

Reference: 2010/02328/01SPRN

Hearing:

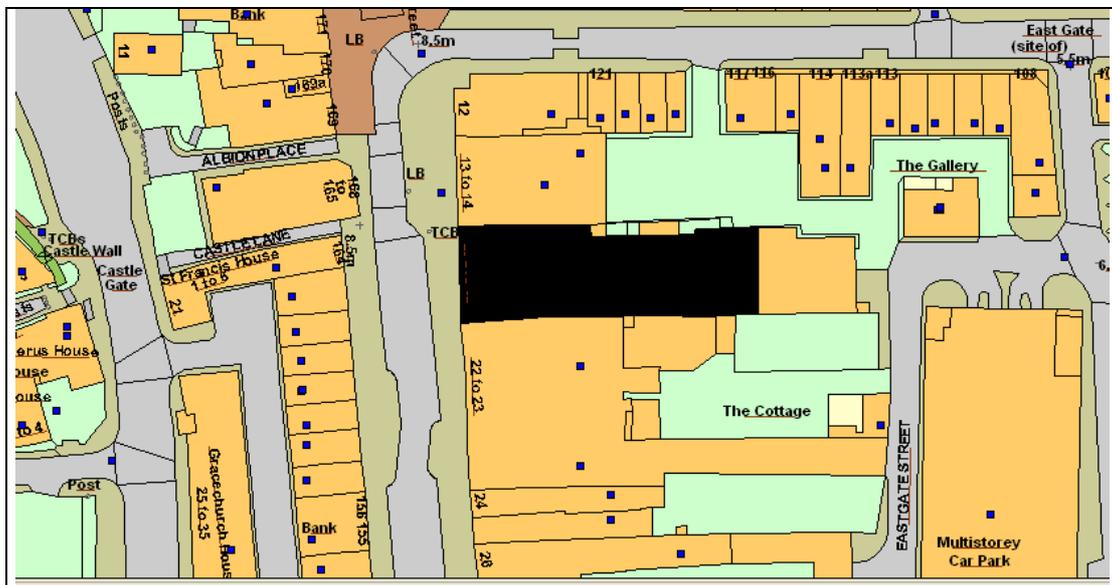
7th April 2011

Application for Premises Licence

Premises Name: Cre8 Leisure
 Premises Address: 1st And 2nd Floor
 15 - 17 High Street
 Southampton
 SO14 2DF

Application Date: 25th November 2010
 Application Received Date: 29th November 2010

Application Valid Date: 17th January 2011



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Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No response received	
Hampshire Fire And Rescue - Licensing	Yes	
Environmental Health - Licensing	No	See attached representation
Planning & Sustainability - Building Control - Licensing	No response received	
Planning & Sustainability - Development Control - Licensing	No response received	
Hampshire Constabulary - Licensing	Yes	
Trading Standards - Licensing	Yes	

Other Representations

Name	Address	Contributor Type
None		

Legal Implications

1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a new Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
2. The decision making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made by those directly affected.
3. An applicant for a new Premises Licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court.
4. In considering this application the committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.

The committee must also have regard to:-

5. *Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.
6. *Human Rights Act 1998*
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another person's Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affects another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

Insert name and address of relevant licensing authority and its reference number (optional)



Application for a premises licence to be granted 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.

XWe Cre8 Leisure Limited
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and **X**we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description 1st & 2nd Floor 15 - 17 High Street	
Post town Southampton	Post code SO14 2BT

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 43,750.00

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick Yes

- a) an individual or individuals* please complete section (A)
- b) a person other than an individual*
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick Yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname

First names

Please tick Yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

Please tick Yes

I am 18 years old or over

Current postal address if different from premises address

Post Town Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned

Name CRE8 Leisure Limited
Address Suite 60 27 Colmore Row Birmingham B3 2EW
Registered number (where applicable) 06950356
Description of applicant (for example partnership, company, unincorporated association etc) Company
Telephone number (if any)
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	
0	1	1	2	1	0

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year	

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

Please give a general description of the premises (please read guidance note 1)

First and Second floor of building which has a Lidl supermarket down below. Separate entrance with seating and tables for restaurant premises.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick Yes

Provision of regulated entertainment

- 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 entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			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)		
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			<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)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment 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		
Day	Start	Finish		Outdoors		
Mon				Both		
Tue			<u>Please give further details here</u> (please read guidance note 3)			
Wed				<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur				<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)		
Fri						
Sat						
Sun						

