

LICENSING SUB – COMMITTEE

10 March 2014

Report of the Head of Licensing

Contact Officer: John Myall. Tel No: 01962 848443

Application: Premises licence

Premises: Café Centro, 52-54 St George's Street, Winchester, SO23 8AH

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Part A.**1. Application****Applicant:** Mr James Mitchell**Premises:** Café Centro, 52-54 St George's Street, Winchester, SO23 8AH

- 1.1 This application is made under Section 17 of the Licensing Act 2003 for a premises licence for Café Centro, a restaurant in St George's Street, Winchester.
- 1.2 The application is for Live and Recorded Music, and the sale of Alcohol for consumption on and off the premises.
- 1.3 The application for live music is for Fridays and Saturdays between the hours of 1700 and 2200. No licence is required for this during these hours if the premises is licensed for, and open for, the sale of alcohol as long as the audience does not exceed 200 persons.
- 1.4 Recorded music is required on Mondays to Thursdays 0830 to 1800, Fridays and Saturdays 0830 to 2200, and Sundays 1000 to 1800.
- 1.5 It is proposed that alcohol could be sold Mondays to Thursdays 0830 to 1800, Fridays and Saturdays 0830 to 2200, and Sundays 1000 to 1700.
- 1.6 The Responsible Authorities were all given a copy of the application. No representations were received from them.
- 1.7 Some conditions were agreed between the applicant and the Police, and are shown in Section 5 of the report.
- 1.8 One representation was received from a resident of Parchment Street. This was relating to the crime and disorder and public nuisance objectives.
- 1.9 Notice of the application was displayed outside of the premises for a period of 28 days until 3 February 2014, and advertised in the Hampshire Chronicle on 9 January 2014.
- 1.10 The Operating Schedule, copied at Appendix 1, proposes the Relevant Licensable Activities.

Designated Premises Supervisor

James Mitchell

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. **Representations from Other Persons**

1. Mr W 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 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 representation.

(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.

(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 representation.

(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.

(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

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.

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 regulated entertainment shall be:

Live Music

(i) Fridays and Saturdays 1700 to 2200

Recorded Music

(i) Mondays to Thursdays 0830 to 1800

(ii) Fridays and Saturdays 0830 to 2200

(iii) Sundays 1000 to 1800

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

(i) Mondays to Thursdays 0830 to 1800

(ii) Fridays and Saturdays 0830 to 2200

(iii) Sundays 1000 to 1700

4. 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

All Licensing Objectives

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.

6. Other Considerations

Corporate Strategy (Relevance To:)

This report covers issues which affect the principles of Active Communities Prosperous Economy, and an Effective and Efficient Council.

Resource Implications

A licence fee of £190 has been received to cover the administration and issue of a premises licence. It is anticipated that this premises will not have any adverse impact on resources.

Appendices

1. Application by James Mitchell
2. Representations by other persons
3. Map of premises location.



Winchester
Application for a premises licence
Licensing Act 2003

For help contact
info@winchester.gov.uk
 Telephone: 01962 840222

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

James

* Family name

Mitchell

* E-mail

james@nicolasteashop.co.uk

Main telephone number

07749352523

Include country code.

Other telephone number

- Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?

- Yes No

* Is your business registered outside the UK?

- Yes No

* Business name

Nicola's Tea Shop

If your business is registered, use its registered name.

* VAT number

-

 none

Put "none" if you are not registered for VAT.

* Legal status

Sole Trader

Ref 088002190 05/10/14
 \$190.00

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company
- A partnership
- An unincorporated association
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales
- Other (for example a statutory corporation)

Confirm The Following

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

Section 4 of 19

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

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

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

Yes

No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start 17:00

End 22:00

Start

End

SATURDAY

Start 17:00

End 22:00

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

We would like to have the occasional live singer playing background music. They would be lightly amplified by the existing small PA system to allow the customers downstairs to hear them.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

Continued from previous page...

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

There is an existing sound system installed into the ceiling tiles inside the cafe. This provides ambient background music played through a radio system.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

Continued from previous page...

