

LICENSING SUB-COMMITTEE

Wednesday, 12 May 2021

Attendance:

Bentote	Councillors
	Laming (Chairperson)
	Gordon-Smith

Officers in attendance:

Briony Appletree – Licensing Officer
Carol Stefanczuk – Licensing Manager
Fiona Sutherland – Public Law Manager
Phil Tidridge – Chartered Environmental Health Practitioner

Other Members in attendance that addressed the meeting:

Councillor Murphy

[Full audio recording](#)

1. **NEW PREMISES LICENCE - COFFEE LAB THE SQUARE LTD, 20 - 21 THE SQUARE, WINCHESTER, HAMPSHIRE, SO23 9EX (LR541)**

The Chairperson welcomed all those present to the meeting:

Applicant

- Joe Fellows (Director)
- Cliff Morris, Paris Smith LLP (Solicitor for the Applicant)

The Licensing Officer introduced the report which set out an application for a New Premises Licence under Section 17 of the Licensing Act 2003 for Coffee Lab The Square Ltd, 21 The Square, Winchester. The premises were described as a coffee shop situated just off Winchester High Street.

The application was seeking the provision of regulated entertainment and the supply of alcohol (for consumption on and off the premises) between the hours of 0900 to 2200 Monday to Sunday and between the hours of 0900 to 0200 New Year's Eve. However, the applicant had since amended their application regarding the supply of alcohol for consumption off the premises to commence at

1100 hours each day, as opposed to the 0900 hours initially proposed, in response to a representation received from 'Other Persons' and this proposed revision had been reflected within Section 5 of the report.

In respect of the application for the provision of regulated entertainment, taking the form of live and recorded music, the Sub-Committee were reminded that both live and recorded music were deregulated between the hours of 0800 hours and 2300 hours where they occur on premises licensed for the sale of alcohol. Any additional hours of live or recorded music applied for after 2300 hours would be for the Sub-Committee to consider further. The full application was set out in Appendix 1 to the report.

The Sub-Committee were advised that no representations had been received by Responsible Authorities but a representative from Environmental Health was present at the meeting in an advisory capacity. Conditions were agreed between Hampshire Constabulary and the applicant during the consultation period and these were also set out in Section 5 of the report. Five written representations had been received from 'Other Persons', all against the application. However, since the publication of the report, former Councillor Jackie Porter had withdrawn her written representation. The remaining four representations primarily related to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. These representations were set out in full in Appendix 2.

In conclusion, the Licensing Officer advised the Sub-Committee that, if minded to approve the application, there were conditions to consider, as set out in Section 5 of the report, which the Sub-Committee could amend as appropriate to promote the licensing objectives.

At the invitation of the Chairperson, Mr Morris addressed the Sub-Committee on behalf of the applicant and responded to questions.

Mr Morris clarified that the applicant had advised that the request for off sales no longer formed part of application and had been withdrawn.

In addition, Mr Morris stated that whilst this was an application for a new licence, the premises had been licensed in the past. The holding company Coffee Lab Group went into liquidation, resulting in the existing premises licence for these premises lapsing. Therefore, they had to make a new application for a new premises licence. In respect of the licensable activity of Live Music Mr Morris indicated that although this was deregulated, live music was not currently part of the business plan and as such the applicant would not object to the removal of this activity.

Mr Morris stated that the business was well established and the reason for applying for the new premises licence was to be able to meet their customers' needs and whilst primarily being a coffee hub, there were occasions when people would welcome a glass of wine or bottle of beer and they wished to have the opportunity to sell this. Mr Morris clarified that it was not the business model to become a small niche pub or wine bar and was simply only to meet the needs of their clientele.

In response to questions from the Sub-Committee, Mr Tidridge clarified details of what had been included within the application, the outcome of discussions with the applicant to follow the business model and the regulation of any noise nuisance issues that may arise in future. In conclusion, Mr Tidridge confirmed he was satisfied with the proposals in this location and from the lack of complaint history, that there were no concerns from a public nuisance perspective on this application.

The Sub-Committee retired to deliberate in private.

In his closing remarks, the Chairperson stated that the Sub-Committee had carefully considered the application, the written representations made by Other Persons and the Applicant's evidence received. It had taken into account the Council's Statement of Licensing Policy, the Home Office Guidance issued under section 182 of the Licensing Act 2003, the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

The Sub-Committee concluded that the application should be granted with the additional conditions set out in section 5 of the report.