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day				Outdoors	
Start	Finish			Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			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)		
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	✓
Day				Outdoors	
Start	Finish			Both	
Mon	0900	0200	Please give further details here (please read guidance note 3)		
Tue	0900	0200			
Wed	0900	0200	State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur	0900	0200			
Fri	0900	0200	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	0900	0200			
Sun	0900	0200			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (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	Will this entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	
Mon					Outdoors
Tue			Both		
Wed			Please give further details here (please read guidance note 3)		
Thur					
Fri			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Sat					
Sun					
			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both - please tick ✓ (please read guidance note 2)		Indoors Outdoors Both
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick ✓ (see guidance note 2)		Indoors Outdoors Both
					<input checked="" type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing		
Mon	1000	0200			
Tue	1000	0200	Please give further details here (please read guidance note 3)		
Wed	1000	0200			
Thur	1000	0200	State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Fri	1000	0200			
Sat	1000	0200	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun	1000	0200			

K

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

L

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 <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	2300	0100		Both	
Tue	2300	0100	<u>Please give further details here</u> (please read guidance note 3)		
Wed	2300	0100			
Thur	2300	0100	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Fri	2300	0100			
Sat	2300	0100	<u>Non standard timings. Where you intend to use the premises for the provision of late night entertainment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun	2300	0100			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption please tick ✓ (please read guidance note 7)	On the premises	✓
				Off the premises	
Day	Start	Finish		Both	
Mon	1000	0130	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	1000	0130			
Wed	1000	0130			
Thur	1000	0130	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)		
Fri	1000	0130			
Sat	1000	0130			
Sun	1000	0130			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor	
	<p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
Issuing licensing authority (if known)	<p>.....</p>

P Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

The staff and Management of the premises will be informed and will understand the Licensing law. This covers staff responsibilities, vigilance, security, potential for persons underage. The business will ensure that there is observance as to the Legislation to prevent a irresponsible or illegal consumption of alcohol.

b) The prevention of crime and disorder

The Applicant will ensure that there is appropriate security arrangements and facilities to assist with Health & Safety responsibilities within the premises. The Applicant and his Management propose to work in partnership with the Local Authority, Police, Trading Standards, and any other Enforcement Agency to ensure that there is a safe and secure work environment for both staff and customers.

c) Public safety

The Applicant and its Management on site will take steps to assess and control property and fire related issues, and any others which impact directly on public safety. A Health & Safety Policy will be available to employees and risk assessments will be conducted.

d) The prevention of public nuisance

The Applicant will ensure that steps are taken to make sure that people in the premises will be mindful of neighbours and other premises in the location. Large groups of individuals will not be encouraged to assemble outside of the Applicants property, and where necessary liaison with Police and other retailers within the area will take place.

e) The protection of children from harm

Staff will be fully briefed of the Licensing Laws and Regulations, and proof of age requirements will be clearly displayed, and only passports, photo driving licences, pass logos and Citizens cards will be provided as acceptable ID where there is a question of age. If no proof is provided or in the event of any doubt then service will be refused.

Please tick Yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO 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 4 - Signatures (please read guidance note 10)

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

Signature

Date 25th November 2010

Capacity SOLICITOR

For joint applications signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)

Paris Smith LLP
1 London Road
Southampton
Hampshire

Post town	Post code SO15 2AE
------------------	---------------------------

Telephone number (if	
-----------------------------	--

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

APPLICATION FOR A PREMISES LICENCE

OPERATING SCHEDULE

BACKGROUND

The premises are a former Branigans Public House, on the 1st and 2nd Floor of 15 - 17 High Street, Southampton, below the premises now a supermarket. The premises intends to serve both food and alcohol for customers at lunch time, during the afternoon and evening. The business caters for a range of customers including children with adults. The premises will have bar facilities, waiting facilities before tables are available, and in the past was a Branigans Public House which offered recorded music.

The application for the Premises Licence intends to offer restaurant conditions for the 1st and 2nd floor, subject to an allowance for people to have alcohol prior to their meal or indeed prior to dancing.

The relevant licensable activities to be conducted on the premises and intended times are shown in detail in Part 4 of the Operating Schedule on the Application for the Premises Licence.

The times during which it is proposed that relevant licensable activities are to take place.

The provision for alcohol between 1000 hours and 0130 hours on each day of the week.

Regulated entertainment between the hours of 1000 hours and 0130 hours on each day of the week

Late night refreshment between 2300 hours to 0100 hours.

Any other times when the premises are to be opened to members of the public

The opening hours of the premises are scheduled to be 0900 hours to 0200 hours Monday to Sunday inclusive.

Where the licensable activities include the supply of alcohol the name and address of the individual to be specified as a designated premises supervisor.

The designated Premises Supervisor since the 1st August 2005.

is held a Personal Licence

Where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises.

