

**LICENSING SUB – COMMITTEE**

Tuesday 25 March 2025 13:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

Contact Officer: Nick Lindner

Tel: 01962 848188

Email: [licensing@winchester.gov.uk](mailto:licensing@winchester.gov.uk)

Application: Application for grant of a premises licence

Premises: Vodka Bar and Nightclub, Upper Brook Street, Winchester,  
Hampshire, SO23 8AL.

**Part A. Report**

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## Part A.

### 1. Application

**Applicant:** Benamor Ltd

**Premises:** Vodka Bar and Nightclub, Upper Brook Street, Winchester, Hampshire, SO23 8AL

- 1.1 This application is for a new premises licence under section 34 of the Licensing Act 2003 for Vodka Bar and Nightclub, Upper Brook Street, Winchester, Hampshire, SO23 8AL.
- 1.2 The application seeks to provide licensable activities as follows:
  - a. Plays (indoors only), films (indoors only), indoor sporting events (indoors only), boxing or wrestling entertainment (indoors only), 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 1000 to 0300 Monday to Saturday, 1000 to 0000 Sunday, 1000 to 1000 New Years Eve to New Years Day,
  - b. late night refreshment (for consumption on and off the premises) from 2300 to 0300 Monday to Saturday, 2300 to 0000 Sunday, 2300 to 0500 New Years Eve to New Years Day,
  - c. supply of alcohol (for consumption on and off the premises) from 1000 to 0300 Monday to Saturday, 1000 to 0000 Sunday, 1000 to 1000 New Years Eve to New Years Day.
- 1.3 The applicant is proposing to operate the premises as; *“mixed use of the top 2 floors mostly used as a food hall with several independent food traders and bars and a dedicated nightclub/event space area in the basement area. This concept is based on an existing premises which is already being successfully operated in Bournemouth in a venue called ‘Helch Market’ by the same company.”*
- 1.4 No representations were received from any Responsible Authority.
- 1.5 Nineteen representations from ‘Other Persons’ have been received in relation to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm licensing objectives. Copies of the representations can be found at Appendix 2.
- 1.6 A Premises Licence (PREM59) was previously in place for this premises from 24 November 2005 (date the Licensing Act 2003 came into force) until surrendered on 22 November 2023.

- 1.7 Notice of the application was displayed outside of the premises for a period of 28 days until 3 March 2025, and advertised in the Hampshire Chronicle on 13 February 2025.
- 1.8 Notices of the hearing were sent to all Parties on 11 March 2025.

**Designated Premises Supervisor**

David Jamal Benamor

**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 nineteen 'Other Persons', all of which are against the application. The main concerns are with regard to the prevention of crime and disorder 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).



## 5. Conditions

### Mandatory Conditions

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

**– effective from 1 October 2014**

- a) (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).
- b) The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- c) (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.
- d) 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:

### **Operating Hours**

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

<b>Monday to Saturday</b>	<b>1000 to 0300</b>
<b>Sunday</b>	<b>1000 to 0000</b>
<b>New Years Eve to New Years Day</b>	<b>1000 to 1000</b>

**For consumption on and off the premises.**

2. The hours the premises may be used for the provision of regulated entertainment shall be:

<b>Monday to Saturday</b>	<b>1000 to 0300</b>
<b>Sunday</b>	<b>1000 to 0000</b>
<b>New Years Eve to New Years Day</b>	<b>1000 to 1000</b>

**Indoors only.**

3. The hours the premises may open for other than Licensable Activities shall be:

<b>Monday to Saturday</b>	<b>1000 to 0300</b>
<b>Sunday</b>	<b>1000 to 0000</b>
<b>New Years Eve to New Years Day</b>	<b>1000 to 1000</b>

**Indoors only.**

### **Crime and Disorder**

- CD1. The premises licence holder shall ensure that a representative of the premises (whenever possible the DPS) attends regular Pubwatch meetings or meetings of any similar scheme, so long as the scheme is in existence and welcomes participation of the venue representative.
- CD2. The Designated Premises Supervisor (DPS) or their representative shall ensure that descriptions of disorderly/banned individuals are circulated to other licensed venues via Pubwatch or similar scheme. The DPS shall work with Hampshire Constabulary and other licensed venues by refusing entry to any person who has been included on the banned list.
- CD3. The premises licence holder shall publish and disseminate information to the public and arrangements for the provision and staffing of a hotline number for dealing with complaints, in an area agreed with the Licensing Authority.
- CD4. The premises licence holder shall ensure that a log be kept of complaints received detailing the date, incident, staff member, and action taken by the Licence Holder, and be made available to any responsible authority upon request.
- CD5. The premises licence holder shall ensure that a community liaison meeting is held at the premises at least once per annum, with an invitation extended to local residents and all Responsible Authorities to discuss any issues arising from the operation of the premises.