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

We will not serve anyone who appears to be on drugs or drunk. We would not serve anyone without the correct age identification. We will adhere to a local "Challenge 25" campaign.

b) The prevention of crime and disorder

We will not serve anyone who appears to be on drugs or drunk.

c) Public safety

We will not serve anyone who appears to be on drugs or drunk.

d) The prevention of public nuisance

We would refuse to serve those who had already had too much to drink. We have kept our opening times short as to not disrupt the local community. We will have a sign asking our customers to be quiet whilst leaving.

e) The protection of children from harm

We would ensure identification was approved before the sale of Alcohol. We would refuse to serve anyone we felt was buying alcohol on behalf of a minor.

Section 19 of 19

PAYMENT DETAILS

Continued from previous page...

Address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

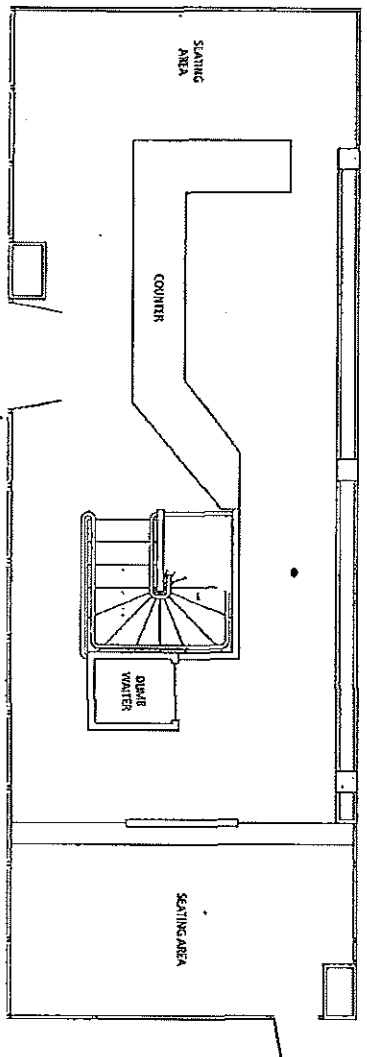
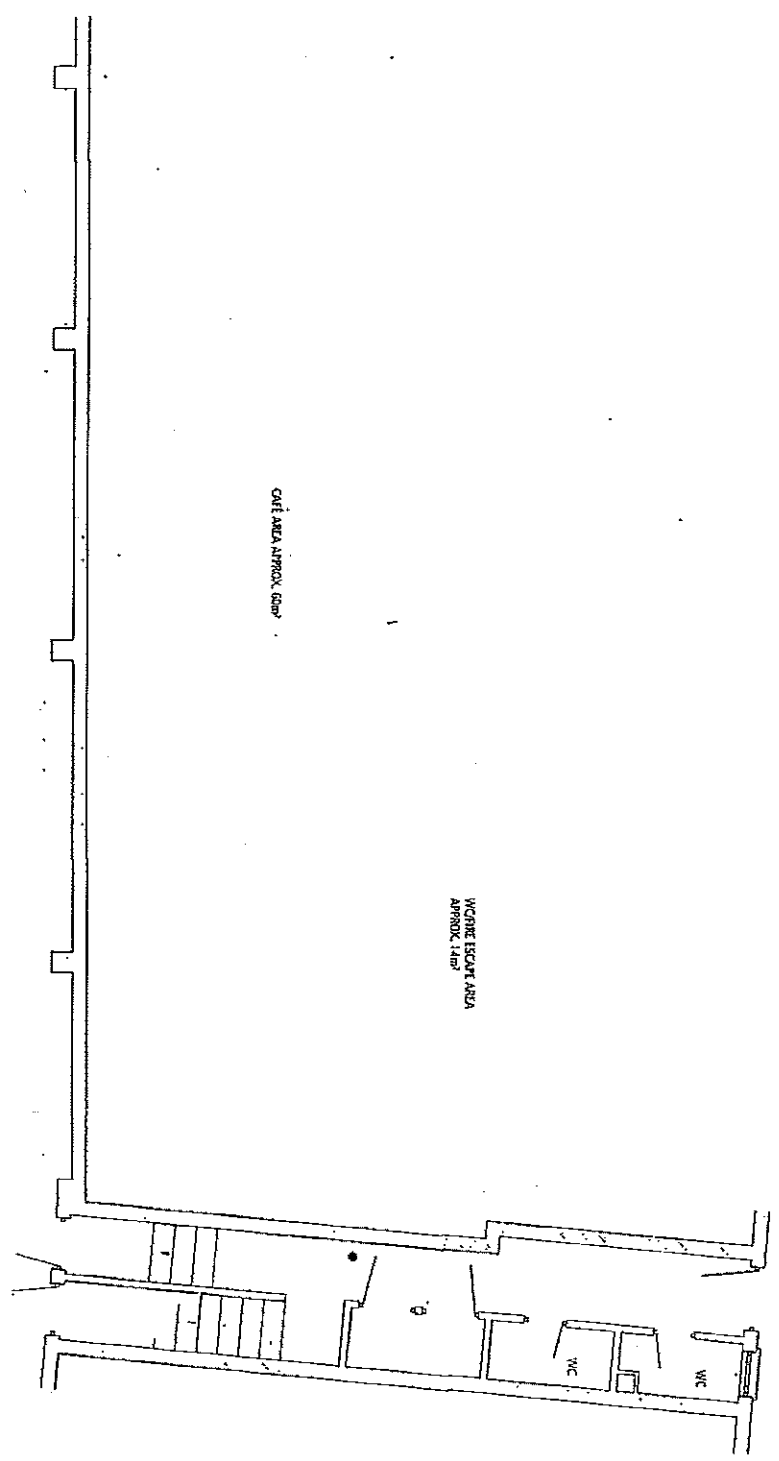
One you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/winchester/apply-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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

