

LICENSING SUB-COMMITTEE

Monday, 19 February 2024

Attendance:

Councillors:
Read (Chairperson)

Laming

Pett

Officers in attendance:

Carol Stefanczuk – Licensing Manager
Nick Lindner – Licensing Officer
Sajid Mahmood – Litigation Solicitor

In attendance to address points of clarification only:
Verity Potter – Environmental Health Officer
Oliver Denyer-Green – Environmental Health Technician

[Full audio recording](#)

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

RESOLVED:

That Councillor Read 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 - THE UNIVERSITY OF WINCHESTER, THE WEST DOWNS CENTRE, ROMSEY ROAD, WINCHESTER, SO22 5HT. (LR582)**

The Chairperson welcomed all those present to the meeting:

Applicant:

Alex Tomlinson - Applicant's Solicitor
Coleen Neville - Designated Premises Supervisor, The University of Winchester

Other Persons who have made written representations:

Thomas Roy Patterson (representation on page 46)
Statement read out on behalf of Helen Dawson (representation on page 49)

The Licensing Manager introduced the report which set out an application for a new premises licence under section 34 of the Licensing Act 2003 for The University of Winchester, The West Downs Centre, Romey Road, Winchester.

In addition, the Licensing Manager made reference to the supplementary agenda issued following the publication of the agenda pack. This comprised of additional information that had been submitted by the Applicant providing further details regarding the site and its activities.

The original application sought to provide licensable activities as follows:

- (a) Plays (indoors and outdoors), films (indoors and outdoors), indoor sporting events, live music (indoors and outdoors), recorded music (indoors and outdoors), performances of dance (indoors and outdoors), anything of a similar description to live music, recorded music, and performances of dance (indoors and outdoors), all from 1100 hours to 0000 hours.
- (b) Late night refreshment (for consumption on and off the premises) from 2300 hours to 0000 hours.
- (c) Supply of alcohol (for consumption on and off the premises) from 1100 hours to 0000 hours.

The Sub-Committee were advised that a representation had been received from Environmental Protection as a Responsible Authority in relation to the prevention of public nuisance licensing objective. 11 written representations had been received from 'Other Persons' all against the application, One of whom addressed the Sub-Committee and one of whom had submitted a statement to be read on her behalf. These representations were set out in full in Appendix 2 and related to the prevention of public nuisance and the protection of children from harm licensing objectives.

Due to the number of representations received, it was noted that the applicant's solicitors requested that the Sub-Committee take place outside of the 20 working days requirement under the hearing regulations to allow the applicant to prepare a response to the 'Other Persons' and set up a meeting to discuss the application.

Since the consultation period, the applicant's solicitors had discussed the proposals with Environmental Protection and agreed an amendment to the plan to restrict the licensable area to indoors only; to amend the application to reduce the hours for licensable activities and provide additional conditions, as set out in section 5 of the report. The revised hours for licensable activities were listed as follows:

- (a) Plays (indoors only), films (indoors only), indoor sporting events, live music (indoors only), recorded music (indoors only), performances of dance (indoors only), anything of a similar description to live music, recorded music, and performances of dance (indoors only), all from 1100 hours to 2300 hours.
- (b) Removal of late-night refreshment.
- (c) Supply of alcohol (for consumption on and off the premises) from 1100 hours to 2300 hours.

Due to the amendment of the application and agreed conditions as set out in paragraph 1.6 of the report (as above), Environmental Protection had withdrawn their representation and all 'Other Persons' had been contacted inviting them to attend a meeting with the applicant on 7 February 2024 to discuss the application and the conditions agreed with Environmental Protection. The Licensing Manager advised that Verity Potter from the Environmental Protection team was in attendance should the Sub-Committee have any questions requiring clarification and that consent had been given by the Applicant's Solicitor to allow this.

The Licensing Manager clarified that since the meeting had taken place between the applicant and all other parties, no amendment had been made to the application, with the exception of the publication of the supplementary agenda pack. However, it was emphasised that 'Other Persons' who had made written representation had not yet had a formal opportunity to make their comments to the changes to the application, therefore the Licensing Manager asked that the Sub-Committee be mindful that additional comments deemed relevant to the application, but not provided as part of their representations, may be given during the meeting.

