

LICENSING SUB – COMMITTEE

Monday 19 February 2024 10:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

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Application: Application for grant of a premises licence

Premises: The University of Winchester, The West Downs Centre, Romsey Road, Winchester, SO22 5HT.

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

Appendix 3 Location Plan showing Representations

Part A.**1. Application**

Applicant: The University of Winchester

Premises: The University of Winchester, The West Downs Centre, Romsey Road, Winchester, SO22 5HT

- 1.1 This application is for a new premises licence under section 34 of the Licensing Act 2003 for The University of Winchester, The West Downs Centre, Romsey Road, Winchester, SO22 5HT.
- 1.2 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 to 0000,
 - b. late night refreshment (for consumption on and off the premises) from 2300 to 0000,
 - c. supply of alcohol (for consumption on and off the premises) from 1100 to 0000.
- 1.3 A representation was received from Environmental Protection as a Responsible Authority in relation to the public nuisance licensing objective.
- 1.4 Eleven representations from 'Other Persons' have been received in relation to the prevention of public nuisance and the protection of children from harm licensing objectives. Copies of the representations can be found at Appendix 2.
- 1.5 Due to the number of representations received, the applicant's solicitors requested that the Sub-Committee hearing be held 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.
- 1.6 Since the consultation period, the applicant's solicitors discussed the proposals with Environmental Protection and agreed an amendment to the plan to restrict the licensable area 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 are 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 to 2300,
 - b. Removal of late night refreshment,
 - c. Supply of alcohol (for consumption on and off the premises) from 1100 to 2300.
- 1.7 Due to the amendment of the application and agreed conditions as set out in paragraph 1.6 above, Environmental Protection have withdrawn their representation.
- 1.8 At the request of the applicant's solicitors, the Licensing Authority sent a letter by email to all 'Other Persons' on 30 January 2024, inviting them to a meeting with the applicant on 7 February 2024, to discuss the application and setting out a list of conditions agreed with Environmental Protection.
- 1.9 At the time of writing the report, the information contained is correct. However, as the residents meeting will be held after the report is dispatched, further amendments may be made to the application for the Sub-Committee to consider. All parties will be updated at the hearing.
- 1.10 Notice of the application was displayed outside of the premises for a period of 28 days until 3 January 2024, and advertised in the Hampshire Chronicle on 14 December 2023.
- 1.11 Notices of the hearing were sent to all Parties on 31 January 2024.

Designated Premises Supervisor

Coleen Neville

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

Representations were received in relation to the prevention of public nuisance licensing objective but has since been withdrawn.

Hampshire Constabulary

No representations received.

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

No representations received.

3. Representations from Other Persons

Representations have been received from eleven 'Other Persons', all of which are against the application. The main concerns are with regard to the prevention of public nuisance and protection of children from harm licensing objectives.

Representations 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.
- 4.5 The premises is not situated within the South Downs National Park, and therefore, the Sub-Committee are not required to take steps to further the SDNP purposes when considering this 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 2.23, 2.24, 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 - 2.12, 2.17, 2.21 – 2.22 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 Section B)

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 2.24, 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 Section D)

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

– effective from 1 October 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 times 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 carried 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
 – *effective from 28 May 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:

Conditions shown in italics have been agreed with Environmental Protection.

Operating Hours

1. The hours the premises may be used for the sale of alcohol shall be:

Monday to Sunday 1100 to 2300
For consumption on and off the premises.
2. The hours the premises may be used for the provision of regulated entertainment shall be:

Monday to Sunday 1100 to 2300 indoors only
4. The hours the premises may open for other than Licensable Activities shall be:

Monday to Sunday 0000 to 0000 (24 hours)

All Licensing Objectives

- A1. A CCTV system shall be installed at the premises and maintained in good working order and used at all times when the premises are open for licensable activities. Any CCTV footage shall be held for at least 28 days and shall be made available to an officer of the Licensing Authority or Police on reasonable request.
- A2. An incident log book (which may be electronic) shall be kept on the premises and made available on request to an authorised officer of the Council or Police which will record the following:-
 - a. Any incidents of disorder

- b. Any seizures of drugs or offensive weapons
 - c. Any ejections of patrons
- A3. All bar staff to receive appropriate training in relation to alcohol sales prior to commencing their duties. This will include the premise licence conditions, underage sales policy and other relevant licensing matters. Training documents (which may be in an electronic format) shall be made available to an authorised police officer and licensing authority officer upon request.
- A4. The sale of alcohol from the shop shown on the first floor will be by way of off sales only.

Crime and Disorder

See All Licensing Objectives.

Public Safety

See All Licensing Objectives.

Public Nuisance

- PN1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.*
- PN2. A direct telephone number for the security at the University of Winchester shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.*
- PN3. Whilst music is being played at the premises, a Senior member of staff (Manager or Supervisor) will periodically monitor noise levels from the boundary of the site to ensure that noise levels are reasonable and not likely to cause public nuisance to nearby residents.*
- PN4. A dispersal policy shall be implemented and made readily available at the premises for inspection by a police officer and/or an authorised officer of Winchester City Council.*

Protection of Children

- PC1. The Challenge 25 proof of age scheme will be operated at the premises where the only acceptable forms of identification are photographic identification cards such as a driving licence or passport.

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 £635 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by The University of Winchester
2. Representations by Other Persons
3. Location Plan showing Representations