### **Last Entry / Re-entry**

- CD6. No persons, except for staff shall be permitted to enter or re-enter the premises after 02:00.

### **Security**

- CD7. From 22:00 until the closing time of the venue, a ratio of two frontline door supervisors, SIA registered security staff shall be employed at the venue for the first one hundred persons and then one per 100 thereafter. E.g. 1 -100, 2 door / security staff, 101 – 200, 3 door / security staff. 201-300 4door / security staff and so on.
- CD8. The number staff shall include only frontline door supervisor SIA staff employed solely on door supervisor / security duties, i.e. safety and security at the venue.
- CD9. All persons who are frontline door supervisor SIA registered and whose position or role profile is solely security at the venue, shall wear a fluorescent and reflective orange tabard or jacket, clearly marked security at all times.

- CD10. All front door refusals shall be recorded promptly, including the reason i.e. too intoxicated, barred suspicion of drugs etc.
- CD11. If a person is ejected from the venue by a member of staff, a record shall be made of the incident including details of the staff members involved and a summary of the circumstances. This must be completed as soon as practicable but prior than the end of that persons shift.
- CD12. At the terminal hour of operation, the premises licence holder shall ensure that adequate numbers of door supervisors are employed to assist with the management of customers leaving the venue as well as those remaining in the vicinity of the premises.
- CD13. The premises 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.
- CD14. If that security person is not employed directly by the licence holder or venue but via a security contractor company, then details of this company shall also be supplied (company name and out of office contact details).
- CD15. The duty 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.
- CD16. 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.

### Capacity

- CD17. The premises licence holder shall ensure that a suitable counting method is used to determine the number of persons entering and leaving the premises to enable a constant and accurate record of persons within the premises at all times when licensable activities are taking place. Such records shall be made immediately available to any responsible authority upon request.

CCTV

- CD18. A colour recording CCTV system that captures images from the main public areas shall be fully operational whilst licensable activities are taking place.
- CD19. The system shall be able to cope with all levels of and types of illumination.
- CD20. 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.
- CD21. 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.
- CD22. The system clock shall be checked regularly for accuracy taking account of GMT and BST.
- CD23. Digital systems shall have sufficient storage capacity for a minimum of 31 days evidential quality recordings The images produced shall be date and time stamped.
- CD24. A notice shall be displayed at the entrance to the premises advising that CCTV is in operation.
- CD25. 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 capturing any queuing area.
- CD26. 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.

Body Worn Video (BWV)

- CD27. At times when the venue is operating SIA security, all SIA staff shall wear and operate body worn video (BWV) recording equipment at all times.
- CD28. The equipment shall be owned, operated and maintained by the premises licence holder and not by a third party.
- CD29. The images shall be made available as soon as practicable but at least within 48 hours to the police on request. The equipment shall record high definition colour images and be able to capture sound, specifically

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

CD30. 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.

CD31. There shall be sufficient number of devices and or batteries at the venue to ensure that the devices are able to operate continually.

CD32. 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. Data shall be retained for a minimum of 28 days.

#### Glass/Bottles

CD33. The venue shall use either polycarbonate, plastic or paper drinking vessels and where commercially available PET bottles. No glass bottles shall be dispensed to customers and therefore either plastic bottles shall be used or the beverage decanted from the glass bottle.

#### Incident recording

CD34. An incident record shall be maintained to record any activity of a violent, criminal or anti-social nature at the premises.

CD35. The record shall contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident.

CD36. This record shall be produced to any responsible authority upon request.

CD37. This record shall be retained at the premises to which they relate for a period of 12 months.

#### Refusals

CD38. A record shall be kept of all refusals to sell or supply any age restricted product.

CD39. The record shall be kept and maintained at the premises to which the refusals relate and shall be made available for inspection immediately upon request by any responsible authority.

CD40. The record of refusals shall be retained for 12 months.

### Drugs

CD41. The Premises Licence Holder shall provide to the police licensing officer responsible for the area, a written drugs policy detailing the actions to be undertaken to minimize the opportunity to use or supply illegal substances within the premises. This policy shall include as a minimum: Searching, Disruption tactics, Staff training, Safe handling, Retention & Disposal.

### Personal Licence Holder

CD42. A Personal Licence holder shall be engaged and working on the premises at all times when licensable activities are being conducted.

### **Public Safety**

#### Smoking area

PS1. From 22:00 hours until the close of the venue, the smoking area shall be physically monitored by SIA door staff being in the designated smoking area during licensable hours.