In conclusion, the 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. The Sub-Committee were reminded that they should discuss any additional conditions they may wish to consider during the hearing to enable the applicant the opportunity to respond and explain how this may affect their business operation.

At the invitation of the Chairperson, the Applicant's Solicitor, Alex Tomlinson and the Designated Premises Supervisor, Coleen Neville addressed the Sub-Committee to set out the application and responded to questions.

The Chairperson then invited one 'Other Persons' who had made relevant written representations to address the Sub-Committee. Thomas Roy Patterson spoke in relation to his written representation raising concerns in respect of the prevention of public nuisance and the protection of children from harm licensing objectives and answered questions thereon.

In addition, Mr Patterson expressed further points relating to the dispersal policy, the closure of doors and windows as a result of the licence being restricted to 'indoors only' and queried why the application could not be restricted to specific events. The points raised were answered by the Applicant and the Licensing Manager accordingly.

The Licensing Manager read a statement on behalf of Helen Dawson, who was unable to attend the meeting, but who had made written representation to the application, as set out on page 49 of the report, and had submitted additional points for the Sub-Committee to consider.

In summing up, the Litigation Solicitor sought clarification from the Applicant regarding the concerns raised in relation to the closure of doors and windows and the imposition of a possible restriction to close these during evening hours

and weekends. In response, the Applicant confirmed they would be happy to accept a condition that doors and windows be closed during evening hours and weekends.

For further clarification, Verity Potter, Environmental Protection, addressed the Sub-Committee and advised that, if the Sub-Committee were minded to apply a condition regarding the closure of doors and windows, that it would be considered appropriate for this to be applied to event rooms where live or recorded music was to be played, allowing for doors and windows to be opened within teaching rooms. The Applicant's Solicitor confirmed this condition would also be considered acceptable.

The Sub-Committee retired to deliberate in private.

In his closing statement, the Chairperson stated that the Sub-Committee has carefully considered the application, the representations made by Other Persons, Environmental Protection, the Applicant's Solicitor's response containing additional conditions and dispersal policy 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 has concluded that the application should be granted due to the amended application and agreed conditions with Environmental Protection, set out in the officer's report at paragraph 1.6 and subject to the following additional condition set out in (i) below, for the following reasons:

- (i) Doors and windows to be closed in non-academic areas whilst licensable activities are taking place.

REASONS:

1. The Sub-Committee, noted that the responsible authority, Environmental Protection, was no longer objecting to the grant of the application and that taking account of all the circumstances, the conditions offered and agreed by the applicant and the responsible authority were reasonable and proportionate, sufficiently promoting the licencing objectives of prevention of crime and disorder, prevention of public nuisance, the protection of children from harm and public safety.
2. The Sub-Committee were sympathetic to the objections raised by the 11 residents who made written representations that were carefully considered. In the main these related to the prevention of public nuisance and the protection of children from harm licencing objectives.

3. The Sub-Committee also considered the applicant's solicitor's response to these objections and the conditions offered to allay any fears that the residents may have by reducing the hours of licensable activities and eliminating outdoor activities.
4. The Sub-Committee considered the written representations on the grounds of prevention of crime and disorder, public safety and the prevention of public nuisance. The Sub-Committee was aware that it could not make assumptions as to any potential impact the requested application might have in relation to the licensing objectives but must reach a decision based on the evidence before it. There was no evidence which could be presented to show that granting the application would undermine the licensing objectives. The Sub-Committee noted that the Licensing Act 2003 provided an alternative mechanism for dealing with issues where a premises breaches the licensing objectives.
5. On the balance of probabilities, the Sub-Committee was satisfied that granting the application in the form of the amended application, with the additional agreed conditions, would not undermine the licensing objectives of the prevention of public nuisance, prevention crime and disorder, protection of harm and public safety and the protection of children from harm.
6. The Sub-Committee had also taken into account the relevant provisions of the Human Rights Act 1998, namely;

Article 6 – the right to a fair hearing
Article 8 - respect for private and family life
Article 1 - First Protocol – peaceful enjoyment of possessions
7. The Sub-Committee considered that in all the circumstances, the conditions offered by the applicant and agreed by Environmental Protection were reasonable and proportionate, sufficiently promoting the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, public safety and the protection of children from harm and that the objectives would not be undermined by allowing the variation of the licence.

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 10.50 am

Chairperson