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Winchester

City Council

OPERATIONS GROUP
ACCESS & INFRASTRUCTURE

City Offices
Colbrook Street
Winchester,
SO23 9UL



Project
32 ST EDWARDS STREET
WINCHESTER

Title
GROUND FLOOR PLAN

Scale: 1:50
Drawn: MJD
Checked: CWF

Drawn: MJD
Checked: CWF
Date: 23/04/08
CRIC No: 70100119/001

John Myall

From: [REDACTED]
Sent: 03 February 2014 17:41
To: John Myall
Subject: Cafe Centro- Parchment Street
John

We have just heard about this licence application.

We object on grounds of nuisance, crime and disorder, protecting children from harm and public safety.

This site only has glass walls with no sound proofing, and it has flats immediately above. It is not suitable for a drinking establishment or music/entertainment. It is also 50 yards or so from an alcohol and drug treatment drop in centre (ie on St Georges Street in the old CAB premises). Parchment Street, as we know, is solely residential after the first 1/4 or so of its retail premises (and which retails premises have closing times of by 6pm and the only exceptions to this being the off licence which does not open on Mondays and is closed by 9/10pm on the other nights with an earlier closing on Sunday, and the quiet and set back Japanese restaurant nearly next door to that closing by around 10pm). Cafe Centro also has planning permission as a cafe but not as a bar (and of course, and as we know, the Licencing Policy of Winchester is clear that there should not be a grant of a licence when there is not planning permission for such licence). As we also know this location is not an area of bars or suitable for one.

Notwithstanding all of this we might be minded to consider whether we could drop this objection if you could confirm that the licence to be recommended for granting by the committee (or if the parties can agree, and as provided by the Licensing Act 2003, through agreement and without the necessity for a hearing) would:

(i) confirm, in its conditions, and as with the Deli on Parchment Street's licence that the music/entertainment would be occasional

(ii) confirm, in its conditions, and again as with the Deli on Parchment Street, that the alcohol would be sold in conjunction only with the food sold at the cafe

(iii) confirms in its condition, and again as with the Deli on Parchment Street, that the music/entertainment would only be occasional (and that save for those occasional matters, the premises would close at its current latest closing time of 6pm)

(iv) confirm in its conditions that the occasional music/entertainment would only take place in the basement (and would not last beyond 10pm- 10pm is of course, as we know, also the closing time for the off licence just into Parchment Street), and all of this being to seek to minimise noise/nuisance

(v) have the conditions, in addition to those detailed above, set out in the Parchment Street deli licence, and the Parchment Street off-licence licence

Regards

William and Claire Sclater

58 Parchment Street
Winchester
SO23 8BA

(and also in a capacity of being part of the Parchment and Upper Brook Street Residents Association)

