



Meeting	Licensing Sub-Committee
Date and Time	Friday, 19th January, 2024 at 2.00 pm
Venue	Walton Suite, Guildhall, Winchester and streamed live on YouTube at www.youtube.com/winchestercc

Note: This meeting is being held in person at the location specified above. Members of the public should note that a live video feed of the meeting will be available from the council's YouTube channel (www.youtube.com/winchestercc) during the meeting.

A limited number of seats will be made available at the above named location. Please note that priority will be given to those who have made written representation to the application following confirmation with the Licensing Team, over those wishing to attend and observe. Those who may wish to observe must notify the council at least 3 working days in advance of the meeting.

AGENDA

- To confirm a Chairperson for the meeting**
- Disclosure of Interests**
To receive any disclosure of interests from Members and Officers in matters to be discussed.
Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.
- Application for a Variation of Premises Licence - Yiayias, 56 St Georges Street, Winchester, SO23 8AH (LR581) (Pages 5 - 42)**

Laura Taylor
Chief Executive

10 January 2024

Agenda Contact: Claire Buchanan, Senior Democratic Services Officer
Tel: 01962 848 438 Email: cbuchanan@winchester.gov.uk

The Membership of the Sub-Committee will be:

Councillors Cunningham, Achwal S and Wallace

Appointments – The Sub-Committee consists of a Chairperson and two other Members who are appointed on a rota basis from the membership of the full Licensing and Regulation Committee subject to availability. The confirmation of a Chairperson will be made at the start of each meeting from the three Members that form the Licensing Sub-Committee.

For the information, the Membership of the Licensing and Regulation Committee is:

Councillors: Laming, Brophy, Prest, Pett, S Achwal, Eve, Kurn, Pearson, Langford-Smith and Wallace (Deputies: Cllrs Cunningham, Lee, Morris, Read and Small)

FILMING AND BROADCAST NOTIFICATION

This meeting will be recorded and broadcast live from the Council's YouTube channel. The meeting day may also be recorded and broadcast by the press and members of the public – please see the Access to Information Procedure Rules within the Council's Constitution for further information, which is available to view on the [Council's website](#). Please note that the video recording is subtitled, but you may have to enable your device to see them (advice on how to do this is on the meeting page).

Licensing Sub Committee - Procedure for Hearing Applications for a New Premises Licence, Variations to a Premises Licence or Club Premises Certificate

In accordance with the Licensing Act 2003 (Hearings) Regulations 2005, the hearing will take the form of a discussion led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary to properly consider the matter.

Written objections, representations and petitions will be circulated with the Agenda and Report and will be taken into account by Members of the Sub-Committee. Only those who have made "relevant representations" within the meaning of the Licensing Act 2003 will be entitled to be heard as of right by the Sub-Committee.

1. The Chairman will set out the procedure to be followed during the hearing
2. **Licensing Manager/Officer** will introduce the Report.
3. The Members may ask questions of the **Licensing Manager/Officer**
4. The **Applicant** or representative may address the Sub-Committee as follows:- a) to clarify any points which the Licensing Authority has given notice of (Regulation 7(1)(d) of the Licensing Act 2003 (Hearings) Regulations 2005; b) to address the Sub-Committee and present the application.
5. Members of the Sub-Committee may ask questions of the **Applicant** or representative

Responsible Authorities who have made representations will then be allowed to introduce their representations. The Sub-Committee may ask them questions, and (subject to the permission of the Sub-Committee) the Applicant or representative may ask them questions.

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6. **Environmental Health Officer**
7. **Police**
8. **Fire Service**
9. **Child Protection Team**
10. **Local Planning Authority**
11. **Health and Safety Executive**
12. **Trading Standards**
13. **NHS Public Health Manager**
14. **Licensing Authority**

Persons who have made Relevant Representations (within the meaning of the Licensing Act 2003) will then be allowed to introduce their representations. The Sub-Committee may ask them questions, and (subject to the permission of the Sub-Committee) the Applicant or representative may ask them questions.