The Chairperson announced that in view of the location and nature of the business, it was considered that no further restrictions be imposed for New Year's Eve.

The Sub-Committee welcomed the Applicant's withdrawal of off sales from the application.

The Chairperson thanked all those present for attending the meeting and explained to all parties that they would be formally notified of the decision in writing in due course and of their right to appeal to the Magistrates' Court within 21 days from the date of notification of the decision.

RESOLVED:

1. That the application be granted, subject to the additional conditions set out in section 5 of the report, for the following reason:

REASON

In order to promote the licensing objectives of the prevention of public nuisance and prevention of crime and disorder.

2. **NEW PREMISES LICENCE - COFFEE LAB ACADEMY LTD, 18A LITTLE MINSTER STREET, WINCHESTER, SO23 9HB (LR542)**

The Chairperson welcomed all those present to the meeting:

Applicant

- Joe Fellows (Director)
- Cliff Morris – Paris Smith LLP (Solicitor for the Applicant)

Representations by ‘Other Persons’

- Paul Poornan and Cecilia Galloway (AKA Mrs Poornan)
- Charlotte Vaughan
- Graham Vaughan
- Dr Paul Williams
- Dr Paul Williams (on behalf of Ron and Sheila Wilson)
- Elisabeth Vaughan
- Ceri Parke
- John Marshall
- Andrew Vaughan
- Tim Wright
- Councillor Lynda Murphy, Ward Member for St Michael Ward

The Licensing Officer introduced the report which set out an application for a New Premises Licence under Section 17 of the Licensing Act 2003 for Coffee Lab Academy Ltd, 18A Little Minister Street, Winchester. The premises was described as a coffee shop situated just off Winchester High Street.

The application was seeking the provision of regulated entertainment and the supply of alcohol (for consumption on and off the premises) between the hours of 0900 to 2200 Monday to Sunday and between the hours of 0900 to 0200 New Year’s Eve, as reflected within Section 5 of the report.

In respect of the application for the provision of regulated entertainment, taking the form of live and recorded music, the Sub-Committee were reminded that both live and recorded music were de-regulated between the hours of 0800 hours and 2300 hours where they occur on premises licensed for the sale of alcohol for consumption on the premises. Any additional hours of live or recorded music applied for after 2300 hours would be for the Sub-Committee to consider further. The full application was set out in Appendix 1 to the report.

The Sub-Committee were advised that no representations had been received by Responsible Authorities but that a representative from Environmental Health was present at the meeting in an advisory capacity. Conditions were agreed between Hampshire Constabulary and the applicant, and Environmental Health and the applicant, during the consultation period and these were also set out in Section 5 of the report. As a result, the representations of Hampshire Constabulary and Environmental Health had been withdrawn. 30 written representations had been received from ‘Other Persons’, all against the application. The representations primarily related to the licensing objective prevention of public nuisance. These representations were set out in full in Appendix 2.

In conclusion, the Licensing Officer advised the Sub-Committee that, if minded to approve the application, there were conditions to consider, as set out in section 5 of the report, which the Sub-Committee could amend as appropriate to promote the licensing objectives.

At the invitation of the Chairperson, Mr Morris addressed the Sub-Committee on behalf of the applicant and responded to questions.

Mr Morris clarified that the applicant had advised that the request for off sales no longer formed part of application and had been withdrawn.

Furthermore, in respect of live music, which was deregulated until 2300 hours, Mr Morris stated that, following discussion with the applicant, it was not their intention to have live music at the venue at any stage and only to play recorded low level background music.

Mr Morris stated that the business was a coffee house that wished to have the ability to offer alcohol to its patrons. All alcohol, wine, beer etc would be available in bottles only and not on draught and would be served until 2200 hours each day only, and there was absolutely no intention to turn the venue into a bar for consumption of large amounts of alcohol.

In response to questions from the Sub-Committee, Mr Tidridge clarified details of what had been included within the application, the outcome of discussions with the applicant to follow the business model and the regulation of any noise nuisance issues that may arise in future.

In conclusion, Mr Tidridge confirmed he was satisfied with the revised proposals and given the fact that the licence could be called in for review under the licensing regime should any problems arise going forward, on balance that there were no further concerns at this stage from a public nuisance perspective on this application that had not already been addressed by the wider context public nuisance conditions agreed during the consultation process between Environmental Health and the applicant, as set out in Section 5.

