

Licensing (Licensing and Gambling) Sub-Committee

Wednesday, 14th August, 2019
at 6.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 - Civic
Centre

This meeting is open to the public

Members

Three Members drawn from the Licensing
Committee

Contacts

Democratic Support Officer
Pat Wood

Tel: 023 8083 2302

Email: pat.wood@southampton.gov.uk

Service Director - Transactions & Universal
Services

Mitch Sanders

Tel: 023 8083 3613

Email: mitch.sanders@southampton.gov.uk

PUBLIC INFORMATION

The Members of the Licensing Committee are Councillors Mrs Blatchford, G Galton, B Harris, Kataria, McEwing, Noon, Prior, Renyard, Spicer, and Streets.

Terms of Reference

The Sub-Committee deals with licences for which the Council is responsible under the Licensing Act 2003 and Gambling Act 2005, including:-

- Determination of applications for review of premises licences and club premises certificates;
- Determination of representations to applications for premises licences and club premises certificates, variations and various permits;
- Determination of police objections to applications for:
 - Variation of designated premises supervisors
 - Transfer of premises licences
 - Personal licences for the sale of alcohol
- Determination of objections to temporary event notices.

Relevant Representations

Those who have made relevant representations may address the meeting about the matter in which they have an interest. New matters, not raised within a written representation, can not be relied upon at the hearing.

When dealing with Licensing Act matters the Sub-Committee must only take into account the following statutory Licensing Objectives:-

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

Likewise, when dealing with Gambling Act matters the Sub Committee must only take into account the statutory Licensing Objectives below:-

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way, and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

Fire Procedure:- In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access:- Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Smoking policy:- The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

Dates of Potential Meetings Municipal Year 2019/20

Meetings are scheduled on a weekly basis usually at 6pm on a Wednesday evening.

CONDUCT OF MEETING

Terms of Reference

The terms of reference are contained in the Council's Constitution.

Business to be discussed

Only those items listed on the attached agenda may be considered at this meeting.

Rules of Procedure

The meeting is governed by the Licensing Act 2003 (Hearings) Regulations 2005 and the Council Procedure Rules as set out in Part 4 of the Constitution, so far as it is applicable.

Quorum 3

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 **ELECTION OF CHAIR**

To appoint a Chair for the purposes of this meeting.

2 **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

To note any changes in the membership of the Sub-Committee made in accordance with the Licensing Act 2003.

3 **DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS**

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

4 **STATEMENT FROM THE CHAIR**

5 **EXCLUSION OF THE PRESS AND PUBLIC - LEGAL ADVICE**

At a predetermined point during the consideration of all items the Sub-Committee may move into private session in order to receive legal advice when determining issues. The parties to the hearing, press and the public, unless otherwise excluded by the Licensing Act 2003 (Hearings) Regulations 2005, will be invited to return immediately following that private session at which time the matter will be determined and the decision of the Sub-Committee will be announced.

6 **APPLICATION FOR GRANT OF A PREMISES LICENCE - PORTER'S, UNIT 1 HAVELOCK CHAMBERS, 20-22 QUEENS TERRACE, SOUTHAMPTON SO14 3BQ** (Pages 1 - 50)

Application for grant of a premises licence - Porter's, Unit 1 Havelock Chambers, 20-22 Queens Terrace, Southampton SO14 3BQ

Tuesday, 6 August 2019

Service Director - Transactions and Universal Services

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Agenda Item 6

DECISION-MAKER LICENSING (LICENSING & GAMBLING) SUB COMMITTEE

SUBJECT HEARING TO CONSIDER AN APPLICATION FOR GRANT OF A PREMISES LICENCE -
Porter's Unit 1 Havelock Chambers 20 - 22 Queens Terrace Southampton