15. **Persons making Relevant Representations**
16. The **Applicant** or representative may address the Sub-Committee in order to reply to any representation made.
17. Members of the Sub-Committee may ask questions of the **Applicant** or representative

The Sub-Committee will retire to consider the application in private with only the Head of Legal Services' representative and Democratic Services Officer in attendance. The Committee will reach its determination and notify the applicant of the decision, and give reasons for that decision, in accordance with Regulations 26 – 29 of the Licensing Act 2003 (Hearings) Regulations 2005.

Agenda Item 3

LR581
FOR DECISION
WARD(S): ST MICHAEL

LICENSING SUB – COMMITTEE

Friday 19 January 2024, 14:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Carol Stefanczuk, Licensing Manager

Tel: 01962 848188

Email: licensing@winchester.gov.uk

Application: Variation of Premises Licence

Premises: Yiayias, 56 St Georges Street, Winchester, SO23 8AH

Part A. Report

- 1 Application**
- 2 Responsible Authorities**
- 3 Other Representations**
- 4 Observations**
- 5 Conditions**
- 6 Other Considerations**

Part B. Appendices

Appendix 1 Application

Appendix 2 Representations from Other Persons

Part A.**1. Application**

Applicant: Yiayias Winchester Limited

Premises: Yiayias, 56 St Georges Street, Winchester, SO23 8AH

- 1.1 This application is for the variation of premises licence under section 34 of the Licensing Act 2003 for Yiayias, 56 St Georges Street, Winchester, SO23 8AH.
- 1.2 The application is to offer late night refreshment from 2300 to 0300 Monday to Sunday. A copy of the application can be found at Appendix 1.
- 1.3 The premises is currently licensed under a premises licence for the supply of alcohol for consumption on and off the premises, Monday to Saturday 0800 to 2300 and Sunday 1000 to 2200.
- 1.4 During the consultation period, conditions have been agreed between the applicant and Hampshire Constabulary. These are detailed in section 5 of the report.
- 1.5 One representation has been received from Other Persons as an interested party. This representation relates to the prevention of crime and disorder and public safety licensing objectives. A copy of the representation can be found at Appendix 2.
- 1.6 Notice of the application was displayed at the premises for a period of 28 days until 1 November 2023. The application was re-advertised at the premises until 28 December 2023 and published in the Hampshire Chronicle on 14 December 2023.
- 1.7 Notices of the hearing were sent to all Parties on 10 January 2024 by email.

Designated Premises Supervisor

Marco Spasic

Steps to promote the Licensing Objectives

Please see Section M Appendix 1.

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:

Environmental Health

No representations received.

Hampshire Constabulary

Conditions were agreed with the applicant during the consultation period.

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Building Control

No representations received.

Head of Trading Standards

No representations received.

Public Health Manager

No representations received.

Home Office

No representations received.

Licensing Authority

No representations received.

Planning / South Downs National Park Authority

No representations received.

3. Representations from Other Persons

Representations have been received from one 'Other Persons', against the application. The main concerns are with regard to the prevention of crime and disorder and public safety licensing objectives.

A copy of the representation can be found at Appendix 2.

4. **Observations**

- 4.1 The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 4.2 In making its decision, the Sub-Committee is also obliged to have regard to the [National Guidance](#) and the Council's [Licensing Policy](#).
- 4.3 The Sub-Committee must have regard to all of the representations.
- 4.4 The Sub-Committee must take such of the following steps it considers appropriate to promote the Licensing Objectives:
- a) Grant the licence subject to conditions in accordance with the operating schedule (modified to such extent as the authority considers appropriate for the promotion of the licensing objectives) and the mandatory conditions;
 - b) exclude from the scope of the licence any of the licensable activities to which the application relates;
 - c) refuse to specify a person in the licence as the premises supervisor;
 - d) reject the application.

Terminal hours

The Sub-Committee should take account of the National Guidance and the Council's Licensing Policy with regard to terminal hours and take such steps as it considers appropriate to promote the Licensing Objectives.

