

LICENSING SUB-COMMITTEE

Tuesday, 17 January 2023

Attendance:

Councillors
Cunningham

Achwal

Laming

Officers in attendance:

Carol Stefanczuk - Licensing Manager
Nathan Mountney – Litigation Solicitor

[Full audio recording](#)

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

RESOLVED:

That Councillor Cunningham be confirmed as Chairperson for the meeting.

2. **DISCLOSURE OF INTERESTS**

There were no disclosure of interests made at this meeting.

3. **APPLICATION FOR NEW PREMISES LICENCE - PAPA JOHN'S, 72 - 74 ST GEORGES STREET, WINCHESTER, HAMPSHIRE, SO23 8AH (LR568)**

The Chairperson welcomed all those present to the meeting:

Applicant:

Anshul Khattar – Operations Head and Franchise Partner
Shuvagata Dey – Lexpert Solicitors LLP, representing the applicant

Other Persons who have made written representations:

Kalvin Collymore and Lee Davies on behalf of Vodka Bar and Nightclub
(representation on page 35)

The Licensing Manager introduced the report which set out an application for the grant of a new premises licence under section 17 of the Licensing Act 2003 for Papa John's, 72-74 St Georges Street, Winchester, SO23 8AH. The premises

was described in the application as a Papa John's Pizza franchise which served takeaway food via collection and delivery only with no seating for customers to consume food on the premises. The premises were currently open to customers between 11:00 hours and 23:00 hours. The application proposed the provision of late night refreshment between 23:00 hours and 03:00 hours. The full application was set out in Appendix 1 to the report.

In conclusion, the Sub-Committee were advised that no representations had been received by Responsible Authorities. Two written representations had been received from 'Other Persons' both against the application, one of whom addressed the Sub-Committee at the meeting. The representations were set out in full in Appendix 2 and related to the prevention of crime and disorder and the prevention of public nuisance licensing objectives.

At the invitation of the Chairperson, Shuvagata Dey, Lexpert Solicitors LLP, representing the applicant, addressed the Sub-Committee to set out the application and responded to questions.

The Chairperson then invited 'Other Persons' who had made relevant written representations to address the Sub-Committee. Calvin Collymore and Lee Davies, on behalf of Vodka Bar and Nightclub, spoke in relation to their written representation and answered questions thereon. In addition, points raised were answered by the applicant's representative and the Licensing Manager accordingly.

In response to points raised by the applicant, the Licensing Manager clarified that matters relating to disagreements over the highway were not relevant to the licensing application and should be disregarded by the Sub-Committee.

The Sub-Committee retired to deliberate in private.

In his closing statement, the Chairperson stated that Sub-Committee had carefully considered the application, the representations made by 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.

RESOLVED:

The Sub-Committee concluded that the premises licence be granted, as set out in the report and in the operating schedule dated 27 September 2022, subject to the following additional conditions:

- (i) Delivery and Counter Service – 23:00 hours to 01:00 hours

- (ii) Delivery Service ONLY – 01:00 hours to 03:00 hours – Only to bona fide residents of bona fide residential and commercial delivery addresses. No delivery to be made to open air locations in the immediate vicinity of the licensed premises.
- (iii) The premises licence holder shall ensure that customers are not sought by means of solicitation outside or in the vicinity of the premises.

REASONS

In response to the representations received from Other Persons:

In respect of comments raised by Mr Collins regarding odour from pizza and noise of vehicles, the Sub-Committee noted that no complaints had been received from Winchester City Council's Environmental Health Team in two years. In relation to noise, the Sub-Committee specifically noted that the measures proposed by the applicant in the operating schedule appeared to sufficiently manage the risk. However, the Sub-Committee clarified that if the issue was ongoing, Mr Collins may report the matter to the Council and apply for a review the licence.

In respect of comments made by Vodka Bar and Nightclub raising concern that the applicant's premises would attract more persons, stretching their own security resource. The Sub-Committee believed that the proposed conditions limiting counter and delivery opening times would reduce the risk of members of the public becoming a nuisance within the area. The Sub-Committee considered that the proposed timing also staggered the closing times between the establishments reducing the need for the security resources of Vodka Bar and Nightclub to be used in the management of nuisance within the area of the applicant's premises.

The Sub-Committee noted that no representations had been received from any Responsible Authority.

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 12.00 noon

Chairperson