCLUB)

Scale: 0 5 10 20 Meters

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Organisation	Winchester City Council
Department	Winchester GIS
Comments	
Date	12/04/2016
MSA Number	100019531