(Licensing Policy 2.22 Part 4, A8, C4)

Licensing Objectives

Crime and Disorder

The Sub-Committee should consider any appropriate conditions to prevent crime and public disorder relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy 1.9, 2.9 - 2.11, 2.17, 2.19 – 2.21 and Part 4 Section A)

Public Safety

The Sub-Committee should consider any appropriate conditions relating to public safety having regard to the relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, B2, B3)

Public Nuisance

The Sub-Committee should consider any appropriate conditions to prevent public nuisance caused by noise pollution from the premises relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, Section C)

Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, D6, D7)

Human Rights

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, appropriate in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

Public Sector Equality Duty

The Public Sector equality duty must be taken in to consideration with all decision making. The duty is stated in section 149 of The Equality Act 2010. This application raises no considerations under this Act (or add details if it does).

5. Conditions

Mandatory Conditions

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and

- either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other an alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
 - (iii) still wine in a glass: 125ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula- **$P = D + (D \times V)$**
where-
 - (i) **P** is the permitted price,
 - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Possible Conditions

If the application is granted, the Sub-Committee may wish to consider the following conditions to reflect the Operating Schedule:

Operating Hours

1. The hours the premises may be used for the provision of late night refreshment shall be:

Monday to Sunday	2300 to 0300 the next day
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2. The hours the premises may open for other than Licensable Activities shall be:

Monday to Saturday	0800 to 0300 the next day
Sunday	1000 to 0300 the next day

Conditions showed in *italics* below have been agreed with Hampshire Constabulary.

Crime and Disorder

Security

- CD1. *On Friday, Saturdays and Sundays preceding UK Bank Holidays, from 22:00 until the closing time of the venue, a frontline door supervisor staff shall be employed at the venue. This frontline door supervisor SIA staff shall be employed solely on door supervisor / security duties, i.e. safety and security at the venue.*
- CD2. *The frontline door supervisor shall wear a fluorescent and reflective orange tabard or jacket, clearly marked security at all times.*
- CD3. *The licence holder shall maintain a duty register giving details of each and every person employed in the role of a security and shall provide upon request by any responsible authority, the following details:-*

- a) *The full licence number, name, residential address and telephone number of that person;*
- b) *The time at which they commenced that period of duty, with a signed acknowledgement by that person;*
- c) *The time at which they finished the period of duty, with a signed acknowledgement by that person;*
- d) *Any times during the period of duty when they were not on duty;*
- e) *If that person is not employed directly by the licence holder or venue but via a security contractor company, then details of this company must also be supplied (company name and out of office contact details)*

CD4. The register shall be so kept upon the premises that it relates so that it can be readily inspected by any responsible authority immediately upon request.

CD5. The duty register shall comprise of a bound, consecutively page-numbered book and the licence holder shall ensure that this register is kept in a secure environment in order to prevent unauthorised access or alterations to same.

Body Worn Video

CD6. At times when the venue is operating SIA security, they shall wear and operate body worn video (BWV) recording equipment at all times. All ejections and refusals involving confrontation shall be recorded.

CD7. The equipment shall be owned maintained by the premises licence holder and the images shall be made available as soon as practicable but at least within 48 hours to the police on request.

CD8. The equipment shall record high definition colour images and be able to capture sound, specifically conversation.

CD9. The equipment shall be able to operate in all levels of illumination, images shall be time / date stamped.

CD10. The BWV shall be of a similar specification to those currently utilised by Hampshire Constabulary and as such shall be of sufficient quality to produce evidential data.

CD11. Data obtained on the BWV shall be downloaded and stored in such a way to prevent images being edited or deleted as soon as practicable.

CD12. Data shall be retained for a minimum of 28 days.