DATE OF HEARING 14th August 2019 at 18:00

REPORT OF SERVICE DIRECTOR – TRANSACTIONS & UNIVERSAL SERVICES

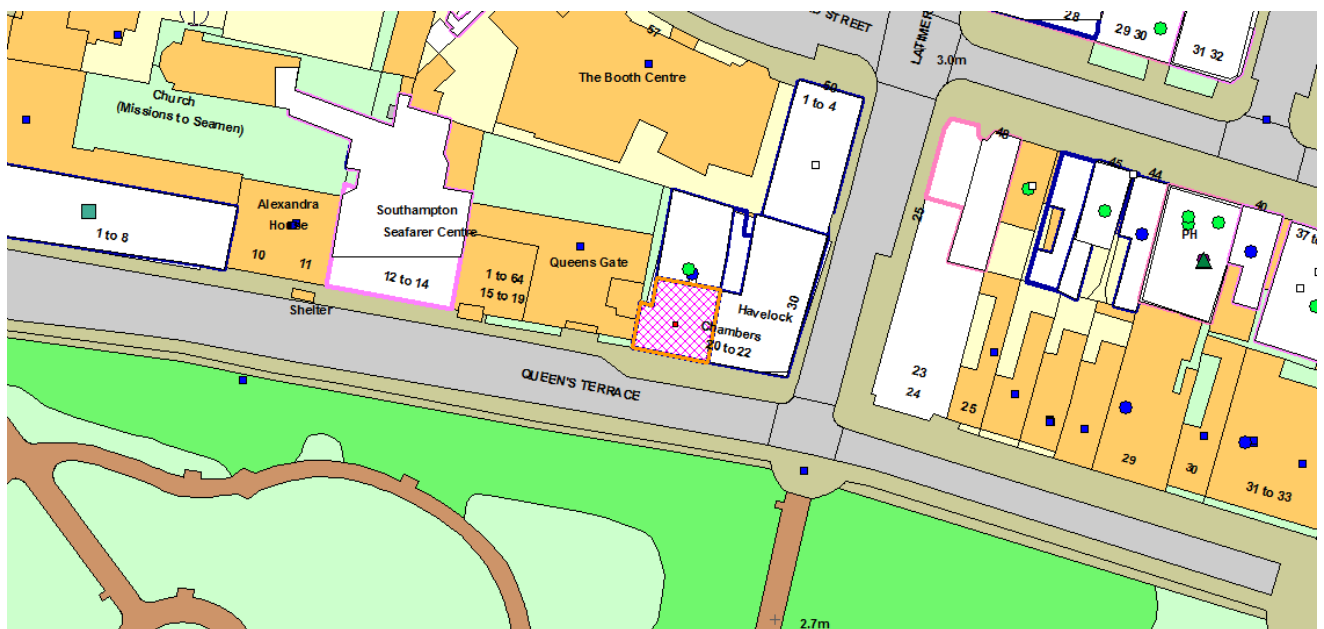
E-mail licensing@southampton.gov.uk

Application Date :17th June 2019

Application Received 17th June 2019

Application Valid 17th June 2019

Reference : **2019/03466/01SPRN**



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Representations from Responsible Authorities

Responsible Authority	Satisfactory?
Licensing-authority (SCC)	Agreed Conditions
Safeguarding Children	Yes
Fire Service	No Response
Environmental Health - Licensing	Yes
Home Office	No Response
Building Control	No

Public Health Manager	No Response	
Police - Licensing	Yes	
Trading Standards	No Response	
<i>Other Representations</i>		
Name	Address	Contributor Type
Dr.Paul Doherty	9 Havelock Chambers,20-22 Queens Terrace, Southampton SO14 3BQ	Resident
Mr.Gage Bullard and Luke Stone	Flat 29 Havelock Chambers,20-22 Queens Terrace, Southampton SO14 3BQ	Resident
Diogo Cerqueira	24 Havelock Chambers, 20-22 Queens Terrace, Southampton	Resident
Mr. Mark Castelino	Flat 26 Havelock Chambers,20-22 Queens Terrace, Southampton	Resident
Mr. Niall Casey	Chairman Havelock Chambers RTM Company Ltd.,16 Havelock Chambers, Queens Terrace, Southampton	Resident