The Chairperson then invited 'Other Persons' who had made relevant written representations against the application to address the Committee and where required, Members asked questions thereon. All the points raised were answered by the Licensing Officer and the applicant accordingly.

Ms Galloway addressed the Sub-Committee speaking on behalf of herself and her husband, Mr Poornan and referred to her representation shown on pages 114 – 115 of the report. In summary, she stated that their primary objection was in relation to public nuisance in respect of noise and the travel of vibration in a residential area. Additionally, she considered that smoking would be a nuisance as well where patrons would stand around outside the premises and this would cause further noise and pollution.

Mrs Charlotte Vaughan addressed the Sub-Committee and referred to her representation shown on pages 123 -124 of the report. In summary, she stated that her mother and father in law lived above the premises and due to their age and health she had great concerns. Mrs Vaughan made reference to the prevention of crime and disorder licensing objective and stated that drinking in this area was already an issue without an establishment that supplied it and additionally there was drug use in the Town Centre which would only be exacerbated by granting this application and would have a detrimental effect on

the health of her elderly family residing above and expressed concern in respect of public safety with people sitting outside on the streets which would attract the wrong type of clientele wishing to drink alcohol.

Mr Graham Vaughan addressed the Sub-Committee and referred to his representation shown on pages 125 -126 of the report. In summary, he reiterated that his parents residing above the premises would be severely affected by the licence. He stated that drug use was already taking place in the building during the day and night time with drug needles etc left behind the back of Coffee Lab where entrance had been achieved by a broken gate that had not been fixed by the applicant. Mr Vaughan believed that this licence would be used to allow parties on the premises which he stated had taken place before keeping his parents awake until 11pm with even background music being audible. In conclusion, he stated that there was no night time economy in Little Minister Street, it was all in the The Square which he stated is where drinking establishments should remain.

Dr Williams addressed the Sub-Committee on behalf of Ron and Sheila Wilson and referred to their representation shown on page 87 of the report. In summary, he stated that this area was primarily residential with the majority of businesses closing by 1800 hours each day. Mr & Mrs Wilson's primary concern was regarding the constant noise from morning to evening from customers and from amplified and recorded music playing daily for up to 15 hours a day.

Dr Williams addressed the Sub-Committee and referred to his representation shown on page 90 of the report. In summary, he made reference to the number of people that would be present on the premises at any one time and the level of amplified music and considered that the level of noise coming from 100 people in conversation and with the addition of amplified music would be highly excessive with streets becoming louder when patrons leave the premises. In addition, he made reference to pollution from customers smoking outside of the premises and traffic and light pollution from cars collecting patrons leaving the premises.

Mrs Elisabeth Vaughan addressed the Sub-Committee and referred to her representation shown on page 88 - 89 of the report. In summary, she stated that she was extremely concerned that alcohol could be served in Coffee Lab, which had doubled in size during lockdown. She considered that she would be unable to provide adequate care to her husband if the licence was granted. In respect of the concerns regarding drug use she stated that she was scared for her safety when taking her rubbish to the bin store due to the drug use taking place in the area below her home.

Ms Parke addressed the Sub-Committee and referred to her representation shown on page 120 of the report. In summary, she stated that she was the owner of the flat above the entrance to the premises and wished to make an objection in relation to public nuisance in terms of noise, smoking and late night disturbance due to the significant change of use of the premises from a coffee bar that closed at 1800 hours, which was largely supported by residents, to a coffee bar that turns into a bar serving alcohol and was a significant change to public nuisance to surrounding residents.

In addition, Ms Parke stated that she was also one of the directors of the management company of the building and as a result of previous activities she had little confidence in the applicant adhering to the conditions outlined in the application and that since the lease there had been a number of issues, particularly with Coffee Lab failing to secure the building at night allowing entrance to the back of the building, resulting in drug use and the way waste has been handled. In conclusion, Ms Parke stated that on the grounds of public nuisance and the impact the licence could have on residents and the surrounding area she strongly objected to the application.

Mr Marshall addressed the Sub-Committee and referred to his representation shown on pages 121 – 122 of the report. In summary, he stated that he wished to object to the application on the grounds of public nuisance as a resident living above the premises. He stated that there had been some private parties at the premises which could be heard in the apartments above. The building had not been designed for a bar or restaurant; only a retail premises in a quieter Town Centre location and as such sound proofing was not sufficient to control noise disturbance.