The premises were previously licensed to supply alcohol on the premises. The provision of alcohol on the premises is a core part of the Business for people partaking of restaurant meals. The Applicant does not wish to have off sales added to the Licence.

The steps which the Applicant proposes to take to promote the Licensing objectives.

The Applicants consider that the premises will operate as a restaurant, but wants to have the facilities to have music and dancing on the 2nd floor of the premises, where there will be no obligation to purchase a meal, although tables and chairs for meals will be available.

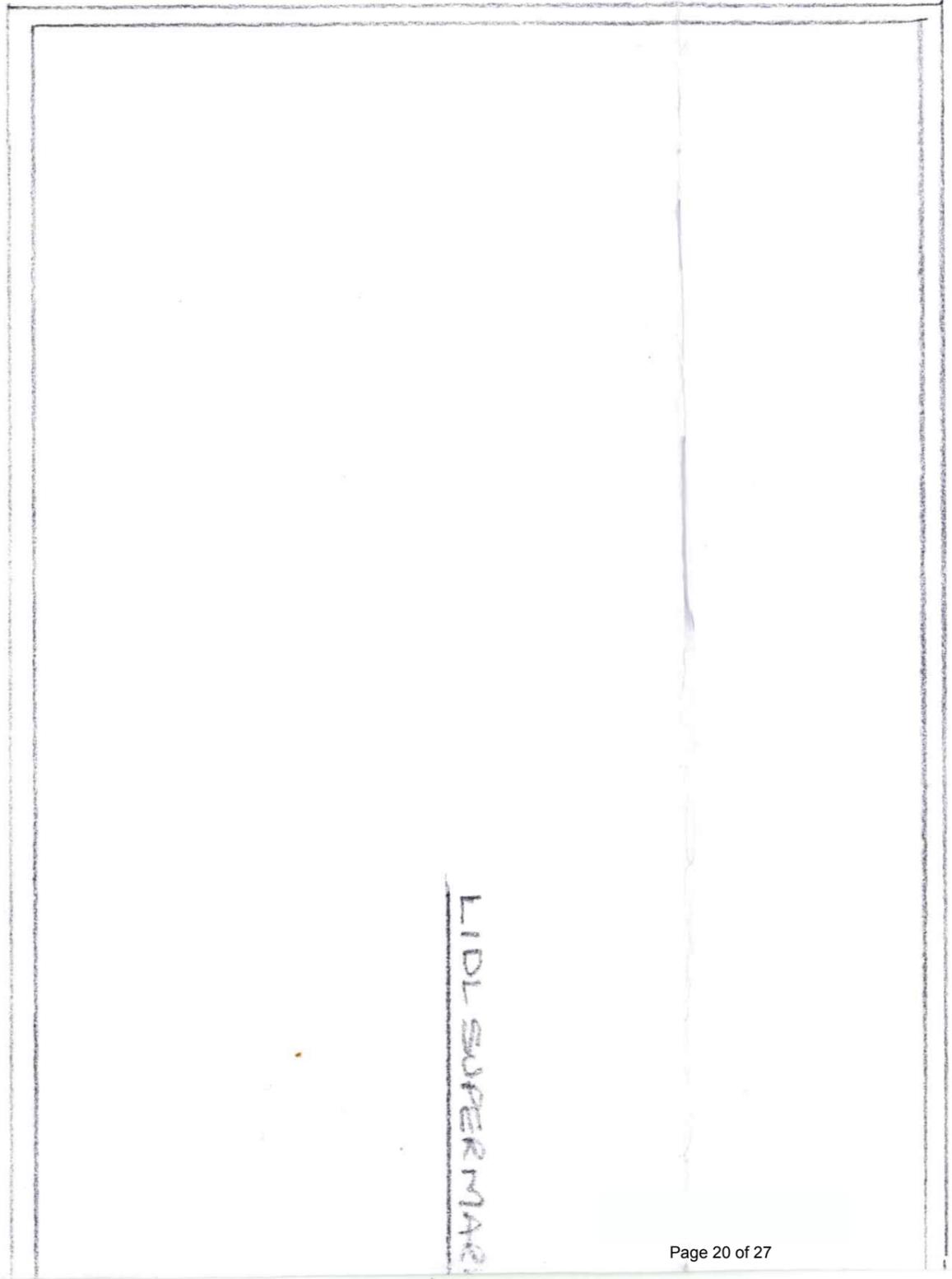
The premises are intended to run in line with the conditions on the Licence, and it is intended to use the upstairs rooms primarily for corporate entertainment, and corporate conference meetings/functions.

Dated this 25th day of November 2010

.....

