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For the attention of: Licensing Section

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Dear Sirs

**Licensing Act 2003: Application to Vary
Roebuck 57 Stockbridge Road Winchester SO22 6RP**

I act for Greene King, the premises licence holder at the Roebuck ('the premises'). The premises is operated under a tenancy agreement between Greene King and Jigger Muddle Shake Pub Group, who operate the premises as part of their own business. We have looked carefully at the representations received in relation to this application and this response is on behalf of both Greene King, the tenants and their managers Mark and Penny Thornhill.

I would ask that a copy of this letter is made available to the Licensing Sub-Committee and all parties making representations in advance of the hearing.

Application

The application is vary the premises licence as follows:

Addition of an external bar servery to allow for easier, safer and better service and supervision of the garden. This is accompanied by the following three conditions to be added to the premises licence:

- The external bar servery will only be used between the hours of Midday and 21.00 hours daily.
- The external bar servery will be supervised at all times when in use.
- The external bar servery will be inaccessible to customers when not in use to ensure they do not have access to any alcohol.

We have also requested that condition 2 under the Public Nuisance heading is amended to read:

- No deliveries or collections from the premises shall take place before 0700 or after 1600 each day.

For reference, the current condition states: No deliveries or collections from the premises shall take place before 0700 or after 0900 each day.

As well as the above, and in agreement with the police, some of the older and now legally unnecessary/ out of date conditions are to be removed and the following new conditions are to be added:

STAFF TRAINING

- Before commencing their duties all new staff must receive information and training concerning the sale of age-restricted products.
- This training must cover their legal responsibilities and action to be taken in the event of suspicions being aroused that someone is purchasing or attempting to purchase an item under the legal age.
- All employees will sign a letter to acknowledge that they have completed this training and have understood their responsibilities on this area.
- This training should be reviewed and updated at reasonable intervals but at least annually.

CHALLENGE 25

- There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older.
- Acceptable identification for the purposes of age verification will include a photo card driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.
- If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person.
- 'Challenge 25' posters shall be displayed in prominent positions at the premises.

REFUSALS BOOK

- A written log shall be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder shall ensure that the refusals log is checked, signed and dated on a weekly basis by the venue manager/manageress.
- The refusals log will be kept and maintained at the premises and will be available for inspection immediately upon request by Hampshire Constabulary and any responsible authority.



- The record of refusals will be retained for 12 months.

As such, this application modernises the licence, better reflecting the changes to the premises since November 2019 (see below) and also promotes the licensing objectives with better, more enforceable and appropriate conditions.

General background

The current tenants took over the Roebuck in October 2019 and invested heavily in the premises, inside and out to improve and update the décor and the offer. The premises went from being under-used and 'tired' to becoming a sustainable business that appealed to a larger cross section of local custom. They employ 26 staff at the premises with a focus on serving high quality fresh food and drinks. Food is a significant part of the offer and sit-down dining requires more space than traditional 'wet led' operations.

Covid management

Following the outbreak of the Covid epidemic and 'lockdown', premises were told that on re-opening in July 2020, all activities would need to be taken outside. For that reason, the car park was converted into additional seating for customers, removing 14 car parking spaces.

Prior to making the change, the tenants looked carefully at the historical usage of the car park. Use, in fact, was rarely from customers and indeed the closure of the car park has not been the cause of any complaints from customers of the premises. This new area has proven to be extremely popular with customers.

Since the start of the pandemic, the operators have successfully run the business in very trying times and worked hard to ensure that they are an important and viable part of the community they serve.

Deliveries

Before the current tenants took over the premises, kegs were kept on the side of the pub and there was a 3 x 3 metre bright yellow charity collection bin also situated there. These have been removed and the area is kept clean and tidy.

It should be noted that the removal of the car park has not changed delivery patterns as delivery drivers did not use it prior to the first lockdown. It is fair to say, however, that Covid has had a significant effect on the stability of delivery times, which has not rebounded with reopening. Deliveries are frequently delayed because of various reasons in particular lack of drivers and suppliers struggling with fulfilling obligations. Brexit is also starting to have an effect in terms of requiring flexibility in terms of delivery times.

The main deliveries to the premises are as follows:

- Bins on a Monday and Thursday, which take approximately 5 minutes
- Food deliveries daily, which take up to 5 minutes
- Beer delivery once a week on a Friday, which usually takes around 45 minutes

It should be noted that it is the time of the delivery that cannot always be made within such tight timeframes, rather than the day of delivery. In respect of the beer delivery that might cause disruption, the time slot of 7am to 9am is more likely to cause disruption at a key time, namely rush hour, rather than being able to schedule it at a time less likely to be disruptive.

A suggestion has been made to have a single delivery bay on the South East aspect, car park/ garden. With respect to the suggestion, this would prove more dangerous as the traffic island outside the pub would require larger vehicles to have to reverse out into the road.

Disruption to deliveries was specifically anticipated by the Government and a letter was sent out by Kit Malthouse MP to the chairpersons of every licensing authority in the country dated 8 April 2020, which stated:

'Some licensed premises have restrictions on deliveries as a licence condition. Where this is so, I would urge licensing authorities to follow the wider advice and derogations set out by the Department for Business, Energy and Industrial Strategy. Allowing deliveries outside normal delivery times will be essential in some stores in ensuring adequate supply.'

Robert Jenrick MP has repeated the message about avoiding red tape stifling business in his letter to chairs on 15 April 2021.

It should also be noted that it is the writer's experience that conditions restricting times for deliveries/ rubbish removal are more usually used to prevent deliveries at times likely to cause disruption to sleep, such as late at night or early in the morning, not during what would normally be considered ordinary hours for business.

External bar

The external bar is used currently as a waiter service and till station. No alcohol goes over the bar. However there are benefits to having an external bar that can fully serve the garden. These are:

Constant supervision of the external area by staff members manning the bar. This not only means that any potential issues can be identified and prevented more quickly, it is accepted that supervision tends to improve behaviour in the small minority that might otherwise behave poorly.

Prevention of 'pinch points' around doors and crowding at the bar. This will be of more importance than ever in building proper Covid mitigation measures as well as the more usual benefit for general health and safety in removing pinch points.

Taken together, the external bar therefore promotes the licensing objectives of prevention of public nuisance and public safety.

Conclusion

For the reasons set out above, we believe that this application, with the additional conditions agreed with the police promotes the licensing objectives and we respectfully ask that it is granted as applied for.

Yours sincerely



Piers Warne
Legal Director
for TLT LLP