

LICENSING SUB – COMMITTEE

Tuesday 28 July 2026 14:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Nick Lindner

Tel: 01962 848188

Email: licensing@winchester.gov.uk

Application: Application for grant of a premises licence

Premises: KFC, 47 Upper Brook Street, Winchester, Hampshire, SO23 8DG

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: Clokken Limited

Premises: KFC, 47 Upper Brook Street, Winchester, Hampshire, SO23 8DG

- 1.1 This application is for a new premises licence under section 17 of the Licensing Act 2003 for KFC, 47 Upper Brook Street, Winchester, Hampshire, SO23 8DG.
- 1.2 The application seeks to provide licensable activities as follows:
 - a. Late night refreshment (both indoors and outdoors) from 2300 to 0500 (Monday to Sunday).
- 1.3 The applicant has stated that from 2300 to 0100 Sunday through Saturday shall be for customers collecting or dining in (restaurant). There will be no customer access into the restaurant after 0100.
- 1.4 The applicant has also stated that from 2300 to 0500 Sunday through Saturday (the following morning) shall be for delivery collection.
- 1.5 No representations were received from any Responsible Authority.
- 1.6 Two representations from 'Other Persons' have been received in relation to the prevention of crime and disorder, public safety, and the prevention of public nuisance licensing objectives. Copies of the representations can be found at Appendix 2.
- 1.7 Notice of the application was displayed outside of the premises for a period of 28 days until 3 July 2026 and advertised in the Hampshire Chronicle on 11 June 2026.
- 1.8 Notices of the hearing were sent to all Parties on 14 July 2026.

Designated Premises Supervisor

N/A

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

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 two 'Other Persons', both of which are against the application. The main concerns are with regard to the prevention of crime and disorder, public safety, and the prevention of public nuisance 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).

- CD1. The premises licence holder shall ensure that CCTV will be in operation at the premises:
- a. The CCTV system shall be fully operational at the commencement of the licence.
 - b. The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place.
 - c. The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days.
 - d. The premises licence holder shall ensure that there are trained members of staff available during licensable hours to be able to disclose CCTV images to officers upon request.

- e. The premises licence holder shall provide, subject to GDPR, such images at the request of an authorised officer of the licensing authority or the local constabulary.
 - f. There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all licensable hours.
- CD2. The premises licence holder shall ensure that an incident log shall be maintained at the premises and made available on request to an authorised officer, the Local Authority or Police. The register shall record the following:
- a. All crimes reported to the venue.
 - b. All ejections of patrons.
 - c. Any complaints received concerning crime and disorder.
 - d. Any incidents of disorder.
 - e. All seizures of drugs or offensive weapons.
 - f. Any visit by a relevant authority or emergency service

Public Safety

- PS1. The premises licence holder shall ensure that no accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.
- PS2. The premises licence holder shall ensure that notices detailing the action to be taken by staff in the event of fire or other emergencies including how the fire service can be summoned shall be prominently displayed and shall be protected from damage or deterioration.

Public Nuisance

- PN1. The premises licence holder shall ensure that all extract and ventilation ducting will be maintained and serviced regularly. All such ducting to be suitably attenuated.
- PN2. The premises licence holder shall ensure that delivery collectors will be obliged to adhere to a code of conduct to as to control and limit sound generation. This will include
- a. Lawful and legitimate parking of vehicles, including bicycles
 - b. Not congregating in proximity to residential property
 - c. Utilising litter facilities outside premises
- PN3. The premises licence holder shall ensure that vehicles used for the purpose of delivering products to customers do not sound vehicle horns or leave engines running unnecessarily.

- PN4. The premises licence holder shall ensure that prominent, clear and legible notices are displayed at all exits, requesting customers to respect the needs of nearby residents and to leave the premises and area quietly.
- PN5. The premises licence holder shall ensure that adequate waste receptacles are provided for use by customers in the vicinity of the premises.

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 £315 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by Clokken Limited
2. Representations by Other Persons
3. Location Plan showing Representations