Legal Implications

1. The legislation specifically restricts the grounds on which the sub-committee may refuse an application for grant of a premises licence, or impose conditions. The legislation provides for a presumption of grant of an application for a premises licence, subject to the determination of the application with a view to promoting the licensing objectives in the overall interests of the local community. In doing so the sub-committee must give appropriate weight to:
 - the steps that are appropriate to promote the licensing objectives;
 - the representations (including supporting information) presented by all the parties;
 - its own statement of licensing policy
 - the Statutory Guidance
2. An application may be refused in part and thereby only permit some of the licensable activities sought.
3. An applicant for grant of a premises licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court. Any other person, who made a valid representation, may appeal to the Magistrates' Court against the decision to grant the application or against any conditions imposed.
4. In considering this application the sub-committee will sit in a quasi-judicial capacity and is thus obliged to consider the application in accordance, in particular, with both the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) and the rules of natural justice. The practical effect of this is that the sub-committee must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision.
5. Only persons that made relevant representations or their representative, within the time limits, will be allowed to present evidence and this will be restricted to the points raised in their written representation. Any evidence used to expand upon specific points already raised in a written representation should be served upon all parties in good time before the hearing date in order to allow proper consideration. A failure to properly serve any such additional evidence in advance is likely to mean it cannot be produced or relied upon at the hearing.

6. The sub-committee must also have regard to:

- *The Crime and Disorder Act 1998*

Section 17 of the Crime and Disorder Act 1998 places the sub-committee 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.

- *The 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 sub-committee 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 sub-committee 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 sub-committee which affect another's rights must be no more onerous than is necessary in a democratic society. The matters set out in this report must be considered in light of the above obligations.

Copies of the application for grant of a premises licence and the representations to it are annexed to this report.

Summary of application

Applicant	Mr. Christopher Sean Lawbuary
Agent for licence Holder:	RM Legal Solicitors LLP
Proposed DPS	Mr.P Sandhu

This is an application for a new premises licence, situated in just over a quarter of the ground floor of the Havelock Chambers. The premises is to be a restaurant for specially crafted charcuterie boards with the provision of wines as ancillary and as a complement to the food.

The new premises licence application is for the following licensable hours and activities:

Opening Times Everyday 12:00 – 00:00	Supply by retail of alcohol (for consumption on the premises) Everyday 12:00 – 00:00
Late Night Refreshment Everyday 23:00 – 00:00	Recorded Music Everyday 12:00 – 00:00

The applicant submitted proposed conditions to be added to the licence to promote the four licensing objectives. However following consultation with the Licensing Manager and concerns from Planning, the applicant has now amended the application. The amended conditions are included in this report. These include the condition below in order to comply with planning restrictions and concerns raised by the Licensing Authority.

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to the meal.

The application has received one representation from Building Control and five from local residents.

Application form and plan – Pages 5-31

Amended conditions – Page 32-36

Building Control Comments and Correspondence – Pages 37-39

Local Residents Objections- Pages 40-46

Hearing Procedure Notes-Pages 47-50

SOUTHAMPTON AND EASTLEIGH LICENSING PARTNERSHIP
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.

I/We Christopher Sean Lawbuary
(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 I/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 Porter's Wine Bar Havelock Chambers 20-22 Queens Terrace			
Post town	Southampton	Postcode	SO14 3BP/Q

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£10114

Part 2 - Applicant details

Please state whether you are applying for a premises licence as appropriate Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i as a limited company/limited liability partnership please complete section (B)
 - ii as a partnership (other than limited liability) 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 in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England 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 (by ticking yes to one box below):

- 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 <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Lawbury			First names Christopher Sean		
Date of birth 23 June 1990		I am 18 years old or over <input checked="" type="checkbox"/>		Please tick yes	
Nationality British					
Current residential address if different from premises address		113 Upper Shirley Avenue Shirley			
Post town	Southampton			Postcode	SO15 5NL
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

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SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth or over		I am 18 years old		<input type="checkbox"/> Please tick yes	
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential 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
Address
Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	8	072019

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

DD	MM	YYYY

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

Porters is a brand new wine bar coming to the heart of Southampton, serving a fine selection of wines from around the world and specially crafted charcuterie boards for consumption on the premises only, the main focus being the provision of specially crafted Charcuterie boards with the provision of fine wines as ancillary and as a complement to the food

Situated in just over a quarter of the ground floor of the Havelock Chambers, the entrance will be directly from Queens Terrace and contain restaurant style eating area at the front of the premises with a small bar area from which drinks can be ordered towards the back of the premises.

