

## **LICENSING SUB-COMMITTEE**

**Thursday, 20 January 2022**

Attendance:

Councillors

Green (Chairperson)

Bentote

Cunningham

Officers in attendance:

Briony Appletree – Interim Licensing Manager

Nathan Mountney – Litigation Solicitor

[Full audio recording](#)

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### 1. **DISCLOSURE OF INTERESTS**

There were no disclosure of interests made at this meeting.

### 2. **APPLICATION FOR NEW PREMISES LICENSE - THE STABLE, 31B THE SQUARE, WINCHESTER, HAMPSHIRE, SO23 9EX**

(Report LR554)

The Chairperson welcomed all those present to the meeting:

#### **Applicant & Representative**

Philip Day – Lacey’s Solicitors (representing the Applicant)

Ollie Spratley (Regional Manager for The Stable)

#### **Responsible Authorities:**

PC Brian Swallow – Hampshire Constabulary (on behalf of the Chief Officer of Police)

The Interim Licensing Manager introduced the report which set out an application for a New Premises Licence under Section 17 of the Licensing Act 2003 for The Stable, 31B The Square, Winchester and responded to questions thereon. The premises were described as a ‘bar and restaurant’ and a plan of the premises location was set out in Appendix 4 to the report.

The premises had an existing premises licensing in effect, as set out in Appendix 3. This application was seeking to retain the same operating hours as the existing licence, with some modifications and conditions that reflected the current

operation of the premises. The application specified live music, recorded music, late night refreshment and supply of alcohol (for consumption on and off the premises) as the licensable activities. The full application was set out in Appendix 1 to the report.

The Sub-Committee were advised that one representation had been received by a Responsible Authority; PC Brian Swallow of Hampshire Constabulary, on behalf of the Chief Officer of Police. The representation related to the licensing objectives of prevention of crime and disorder, public safety and the prevention of public nuisance and were set out in full in Appendix 2. No representations had been received by Other Persons.

The Sub-Committee were advised that it was understood that discussions about possible conditions had taken place between PC Swallow and the applicant's representative during the consultation period and up to and including 19 January 2022 and the correspondence received from both parties was set out in Appendices 5, 7 and 8 to the report. The correspondence set out in Appendices 7 and 8 suggested that the two parties had agreed on a number of conditions, but there were several outstanding issues for discussion.

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

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

PC Swallow addressed the Sub-Committee and referred Members to his representation, set out in Appendix 2 to the report and to Appendix 8 which set out the proposed conditions for the premises he had submitted on behalf of the Chief Officer of Police and answered questions thereon.

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 Mr Philip Day from Laceys Solicitors LLP on behalf of the Applicant, PC Brian Swallow from Hampshire Constabulary on behalf of the Chief Officer of Police, the supplementary material provided by Laceys Solicitors LLP on behalf of the Applicants and by Hampshire Constabulary and the evidence given today. It has 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 be granted, subject to the conditions in accordance with the operating schedule (modified to such extent as the authority considers appropriate for the promotion of the licensing objectives) as detailed in full below, and the mandatory conditions, set out in Section 5 of the report.

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:**

- (i) That the plans submitted with the application be approved;
- (ii) That the hours for Recorded Music be amended to finish at 01:00 hours Monday to Wednesday; and
- (iii) That the following conditions be agreed, as set out in full below:-

**CCTV:**

The wording supplied by the Police, as set out in Appendix 8 of the report and agreed by the applicant, as follows:

- (1) A colour recording CCTV system that captures images from the main public areas shall be fully operational whilst licensable activities are taking place.
- (2) The system shall be able to cope with all levels of illumination.
- (3) The recording equipment shall be stored and operated in a secure environment with limited access, to avoid damage, theft, unauthorised viewing and maintain the integrity of the system.
- (4) The system shall be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.
- (5) The system clock shall be checked regularly for accuracy taking account of GMT and BST. Digital systems shall have sufficient storage capacity for 28 days evidential quality recordings (minimum 4 frames per second).
- (6) The images produced shall be date and time stamped.
- (7) A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.
- (8) An additional recording CCTV camera shall be installed and fully operational whilst the venue is open to the public to cover the area immediately outside the front of the premises.
- (9) It is important that the Police are able to access data from the systems quickly and easily. Therefore provision shall be made that at all times the venue is operating under its premises licence, a person is in attendance who is nominated by the data controller

who has access to the secure area who is able to operate the equipment.

- (10) Ensure all operators receive training from the installer when equipment is installed and that this is cascaded down to new members of nominated staff.
- (11) Have a simple operator's manual available to assist in replaying and exporting data (particularly important with digital systems) and to produce images to the police or responsible authority for the purpose of the prevention and detection of crime as long as the request is lawful and complies with GDPR.
- (12) In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify the police licensing department responsible for the area within 24 hours.

#### Refusals Log:

The Applicant's amended wording submitted on 19 January 2022, set out in Appendix 7 to the report, as follows:

- (1) The premises shall maintain an Incident Book and Refusals Register (either separately or as a single record and either written or electronically) and use the same to record:
  - Any incident occurring in the premises (including the external area) involving the commission (or suspected commission) of any criminal offence or incident of anti-social behaviour;
  - Any occasion when a customer is refused service of alcohol and the reason for the refusal;
  - Any occasion when a customer is asked to leave the premises (other than at closing time); and
  - Any occasion when a person is refused admission to the premises.
- (2) The Incident Book and Refusals Register shall be checked, signed and dated by the DPS (or, in their absence, a senior manager) on a weekly basis.
- (3) The Incident book/refusals register shall be made available for inspection by Police and other authorised officers on request and retained for a period of at least 12 months.