Solicitors for the Applicant

GROUND FLOOR
REFUSE AREA
SEE
DRAWING 002A
\$
DRAWING 006



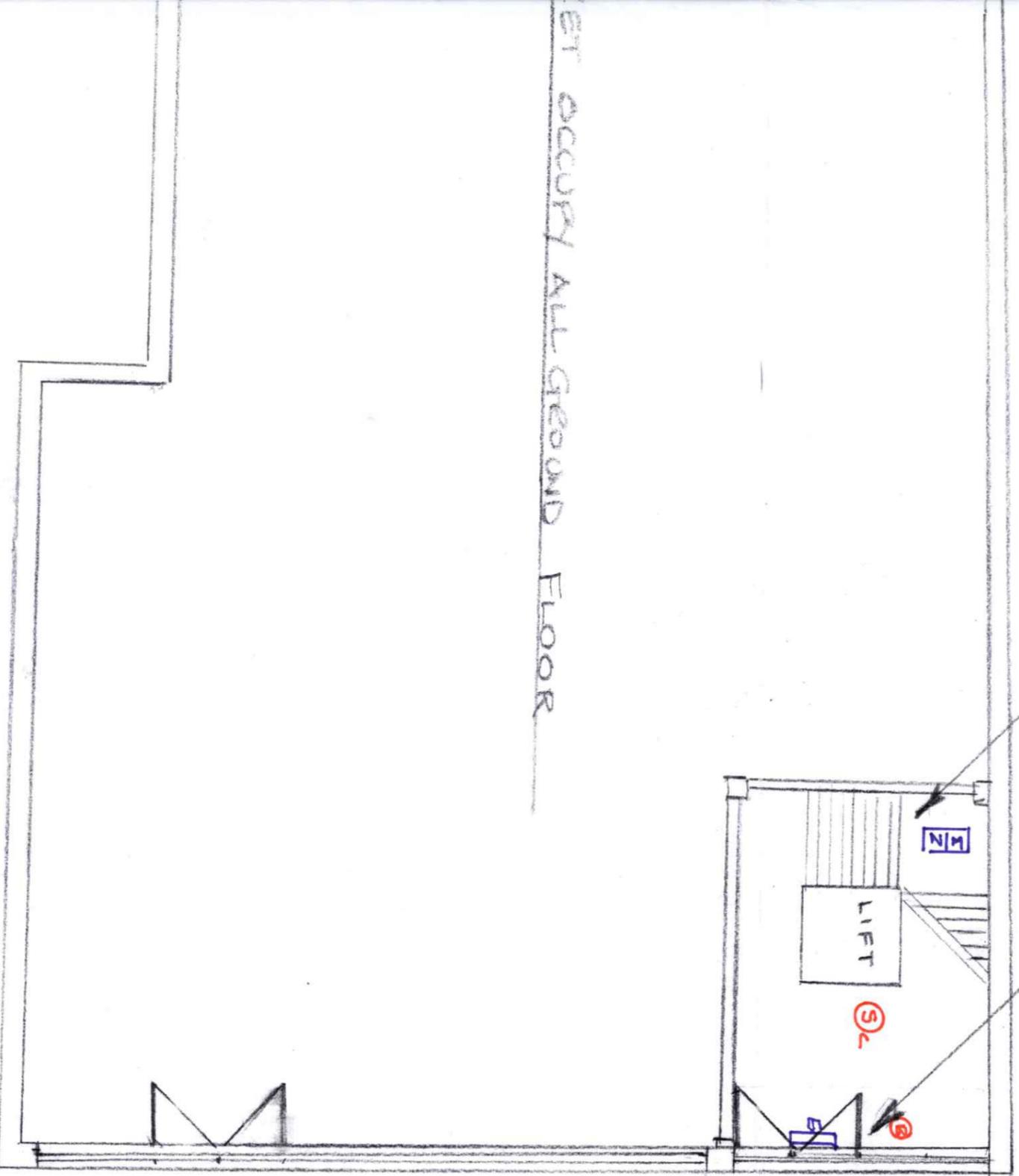


NEW GROUND FLOOR SLAB
 NEW STAIRS
 NEW LIFT
 AT PRESENT THIS IS
 A 5m x 4m HOLE
 THROUGH TO BASEMENT

EXISTING
 DOUBLE
 DOORS

(WILL CHANGE
 OPENING DIRECTIONS
 SHOULD B. CONTROL
 OR FIRE OFFICER
 RECOMMEND)