Public Safety**CCTV**

- PS1. A colour recording CCTV system that captures images from the main public areas shall be fully operational whilst licensable activities are taking place.*
- PS2. The system shall be able to cope with all levels of illumination.*
- PS3. 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.*
- PS4. The system shall be serviced at least annually and maintained to a standard that is acceptable to the police licensing department responsible for the area.*
- PS5. The system clock shall be checked regularly for accuracy taking account of GMT and BST.*
- PS6. Digital systems shall have sufficient storage capacity for a minimum of 28 days evidential quality recordings.*
- PS7. The images produced shall be date and time stamped.*
- PS8. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.*
- PS9. 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.*
- PS10. It is important that the Police are able to access data from the systems quickly and easily and therefore provision shall be made that at all times the premises is open 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 and download data.*
- PS11. In the event of a technical failure of the CCTV equipment, the premises licence holder or DPS shall notify, via email the police licensing department responsible for the area within 24 hours of the fault and provide details of when the fault shall be repaired.*

Public Nuisance

- PN1. The premises licence holder shall ensure that staff are trained to ensure that customers leave the premises quietly.*

PN2. A prominent notice shall be displayed at the exit of the premises to ask customers to respect neighbours and leave the premises quietly.

Protection of Children

PC1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 scheme or similar accredited proof of age scheme.
[currently on premises licence]

PC2. The premises licence holder shall ensure that children shall not be permitted on the premises after 2200 hours.

6. Other Considerations

Council Strategy Outcome (Relevance To:)

This report relates to the fourth Strategic Outcome; 'Improving the quality of the District's environment' by working with partners and using powers available to us to make Winchester a safe and pleasant place to live, work and visit.

Resource Implications

A statutory licence fee of £190 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by Yiayias Winchester Limited
2. Representations by Other Persons

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Application to vary a premises licence

- Use this form to apply to vary a Premises Licence.
- The application must be accompanied by the existing licence and if there are alterations to the premises, a plan of the premises to the scale of 1:100.
- If the variation is to sell alcohol, the applicant does not have to hold a Personal Licence, however an application must be made for the person who is to be the Designated Premises Supervisor (DPS), who must hold a Personal Licence and the application must be accompanied by the Vary DPS Consent form (Form of consent given by the person whom the applicant wishes to be the premises supervisor).
- Applicants should consult the Council's Licensing Policy when formulating the Operating Schedule.
- The application to vary the Premises Licence must be advertised by placing a pale blue notice outside the premises for 28 days starting the day after the application is made and by placing an advertisement in the local paper within 10 working days of the day after the application is made. The notices are available at www.winchester.gov.uk/licensing or paper copies from the Licensing Authority.
- Copies of all documents and forms must be sent to the Responsible Authorities on the same day as making the application.
- A fee may be payable (depending on the premises and type of licensable activities applied for). Please contact the Licensing Section to discuss.
- Completed applications should be sent to:

Winchester City Council
Licensing Department
City Offices
Colebrook Street
Winchester
SO23 9LJ

The City Council can offer advice on the processes, policies and procedures which will be followed under the Act. They will endeavour to assist applicants as far as possible, however, officers cannot give specific legal advice. Applicants should seek their own professional advice on the Act and what action they need to take.



Requirements for Plans Submitted with Application

Below is an extract from the Licensing Act 2003 (Transitional Provisions) Order 2005 which sets out the information which must be contained in a plan of the premises.

“(2) Unless the relevant licensing authority has previously agreed in writing with the applicant following request by the applicant that an alternative scale plan is acceptable to it, in which case the plan shall be drawn to that alternative scale, the plan shall be drawn in standard scale. (*Note: the standard scale is 1:100; however Winchester City Council may accept an alternative scale on application to the Licensing Department*)

(3) The plan shall show—

- (a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- (b) the location of points of access to and egress from the premises;
- (c) if different from paragraph (3)(b), the location of escape routes from the premises;
- (d) in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity;
- (e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- (f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- (g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (h) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (i) the location and type of any fire safety and any other safety equipment; and
- (j) the location of a kitchen, if any, on the premises.

(4) The plan may include a legend through which the matters mentioned or referred to in paragraph (3) are sufficiently illustrated by the use of symbols on the plan.”