#### Restaurant:

The Applicant's wording submitted on 19 January 2022, set out in Appendix 7 to the report but removing the comments, to read as follows:

The premises shall be a food-led establishment and to that end:

- (1) Substantial meals appropriate to the time of day shall be available to order at least from the time the premises open until 23:00 hours or an hour before the intended closing time of the premises, whichever is earlier;
- (2) A waiter/waitress service shall be in operation at all times;
- (3) Substantial table meals shall be prepared on the premises, served and consumed at tables using non-disposable crockery;
- (4) Non-alcoholic beverages including tea and coffee shall be available at all times the premises are open;
- (5) A minimum of 40 covers suitable for dining shall be provided at least until 23:00 hours or an hour before the intended closing times of the premises; and
- (6) Any alcohol supplied for consumption off the premises (whether by take-away or delivery) shall only be so supplied as ancillary to a substantial meal.

#### Challenge 25:

The wording supplied by the Police and agreed by the Applicant, set out in Appendix 8 to the report, as follows:

- (1) 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.
- (2) Acceptable identification for the purposes of age verification shall include a valid photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol shall be made to or for that person.
- (3) 'Challenge 25' posters shall be displayed in prominent positions at the premises.

#### Training:

The Police condition, as amended by the Applicant on 19 January 2022, set out in Appendix 7 to the report, as follows:

- (1) Before commencing their duties all new staff who are involved in the sale or supply of alcohol, shall receive information and training concerning the sale of age-restricted products. This training shall cover their legal responsibilities and action to be

taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age.

- (2) All employees shall sign an acknowledgement that they have completed this training and have understood their responsibilities on this area. This training should be reviewed and updated at reasonable intervals but at least every 6 months.
- (3) Written records of all training will be maintained and made available for inspection by authorised officers on request.

Vulnerability:

The wording supplied by the Police and agreed by the Applicant, set out in Appendix 8 to the report, as follows:

A written policy on how the venue will deal with vulnerability shall be implemented and as a minimum shall include the following:

- (1) A definition of the different types of vulnerability that may present at the premises.
- (2) How best to communicate with vulnerable people. For example, people who are drunk, people on their own, people behaving aggressively and people who are ill.
- (3) How to safeguard vulnerable people, including information on first aid administration and referral to the ambulance service and police where relevant.
- (4) Best practice for partnering with agencies, such as taxi companies, local authorities and other venues.
- (5) What to do if you sense a vulnerable person is in danger, for example if they leave the venue alone or with people they didn't arrive with.

Pubwatch:

No amendments made to condition as per the original application of 22 November 2021.

SIA Security:

If the premises are to be open after midnight on any day of the week the premises licence holder shall ensure that a minimum of 2 licensed SIA door supervisors are employed for the first 100 persons and then 1 door supervisor per hundred persons thereafter. They shall be on duty at the premises from 10:30pm until the time when licensable activities cease. This number is to include only frontline door supervisor SIA staff

employed solely on door supervisor / security duties, i.e. safety and security at the venue.

The premises licence holder may be exempted from the requirement to employ a minimum of 2 licensed SIA door supervisors at the premises on the above-mentioned occasions where written consent is obtained from an authorised officer of Hampshire Constabulary's Police Licensing Department at least 7 days in advance of any such occasion.

**Other undisputed conditions proposed by the Applicant were agreed as follows:**

- (1) This licence shall be of no effect unless and until premises licence number PREM 196 is surrendered.
- (2) If it is intended to provide any form of live or recorded music as regulated entertainment other than in accordance with the Live Music Act as amended (i.e. after 23:00 hours) the holder of the licence will:
  - Have in place a written noise management plan to ensure that neighbouring properties will not suffer from a noise nuisance;
  - Undertake monitoring of noise levels outside the premises at least every 30 minutes to ensure that noise levels are not causing nuisance to the occupiers of any residential properties in the locality;
  - Ensure that all amplified music is routed through a noise limiting device calibrated to the reasonable satisfaction of the Licensing Authority.
- (3) If the premises are open beyond midnight, the admission of new patrons will not be permitted after 01:30 hours.
- (4) The holder of the licence shall ensure that noise and odour from the premises are controlled in such a way as not to cause a public nuisance.
- (5) A notice shall be prominently displayed at the exit(s) from the premises requesting that patrons leave quietly.

**REASONS:**

The Sub-Committee considered that due to the easing of restrictions imposed during the Coronavirus pandemic, the general public were going to increase in attendance at licensed premises such as The Stable, 31B The Square, Winchester, during night time economy hours.

These conditions are considered to be reasonable and proportionate measures necessary to promote the licensing objectives of prevention of crime and disorder, public safety and prevention of public nuisance. Not to do so would undermine those objectives.

The meeting commenced at 2.30 pm and concluded at 5.10 pm

Chairperson