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

0

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

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

- | Provision of regulated entertainment (please read guidance note 2) | Please tick all that apply |
|--|----------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |

- 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 late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue				Please give further details here (please read guidance note 4)	
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur			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 6)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<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 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
Day	Start	Finish		Both <input type="checkbox"/>
Mon				<u>Please give further details here</u> (please read guidance note 4)
Tue				
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)	
Thur				
Fri			<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 6)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place</u> <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors <input checked="" type="checkbox"/>	
					Outdoors <input type="checkbox"/>	
					Both <input type="checkbox"/>	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises</u> <u>for the performance of live music at different times to those</u> <u>listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	1200	0000	Please give further details here (please read guidance note 4) Likely to be of a contemporary nature, and intended to compliment the ambience of the restaurant. Volume at such a level as likely to be confined to the internal boundaries of the premises		
Tue	1200	0000			
Wed	1200	0000	State any seasonal variations for the playing of recorded music (please read guidance note 5) 1 hour adjustment to take into account the clocks going forward for British summertime		
Thur	1200	0000			
Fri	1200	0000	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	1200	0000			
Sun	1200	0000			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	2300	0000			
Tue	2300	0000			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5) 1 hour adjustment to take into account the clocks going forward for British summertime		
Wed	2300	0000			
Thur	2300	0000			
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Fri	2300	0000			
Sat	2300	0000			
Sun	2300	0000			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) 1 hour adjustment to take into account the clocks going forward for British summertime		
Mon	1200	0000			
Tue	1200	0000			
Wed	1200	0000			
Thur	1200	0000			
Fri	1200	0000			
Sat	1200	0000			
Sun	1200	0000	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 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Parminder Sandhu	
Date of birth	
Address " F C S	
Postcode	
Personal licence number (if known) PERS/13/1224	
Issuing licensing authority (if known) TEST VALLEY BOROUGH COUNCIL	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
 Not Applicable

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	1200	0000	
Tue	1200	0000	
Wed	1200	0000	
Thur	1200	0000	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) 1 hour adjustment to take into account the clocks going forward for British summertime
Fri	1200	0000	
Sat	1200	0000	
Sun	1200	0000	

M

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

See attachment

b) The prevention of crime and disorder

See attachment

c) Public safety

See attachment

d) The prevention of public nuisance

See attachment

e) The protection of children from harm

See attachment

Checklist:

Please tick to indicate agreement

- 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 designated 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.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).
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	<ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	17 June 2019
Capacity	Solicitor

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). 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 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

DATA PROTECTION

The Council is collecting this information in order to perform this service or function, and if further information is needed in order to do so, you may be contacted using the details provided.

In performing this service, the Council may be required to share your information with other organisations or departments, but it will only do so when it is necessary in order for the service to be provided.

The Council may also share your personal information for the purposes of the prevention, investigation, detection, or prosecution of criminal offences, but will not share your personal information, or use it for this, or any other purpose, unless provided for by law.