In conclusion, Mr Marshall stated that Kings Head Yard was not the correct location for premises serving alcohol and that as Coffee Lab was not an owner operated business and had failed to address previous concerns that had been reported to them adequately, there was concern that further issues would arise.

Mr Andrew Vaughan addressed the Sub-Committee and referred to his representation shown on pages 111 – 112 of the report. In summary, he reiterated comments already raised and he stated that he wished to object to the application in relation to public nuisance for the residents of the area and believed that their quality of life would be affected due to the sale of alcohol and that the noise from patrons and amplified music which may not be suitably controlled.

Mr Wright addressed the Sub-Committee and referred to his representation shown on pages 118 – 119 of the report. In summary, he stated that he wished to object in relation to public nuisance and considered that The Square was the correct location for an alcohol licence rather than Little Minister Street which was largely residential.

Councillor Murphy addressed the Sub-Committee as a Ward Member for St Michaels and referred to her representation shown on page 113 of the report. She stated that this application would be a significant change to the use of a residential building, which would disturb the elderly residents and therefore she was objecting to this application on the grounds of public nuisance.

For clarification, the Licensing Officer confirmed that only the points raised within the written representations submitted by 'Other Persons' could be referred to by those speaking and no additional material could be taken into account by the Sub-Committee.

In response to the representations made and in summing up, Mr Morris stated that as a result of the concerns the applicants had responded by removing the

need for live music, off sales and by applying for the licence until 2200 hours only. He confirmed that the applicants were in the process of installing some acoustic shielding to mitigate some of the noise concerns expressed by residents. In addition, the Director of Coffee Lab, Mr Fellows had offered to provide residents and the management company of the building with his direct contact number to ensure that any further issues were resolved quickly and efficiently and to work with residents to address matters going forward, such as moving those patrons smoking away from the outside of the premises.

Mr Morris stated that it was proposed that there would be a gradual increase in the hours to those applied for as and when the business need and demand required it.

In conclusion and for clarification, the Licensing Officer confirmed that only the points raised within the written representations submitted by 'Other Persons' could be taken into consideration and no additional material could be taken into account by the Sub-Committee, unless agreed by all parties and where this information was unavailable to the time the written representation was submitted.

The Sub-Committee retired to deliberate in private.

In his closing remarks, the Chairperson stated that the Sub-Committee had carefully considered the application, the representations made by Other Persons and the Applicant's evidence received. It had taken into account the Council's Statement of Licensing Policy, the Home Office Guidance issued under section 182 of the Licensing Act 2003, the duties under the Crime and Disorder Act 1998, the rights set out in the Human Rights Act 1998 and the Public Sector Equality Duty in relation to people with protected characteristics.

The Sub-Committee has concluded that the Application should be granted with the additional conditions set out in section 5 of the report, with the following amendments highlighted in bold and/or removed, as set out below:

Operating Hours

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

(Live Music withdrawn from the application by the Applicant)

~~Live Music Monday to Sunday 18:00 to 23:00
(indoors only) New Year's Eve 18:00 to 02:00~~

Recorded Music Monday to Sunday 08:00 to **19:00**
(indoors only) New Year's Eve 08:00 to **19:00**

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

Supply of Alcohol Monday to Sunday 09:00 to **19:00**
 New Year's Eve 09:00 to **19:00**

The supply of alcohol is for both consumption on ~~and off~~ the premises.

(The supply of alcohol for consumption off the premises was withdrawn from the application by the Applicant)

And an additional condition, that a written procedure in relation to the proximity of the smoking of tobacco outside the premises be produced and the requirement that this must be adhered to, for the following reasons as set out below.

The Chairperson thanked all those present for attending the meeting and explained to all parties that they would be formally notified of the decision in writing in due course and of their right to appeal to the Magistrates' Court within 21 days from the date of notification of the decision.

RESOLVED:

1. That the application should be granted, subject to the conditions set out in section 5 of the report, with the following amendments highlighted in bold and/or removed and the additional condition, as set out above, for the following reasons:

REASON

In order to promote the licensing objectives of the prevention of public nuisance, prevention of crime and disorder and public safety.

The Sub-Committee has carefully weighed up the business requirements and the impact on the residents in this area, and specifically the immediate area. The reduction of hours and additional condition mitigate any of the issues of public nuisance, public safety and crime and disorder.

The meeting commenced at 10.00 am and concluded at 1.10 pm

Chairperson