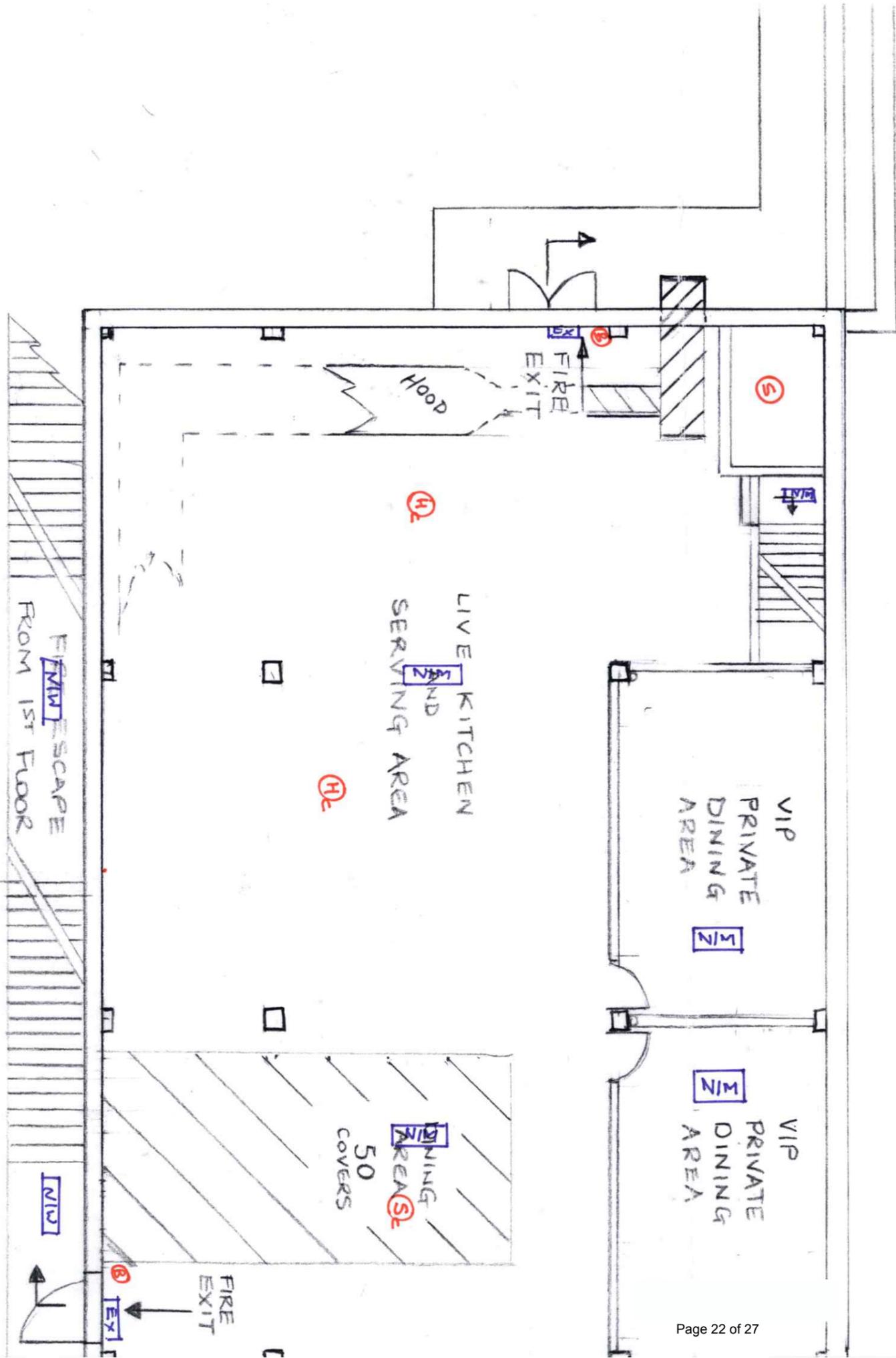
ST OCCUPY ALL GROUND FLOOR



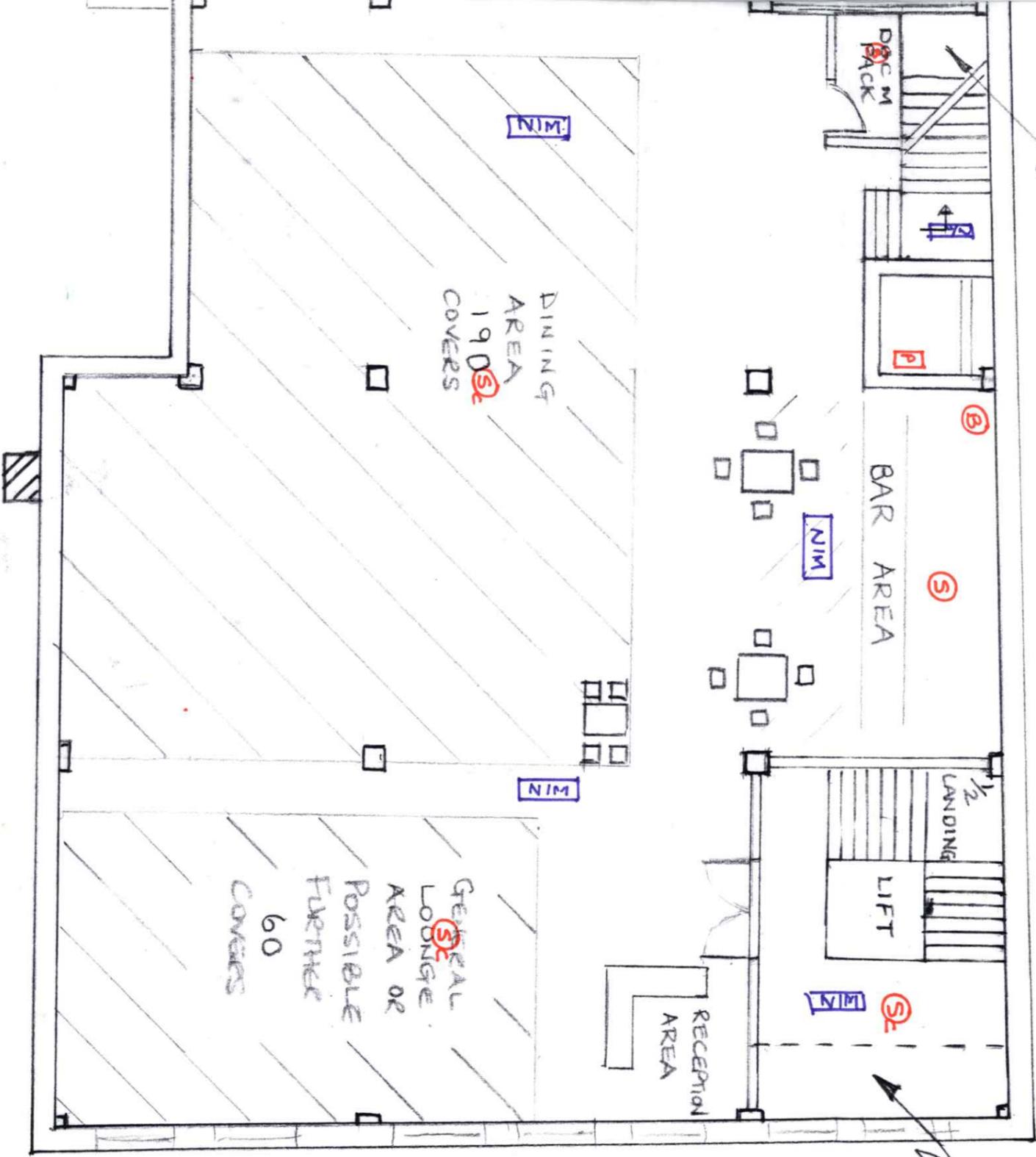
EXISTING
 PAVED
 AREA

- EX EMERGENCY
Exit LIGHT.
- NIM NEW/MAINTAINED
EMERGENCY LIGHT
- S COMBINING SMOKE
+ SOUNDER.
- B BASAL CLASS

15-17 HIGH ST SO14 2BT	
PROPOSED RESTAURANT AND BAR	
SCALE 1:100	DRAWING No DS/SR/PY005
PHIL YATE ASJ	13 TH OCTOBER '10



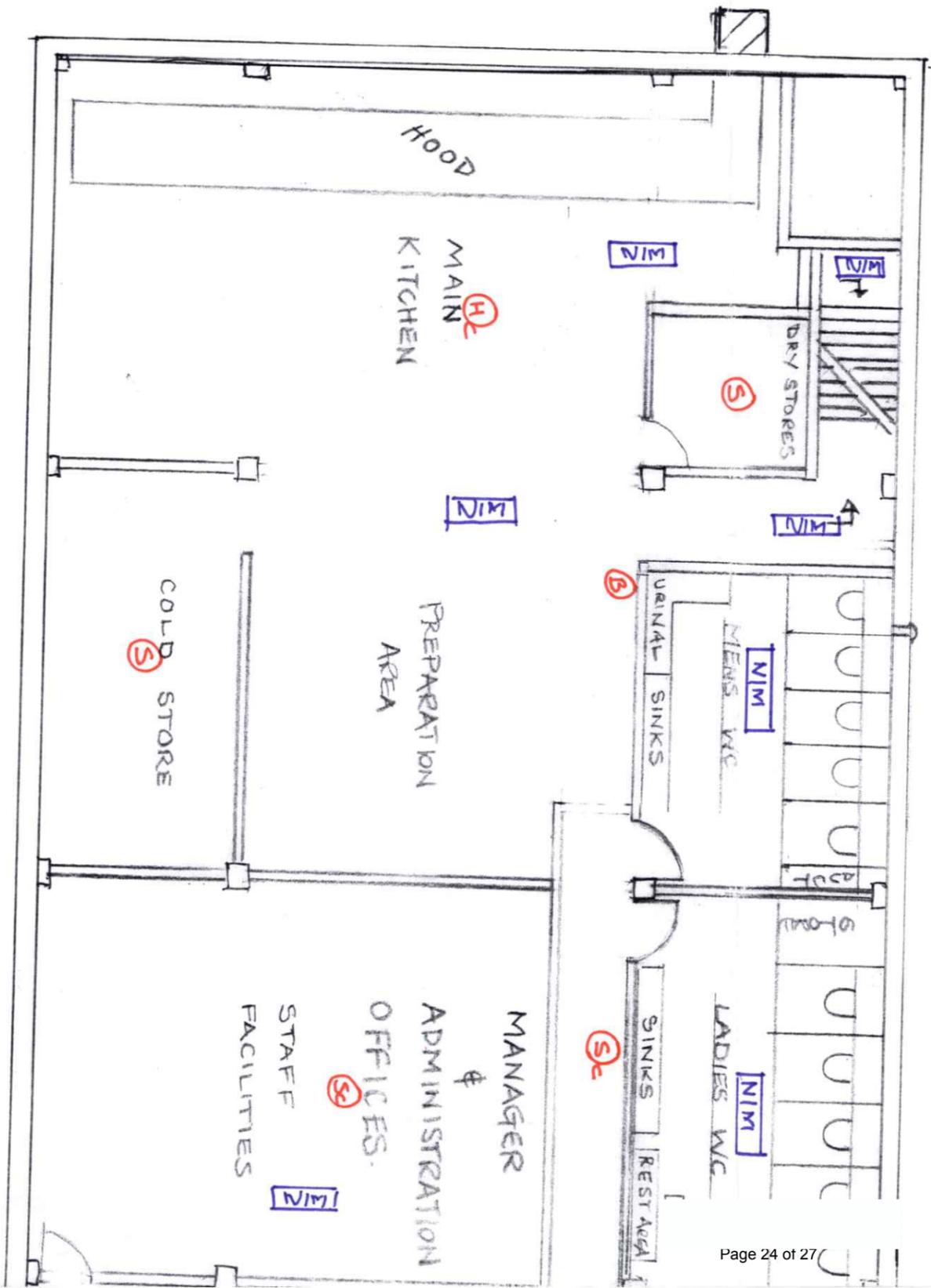
1st Floor

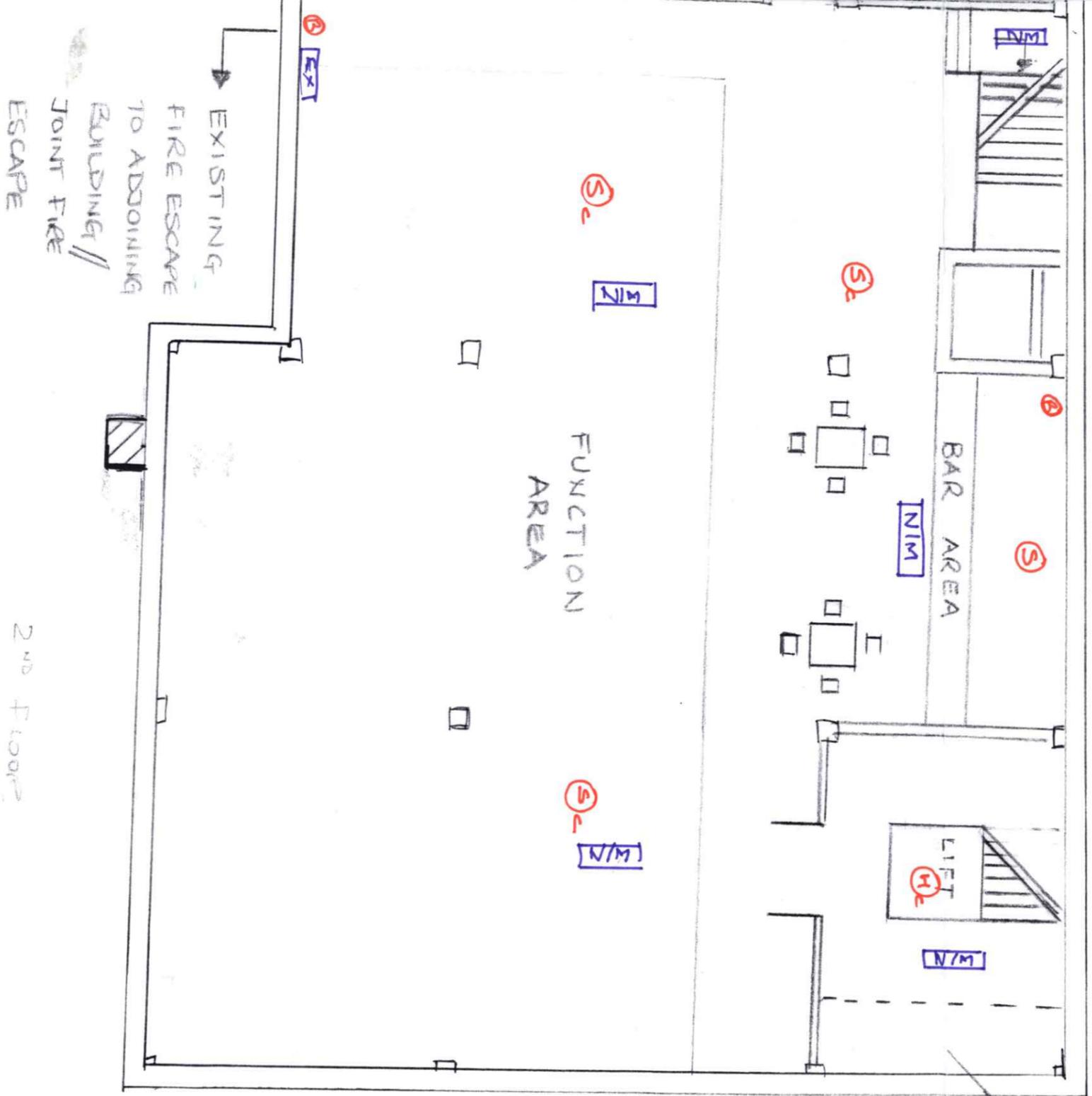


DISABLED WC
PART UNDER
STAIRS

WHEEL CHAIR
REFUGE
AREA

- NIM NON MAINTAINED EMERGENCY LIGHT.
- EX MAINTAINED EXIT LIGHT
- P FIRE ALARM PANEL
- B BREAK GLASS
- S SMOKE DETECTOR
- H COMBINING HEAT AND SOUND.
- C COMBINED SMOKE AND SOUND





WHEELCHAIR