For more detail about how we handle your personal data please see our privacy policies:

For Southampton City Council applications: <http://www.southampton.gov.uk/privacy>
 For Eastleigh Borough Council applications: <https://www.eastleigh.gov.uk/privacy>

PORTER'S WINE BAR

Havelock Chambers,
20-22 Queen's Terrace,
Southampton. SO14 3BP

APPLICANT'S DRAFT CONDITIONS

In addition to the mandatory conditions the following conditions are proposed by the Applicant to promote the four licensing objectives:

Nature of the premises

1. The premises shall not operate as a nightclub and there shall be no dance floor. The premises shall only operate as a Wine Bar/Charcuterie on a Restaurant type basis with drinks being served as complementary to the bespoke Charcuterie Platters. There will be a small bar area at which patrons can drink wine without ordering food, but this will be a small area in comparison with the majority of the restaurant styled area of the premises

Door supervision

2. As a predominantly food-based establishment it is not anticipated that SIA door supervisors will be required initially, however, the premises licence holder will monitor this and will review the need for door supervisors on an ongoing basis.

Outside controls and dispersal policy

3. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised so as to ensure that there is no public nuisance or obstruction to the public highway.
4. There shall be a designated and demarcated smoking area at the front of the premises for customers. This area shall be monitored by staff on a risk assessed basis.

Local initiatives and engagement

5. The premises will be an active member of Pubwatch and Business Improvement District (or similar local schemes) if they are operating.

6. A direct telephone number for the manager at the premises 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.
7. For at least 12 months after the premises opens to the public the premises shall host quarterly residents' meetings to discuss any issues that have arisen in relation to its operation. Thereafter, residents' meetings shall be at a frequency agreed between the premises and resident representatives. The dates and times of these meetings shall be publicised on the premises' website.

Noise mitigation

8. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
10. Notices shall be prominently displayed at all exits requesting customers to respect the needs of local residents and businesses and leave the area quietly.

CCTV

11. The premises will have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system will be able to cope with strobe lighting (where used) and all levels of illumination throughout the premises as well as outside areas.
12. CCTV warning signs to be fitted in public places.
13. The CCTV system will be operating at all times whilst the premises are open for licensable activity. All equipment will have a constant and accurate time and date generation.
14. The recording system will be able to capture a minimum of 4 frames per second and all recorded footage will be securely retained for a minimum of 28 days.

15. The system will be serviced at twelve monthly intervals and maintained to a standard that is acceptable to the police licensing department responsible for the area.
16. The DPS or premises manager will be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.
17. A competent trained person in the use of and operation of the CCTV, nominated by the data controller, will be in attendance at the premises at all times that licensable activities take place. This person will be able to fully operate the CCTV system and be able to download, at the times of the visit, any information lawfully requested by any Responsible Authority.
18. Any images recovered will be in a format that can be viewed on readily available equipment without the need for specialist software.
19. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS WILL report the failure to the Hampshire Western Police Licensing Unit within 24 hours, and arrangements made to repair the fault without delay.

Training-

20. Staff will be trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which will be signed and dated by the member of staff who has received that training.
21. All staff will receive refresher training every six months as a minimum and records will be kept of this refresher training which will be signed and dated by the member of staff who received that training.
22. All training records will be made immediately available for inspection by Hampshire Constabulary and any responsible Authority upon request. Training records will be kept for a minimum period of one year. Training records will be kept on the licensed premises to which they relate to.

Challenge 25

23. There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence will 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.

24. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the "PASS" logo and the persons date of birth.

25. 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.

26. 'Challenge 25' posters shall be displayed in prominent positions at the premises.

Refusals book

27. A written log will be kept of all refusals including refusals to sell alcohol. The Premises Licence Holder will ensure that the refusals log is checked, signed and dated on a weekly basis by the duty manager/manageress.

28. 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.

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

Incident book

30. An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request.

31. Any incidents that include physical altercation or disorder, physical ejection, injury, id seizure or drug misuse will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author. If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry.

32. At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

33. This record will be retained for 12 months.

Litter and waste

34. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

35. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00hrs and 08.00hrs on the following day.

Availability of food

36. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

Non-standard hours

37. The premises may remain open for the sale of alcohol and the provision of late night refreshment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

38. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00.

