

## LICENSING SUB-COMMITTEE

Wednesday, 11 May 2022

Attendance:

Councillors

McLean (Chairperson)

Green

Westwood

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 PREMISES LICENCE - THE PUMP HOUSE, GARNIER ROAD, WINCHESTER, SO23 9QG (LR559)

The Chairperson welcomed all those present to the meeting:

#### **Applicant - The Pump House, Garnier Road, Winchester:**

Reece Comberbach

Alex Donnan

#### **Other Persons who have made written representations:**

Councillor Chris Edwards (representation on page 83)

Hannah Simmons (representation on pages 65-67)

Dr A Crawford (on behalf of himself, Mansel Clarke, Carol Wade and Marcus Swalwell - representations on pages 60-62, pages 51 & 52 and pages 47-49)

Colin Armstrong (on behalf of himself and Nicholas Tudor – representations on pages 54-58 and pages 38-40)

Janet Rowland-White (representation on pages 44-46)

Simon Lomas (on behalf of himself and Jane Nicholson – representations on pages 65-67 and pages 42 & 43)

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 Pump House, Garnier Road, Winchester, SO23 9QG. The application described the application as 'an independent upmarket co-working, wellbeing café that will be appealing to the locals of Winchester' stating that the building was only to be used by members Monday to Friday and open to the public on weekends. The application proposed the supply of alcohol for consumption on and off the premises as the only licensable activity; details of the proposed days and times were outlined in Section 5 of the report. The full application was set out in Appendix 1 to the report.

During the consultation period, a number of conditions and some amendments to the requested licensable hours were agreed between Hampshire Constabulary and the applicant, in order to promote the licensing objectives. These agreed changes were set out in Section 5 of the report.

The Sub-Committee were advised that no representations had been received by Responsible Authorities. 27 written representations had been received from 'Other Persons' (including from one Ward Councillor) all against the application, six of whom addressed the Sub-Committee. These representations were set out in full in Appendix 2 and related to all four of the licensing objectives; the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm.

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, which the Sub-Committee could consider and amend as appropriate to promote the licensing objectives.

At the invitation of the Chairperson, Alex Donnan, on behalf of the applicant for The Pump House, Garnier Road, Winchester, addressed the Sub-Committee to set out the application and responded to questions.

The Chairperson then invited the six 'Other Persons' who had made relevant written representations to address the Sub-Committee. Councillor Chris Edwards (Ward Councillor for St Michael), Hannah Simmons, Dr A Crawford (on behalf of himself, Mansel Clarke, Carol Wade and Marcus Swalwell), Colin Armstrong (on behalf of himself and Nicholas Tudor), Janet Rowland-White and Simon Lomas (on behalf of himself and Jane Nicholson) all spoke in relation to their written representations and answered questions thereon. In addition, points raised were answered by the applicant and the Interim Licensing Manager accordingly.

In response to further questions by the Sub-Committee, the Interim Licensing Manager clarified that 'bring your own bottle' did not require a licence and that reference to highway concerns and conditions granted as part of the planning application process were a separate matter to the licensing process. Hampshire Highways are not consulted on licensing applications as they are not defined as a 'Responsible Authority' under the Licensing Act 2003. Road safety concerns in respect of a licensing application could be considered by Hampshire Constabulary as a consulted Responsible Authority for investigation with Hampshire Highways, if deemed appropriate. However, there had been no highway concerns raised on this application by Hampshire Constabulary.

The Sub-Committee retired to deliberate in private.

In his closing statement, the Chairperson stated that the Sub-Committee had carefully considered the application, the representations made by Responsible Authorities and 'Other Persons' and the applicant's evidence given at the meeting. It has taken into account the Council's Statement of Licensing Policy, the Public Sector Equality Duty, 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 considered the promotion of the four licensing objectives and the section 182 guidance. The Sub-Committee clarified that the highway issue was irrelevant to the licensing objective of promoting public safety. The Sub-Committee suggested that signage be installed requesting patrons to leave the premises quietly with consideration to nearby residential properties, as per condition PN1.

**RESOLVED:**

That the premises licence be granted with the amended and additional conditions agreed between Hampshire Constabulary and the applicant, as set out in italics in Section 5 of the report, and the further condition in relation to public nuisance licensing objective PN1, as per the Operating Schedule (also set out in Section 5 of the report).

**REASONS**

The Sub-Committee considered that the amended conditions were reasonable, proportionate and sufficient to promote the four licensing objectives of the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children.

The Chairperson advised that all parties 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.

The meeting commenced at 10.00 am and concluded at 12.05 pm

Chairperson