REFUGE
AREA

EX Maintained Exit
Light.
N/M Non-maintained
Emergency Light.

- S** Break glass
- S** Smoke Detector.
- H** Contains Heat and
Smoke.
- S** Contains Smoke
and sounder.

2nd Floor

KLIERZ COLIERZ
FOR THE MSB OR

From: White, John
Sent: 19 January 2011 15:12
To: Licensing
Subject: FW: 2010/02328/0/SPRN - 1st And 2nd floor, 15 - 17 High Street - Application for a premises licence (Cre8 Leisure Ltd.)

Importance: High

John White

Licensing Enforcement Officer
Legal and Democratic Services
Southampton City Council

Tel: 023 8083 2749
Fax: 023 8083 4061
e-mail: john.white@southampton.gov.uk
web: www.southampton.gov.uk/licensing
post: Licensing - Southampton City Council
PO Box 1344, Southampton. SO15 1WQ

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From: Rains, Tim
Sent: 19 January 2011 14:33
To: White, John
Cc: Wainwright, Peter
Subject: 2010/02328/0/SPRN - 1st And 2nd floor, 15 - 17 High Street - Application for a premises licence (Cre8 Leisure Ltd.)
Importance: High

John,

Further to our telephone conversation regarding this, I confirm that we in Environmental Health are concerned about public nuisance from the aforementioned premises. To date, I have received no information detailing specific and detailed measures the applicants may have planned to prevent public nuisance. Furthermore, my requests to the applicants, via Paris Smith, for a site meeting, have not been responded to.

I, therefore, submit a representation on behalf of environmental health.

Tim Rains
Environmental Health Officer
Food Safety
Southampton City Council
02380 917541

From: Rains, Tim

Sent: 28 January 2011 14:59

To: Licensing

Subject: First and second floors 15 - 17 High St Southampton

Further to my site meeting with representatives from Cre8 leisure, and Paris Smith Solicitors. I confirm that I now await an independent acoustic report / scheme to satisfy me that the premises is indeed suitable for the regulated entertainments being applied for. Subject to the results of an acoustic report and necessary works being carried out, I may in future withdraw the representation.

Tim Rains
(Environmental Health Officer)