Solicitor 17/6/19

Consent of individual to being specified as premises supervisor

I Mr Parminder Sandhu

Of

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

A Premises Licence

by

Mr Christopher Sean Lawbuary

relating to a premises licence No licence currently in force

[number of existing licence, if any]

for Porter's Wine Bar
 Havelock Chambers
 20-22 Queens Terrace
 Southampton
 SO14 3PP

and any premises licence to be granted or varied in respect of this application made by

Mr Christopher Sean Lawbuary

concerning the supply of alcohol at:

Porter's Wine Bar
Havelock Chambers, 20-22 Queens Terrace, Southampton. SO14 3PP

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

PERS/13/1224

[insert personal licence number, if any]

Personal licence issuing authority

TEST VALLEY BOROUGH COUNCIL

Beech Hurst, Weyhill Road, Andover SP10 3AJ

[insert name and address and telephone number of personal licence issuing authority, if any]

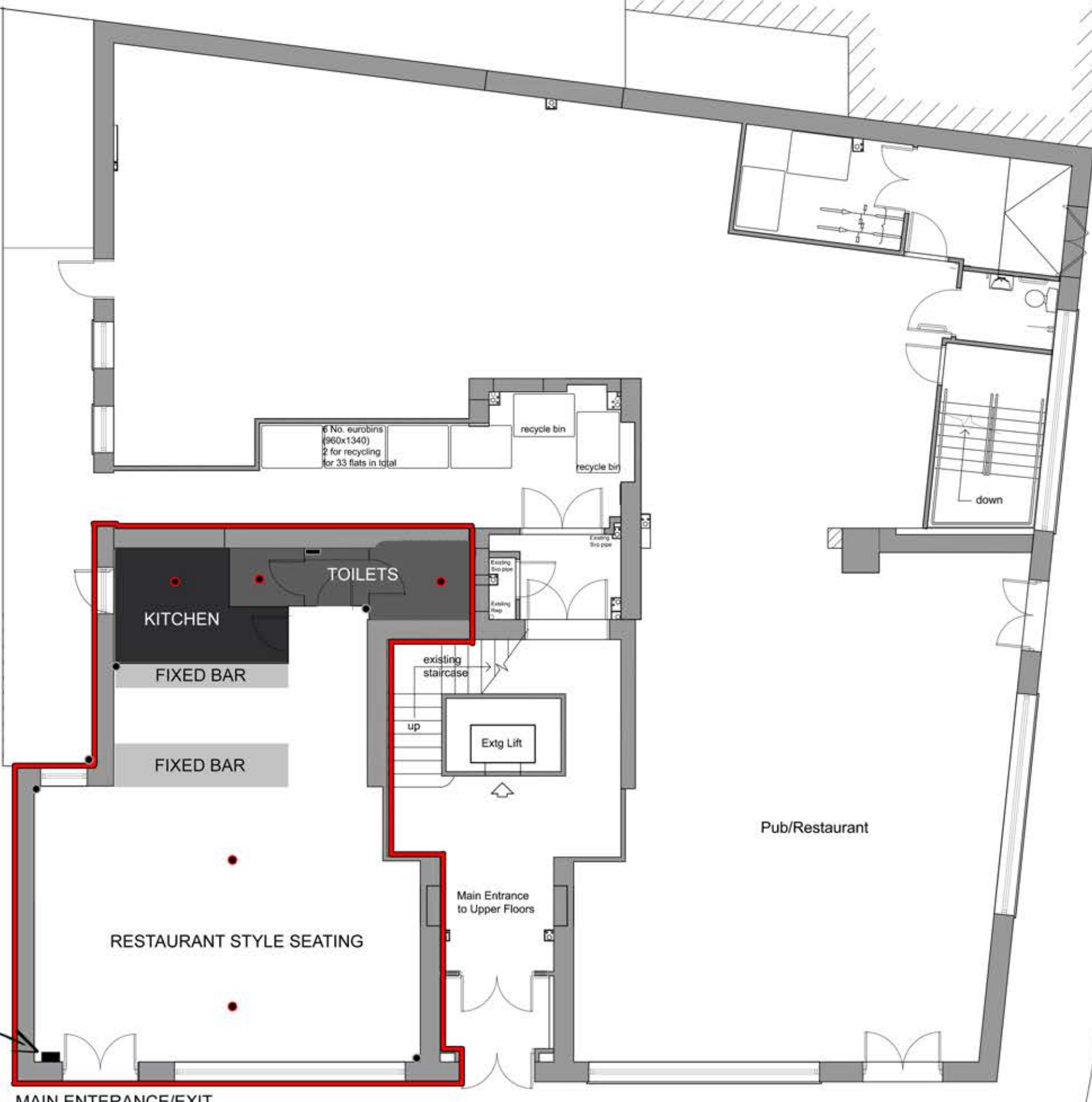
Signed

Name (please print)