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We Yiayias Kitchen Wintchester

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

PREM 372

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
Yiayias Kitchen , 56 St Gergeds Street , Winester

Post town	Winchester	Postcode	SO238AH
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Telephone number at premises (if any)	01962 790959
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Non-domestic rateable value of premises	£16250
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Part 2 – Applicant details

Daytime contact telephone number	REDACTED		
E-mail address (optional)	REDACTED		
Current postal address if different from premises address	REDACTED		
Post town	REDACTED	Postcode	REDACTED

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

We are looking to open to 3 am , to serve food, achole licnese will remian the same this is just to increase hours for takeaway food

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

0

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment**Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			<u>Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for performing plays (please read guidance note 4)</u>		
Thurs					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue			<u>State any seasonal variations for the exhibition of films (please read guidance note 4)</u>		
Wed			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</u>		
Thurs					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thurs			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thurs					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thurs			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thurs					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thurs					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thurs			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	7am	3am			
Tue	7am	3am			
Wed	7am	3am			
Thurs	7am	3am			
Fri	7am	3am			
Sat	7am	3am			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sun	7am	3am			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon					
Tue					
Wed					
Thurs					
Fri					
Sat					
Sun			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.
I currently don't have cop ybut confirred with licensing they do.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**b) The prevention of crime and disorder**

•We have spoke to police officer Swallo and he has confirmre dhe would like a security guard form 10 till l cose if people are in the shop. We have agreed to this if we have peole in,

Staff will be trained to ensure that customers leave the premises quietly.

•A prominent notice shall be displayed at the exit to ask customers to respect our neighbours and leave the premises quietly.

•Children shall not be permitted on the premises after 22:00

A CCTV system shall be installed and maintained. Recordings shall be kept for a minimum of one month – discuss CCTV with police as they have their own requirements.

c) Public safety

AS above

d) The prevention of public nuisance**e) The protection of children from harm**

as above

Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	15/09/23
Capacity	Owner

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
REDACTED			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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Appendix 2 – Representations from Other Persons

Mrs Catherine Brandwood
Toscanaccio, 73 Parchment Street, Winchester, SO23 8AT
Received Friday 27 October 2023

Objection to Licensing Application

Hi,

I wish to make a representation objecting to the application for late night refreshment at YiaYias Kitchen at 56 St George's Street. Winchester, SO23 8AH. I make this objection on the grounds of the prevention of Crime and Disorder, Public Safety and the prevention of Public Nuisance.

I am informed by the licensing department that the business has applied to sell takeaway food until 3am, this would likely result in an increase in Crime and Disorder in the immediate vicinity late at night and would invite late night revellers to congregate in the area outside the premises. The congregating of people in this manner at this time of night often results in disorder, with this location posing the problem of being less visible from the road, and with a covered alleyway that makes any potential disorderly situation harder to monitor and harder to break up in a timely manner which is a Public Safety matter that must be addressed. This later opening would also impact the residents of the local area with an increase in noise from customers and with an increase in litter in the area – both of which would be relevant under the licensing objective of the prevention of Public Nuisance. On this issue it would be sensible to impose the same delivery-only restrictions after 1am as the nearby property Papa John's has.

On an additional point regarding the prevention of Public Nuisance I already have a large amount of evidence that the premises is not upholding this licensing objective. I have plenty of written evidence that I am happy to supply regarding my dealings with the Environmental Protection team regarding the extraction at the rear of this premises which pumps out thick, odorous smoke on to my premises which also permeates my building (many videos can be supplied along with diaries and records of communication of the awful smells). I am subjected to this odorous smoke every day that this premises is open, and I believe this has caused breathing difficulties for myself. The applicant has already shown themselves to be irresponsible in this manner by not rectifying the situation when informed of the issue and by not properly maintaining their extraction equipment which, one year in, is already in a shabby state. I have recently put a complaint in to the licensing department on this matter – though I have not yet heard back. On this I hope that the licensing department will work with the Environmental Protection team to ensure this issue is dealt with efficiently.

I acknowledge that I do not live in this building and will therefore not be on site during the hours listed in this application (i.e. between 11am and 3am), however, the effects of the smoke that permeates my premises (both inside and out) are not limited to the immediate hours of operation, any increase in the times at which smoke can be produced is a decrease in clean, odour-free air for not only myself, but others who live and work in the immediate vicinity.

Kind Regards,

Mrs Catherine Brandwood
Toscanaccio
73 Parchment Street
Winchester
SO23 8AT

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