[REDACTED]

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

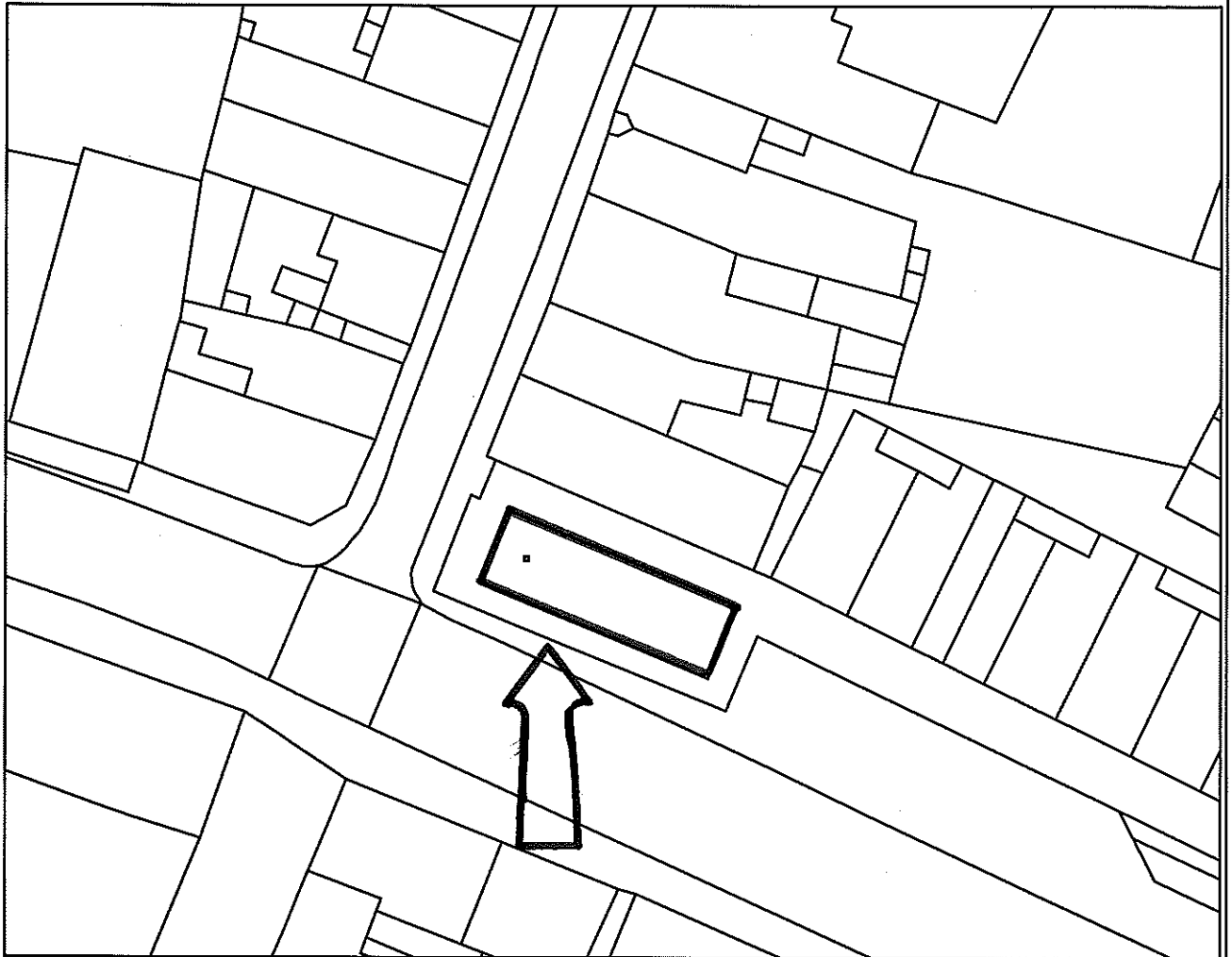
26/02/2014

Appendix 3



Winchester
City Council

Cafe Centro



Legend	

Scale: 0 0.0045 0.009 0.018 KM

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Organisation	Winchester City Council
Department	Head of Legal Services
Comments	
Date	27/02/2014
MSA Number	100019531