#### Vulnerability

PS2. A written policy on how the venue deals with vulnerability shall be implemented and as a minimum shall include the following:

- a) A definition of the different types of vulnerability that may present at the premises.
- b) How best to communicate with vulnerable people. For example, people who are drunk, people on their own, people behaving aggressively and people who are ill.
- c) How to safeguard vulnerable people, including information on first aid administration and referral to the ambulance service and police where relevant.
- d) Best practice for partnering with agencies, such as taxi companies, local authorities and other venues.
- e) What to do if you sense a vulnerable person is in danger, for example if they leave the venue alone or with people they didn't arrive with.

PS3. The premises licence holder shall also promote the "Ask for Angela" campaign.

#### ID Scanning

PS4. The premises licence holder shall operate an electronic identification scanning system such as "GBD" or "Patron Scan" or similar electronic document scanning device that is commercially available.



- PS5. From 22:00 until the close of the venue, all customers entering the premises shall be asked to produce photographic identification, such as a passport, driving licence or PASS card and agree to the said identification being electronically scanned and the details retained in accordance with GDPR.
- PS6. Customers who do not agree shall be refused entry.

#### Staff Training

- PS7. All staff, regardless of being in paid employment or not, shall receive information and training concerning the sale and supply of age-restricted products.
- PS8. This training shall 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 when they are under the legal age to do so. And training in spotting signs and symptoms of intoxication and how to deal with it.
- PS9. All staff shall sign an acknowledgement documenting that they have completed this training and have understood their responsibilities.
- PS10. This training shall be reviewed and updated at reasonable intervals but as a minimum, annually.
- PS11. All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions.
- PS12. Training shall be recorded in documentary form that shall be available for immediate inspection at the request of any responsible authority.
- PS13. The records shall be retained upon the premises that the staff work for a minimum of 12 months.

#### Welfare Officer

- PS14. A member of staff shall be employed from 22:00 until the close of the venue as a welfare officer.
- PS15. They shall be identified by wearing a reflective pink jacket / tabard clearly marked "Welfare" on the reverse.
- PS16. Their role is to be the liaison between the venue management, door staff (when on duty) and bar staff.

PS17. They shall be able to spot signs of vulnerability, welfare and intoxication.

PS18. Welfare officers shall not be utilised as bar staff, glass collectors etc. or in any other role.

#### Till Prompts

PS19. The premises licence holder shall ensure that all tills have a prompt message to question staff over the age of the customer when any age restricted product is being purchased.

#### **Public Nuisance**

PN1. Whilst music is being played as part of regulated entertainment, the licensee or appointed member of staff shall check periodically that noise levels are acceptable.

PN2. Monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.

PN3. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.

PN4. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimise disturbance to local residents.

PN5. Prominent, clear notices shall be displayed at the point of sale and all exits requesting customers to use the litter bins provided. Any litter arising from the premises or from its customers in the immediate vicinity, shall be collected and removed.

PN6. Regulated entertainment shall be restricted to the inside of the premises. All doors and windows that are capable of being opened directly to the outside of the premises shall be kept closed from 22:00, except for access and egress, whilst the premises are in use for the purposes of regulated entertainment.

PN7. The volume of music shall be reduced to a background level no later than 30 minutes before the premises close.

PN8. The premises licence holder shall implement and adhered to a dispersal policy for the premises.

PN9. The rear smoking area will close to the public no later than 03:00.

- PN10. From 22:00 until venue close, the bar on the plan with the label “BAR 3”, which faces the outside seating/smoking area, shall be closed and provide no service.
- PN11. The premises licence holder shall produce a Noise Management Plan for the outside smoking/seating area and shall ensure compliance with all aspects of this plan thereafter. This Noise Management Plan shall be agreed with the Licensing Authority within 28 days of the commencement of this premises licence.
- PN12. The premises licence holder shall ensure that any litter arising from the premises or from its customers in the immediate vicinity, shall be collected and removed.

### **Protection of Children**

#### **Age Verification**

- PC1. The operator shall ensure that there is a system in place to identify every individual who appears to be under 25 years of age and seeking to purchase or be supplied with age restricted products at or from the premises.
- PC2. Those identified shall produce acceptable means of identification and age confirmation.
- PC3. Acceptable identification documents shall be either a passport, photo driving licence or PASS accredited photo ID.
- PC4. If the person seeking age restricted products is unable to produce acceptable means of identification, no sale or supply of the products shall be made to or for that person.
- PC5. All refusals and challenges shall be documented and held at the venue and made available to any responsible authority upon request.

## **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 £450 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

### **Appendices**

1. Application by Benamor Ltd
2. Representations by Other Persons
3. Location Plan showing Representations