

LICENSING SUB-COMMITTEE

Monday, 17 October 2022 at 1pm

Attendance:

Councillors:
Laming (Chairperson)

Batho

Westwood

Officers in attendance:

Briony Appletree - Licensing Officer
Nathan Mountney – Litigation Solicitor

[Full audio recording](#)

1. **TO CONFIRM A CHAIRPERSON FOR THE MEETING**

RESOLVED:

That Councillor Laming be confirmed as Chairperson for the meeting.

2. **DISCLOSURE OF INTERESTS**

There were no disclosure of interests made at this meeting.

3. **APPLICATION FOR VARIATION OF PREMISES LICENCE - VODKA BAR AND NIGHTCLUB, UPPER BROOK STREET, WINCHESTER, HAMPSHIRE, SO23 8AL (LR565)**

The Chairperson welcomed all those present to the meeting:

Applicant

Lee William Davies – Premises Licence Holder
Kalvin Collymore – Business Partner
Richard Sims – Advisor representing Mr Davies

Other Persons who have made written representations:

Charles Pascall (representation on pages 54-55)
Adrian Hutton (representation on page 58)
Sorrell Collins (representation on pages 59-60)
Emily Horne (representation on pages 61-62)

Kate Healey (attended virtually) (representation on pages 63-64)

Michael Hobby (on behalf of Winchester Street Pastors) (representation on page 65)

The Licensing Officer introduced the report which set out an application to vary a premises licence under section 34 of the Licensing Act 2003 for Vodka Bar and Nightclub, Upper Brook Street, Winchester, SO23 8AL. The application was to amend the hours for licensable activities; amend the opening hours; remove seasonal variations to the hours; amend the layout of the premises; and add, amend and remove various licence conditions.

The application proposed to amend the hours for licensable activities and the opening hours, including permitting regulated entertainment, late night refreshment and the supply of alcohol until 04:00 hours on Tuesdays, Thursdays, Fridays and Saturdays. For clarification, the Licensing Officer drew the Sub Committee's attention to Appendix 6 which set out a comparison between the current premises licence and the proposals as set out in the application.

The application proposed to amend the layout of the premises to introduce a new welfare/medical room and relocate the toilets, cloakroom and rear door leading to the garden. Prior to submission of the application, a number of conditions had been added, amended and removed by the applicant, following consultation with Hampshire Constabulary and Environmental Health to promote the licensing objectives. The full application was set out in Appendix 1 and the existing premises licence was set out in Appendix 3 to the report.

The Sub-Committee were advised that no representations had been received by Responsible Authorities. 12 written representations had been received from 'Other Persons' 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 Licensing Officer 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, Richard Sims, advisor representing the applicant and premises licence holder, Lee William Davies and Kalvin Collymore, business partner, 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. Charles Pascall, Adrian Hutton, Sorrell Collins, Emily Horne, Kate Healey (joined virtually) and Michael Hobby (on behalf of Winchester Street Pastors) all spoke in relation to their written representations and answered questions thereon. In addition, points raised were answered by the applicant and the Licensing Officer accordingly.

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 listened carefully to the local residents and looked closely at the problems they were having. The Sub-Committee are of the firm view that the incidents detailed by local residents had occurred. However, there were no clear links attributing these incidents to Vodka Bar and Nightclub as there were a number of venues closing in the City at a similar time.

The Sub-Committee recognised that there were a number of conditions that could be attached to this application for variation to promote the licensing objectives. On the whole, these conditions arise as a consequence of the Applicant's discussion with Hampshire Constabulary and Environmental Health who were both satisfied that the licensing objectives would be promoted.

The Sub-Committee have added to these conditions following the representations made by local residents (Other Persons) and the Applicant received today.

RESOLVED:

The Sub-Committee concluded that the application to vary the premises licence be granted, as per the suggested proposals appended to the application, as set out on pages 39-47 of the report, subject to the removal of the amendments set out in red and the inclusion of the replacements set out in blue, with the following modifications and additional conditions:

Prevention of Crime and Disorder

- (i) [CD5.5 – to include the wording “Two members of door staff are to patrol the vicinity of the venue for 30 minutes after closing, to assist with safe dispersal from the area. This area shall include Upper Brook Street and those streets that have a junction with Upper Brook Street, and St Peter’s Car Park”.](#)
- (ii) [CD6\(e\) – to read “An additional recording CCTV camera shall be installed and fully operational 30 minutes before opening, whilst the venue is open to the public, and 30 minutes after closing to cover the area immediately outside the front of the premises”.](#)

Additional conditions under Prevention of Crime and Disorder to read:-

- (iii) CD12: Publication and dissemination of information to the public and arrangements for the provision and staffing of a hotline number for dealing with complaints, in an area agreed with the Licensing Authority.
- (iv) CD13: A log must be kept of complaints received detailing the date, incident, staff member, and action taken by the licence holder, made available to any authority upon request.
- (v) CD14: The premises licence holder shall ensure that a community liaison meeting is held at the premises at least once per annum, with an invitation extended to local residents and all Responsible Authorities to discuss any issues arising from the operation of the premises.

Public Safety

- (vi) PS1: To remove the words “40 or more...”
- (vii) PS3(ii) – to commence “[This member, or members...](#)”

The Sub Committee agreed that the amended plans submitted with the application be accepted.

REASONS

The Sub-Committee considered that these modifications and additional conditions set out above, in addition to those agreed between the Applicant and the Responsible Authorities, Hampshire Constabulary and Environmental Health, contained in the report, would sufficiently promote the four licensing objectives.

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 1.00 pm, adjourned at 2.10 pm and reconvened at 4.30 pm and concluded at 4.35 pm.

Chairperson