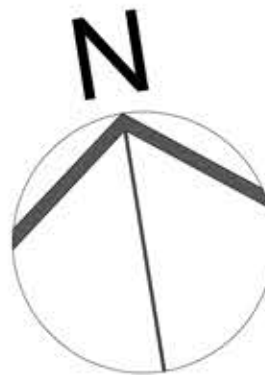
Mr Parminder Sandhu

Date

17/6/2019



Latimer Street



<p>Key</p> <ul style="list-style-type: none"> ● CCTV Camera and DVR ● Fire decion 	<p>Havelock Chambers Queens Terrace Drawing</p>
	<p>Porters Wine Bar - Proposed Plans</p>
	<p>Scale @ A3 1:100</p>

PORTER'S

Havelock Chambers,
20-22 Queen's Terrace,
Southampton. SO14 3BP

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25. 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.
26. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to the meal.

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Building Control Comments (Planning)

Just to advise that although the Local Planning Authority is unable to object under one of the licensing objectives, I feel that all concerned should be aware that the premises cannot operate in the manner which it proposes as the extant Planning Permission specifically states that the premises can only be used as a restaurant with no provision for drinking or takeaway use. The owner Mr Christopher Lawbury has already been advised by a Planning Enforcement Officer that the premises cannot be advertised as a Wine Bar and also that no part of the premises can be used as a drinking establishment due to the Planning Permission in place. The use of the premises for Planning purposes is solely as a restaurant, this was so that the Council could exercise control over the future use of the premises and in the interests of the amenities of the area.

I have read the proposed draft conditions attached to the Licensing application and under "Nature of the Premises (1)" they clearly state that there will be a small bar area at which patrons can drink wine without ordering food. This would be a clear breach of the planning condition and should they operate in this manner we will look to serve a Breach of Condition Notice on the owner and operator of the premises.

It appears that Mr Lawbury has dismissed what the Planning Enforcement Officer has told him and is going ahead with having a bar on the premises which can be used by patrons not looking to purchase cold meats etc.

As previously advised, no breach of planning control currently exists. Once the premises has been opened, Planning Enforcement Officers will monitor the use of the premises to ascertain whether a breach of planning control needs addressing.

I trust this clarifies matters for you.

Regards

Karl Collymore (Planning Enforcement Supervisor)

From: Chris Lawbuary
Sent: 01 July 2019 08:48
To: Collymore, Karl
Subject: Your ref: 19/00378/ENBOC - (Porters, Queens Terrace)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Mr Collymore,

Thank you for your letter dated 25th June 2019. I was of the understanding that this matter had been resolved and we have already followed the guidance kindly given by your colleague Helen Sharp. If you aren't aware of this then I will outline below.

Our initial plan was to call the venue Porters Wine Bar as our view was that a wine bar represents somewhere to eat food accompanied by a unique glass of wine. We however completely understand how this may be perceived and the issues that this presents in terms of planning. This was a mistake on our part in believing the name represented something more. We therefore took on board the comments made and changed the name of the venue to Porters Wine and Charcuterie. We changed the website, all business pages and the licence application to reflect this. We also composed a letter to all residents outlining our intentions and apologised for any confusion caused (letter attached in this email).

Our vision of Porters is to create a social dining experience (as can be seen by our website). We have carefully created a menu of charcuterie boards and to accompany those we provide a wine menu. This is to be an up market establishment consisting of good food in a welcoming environment.

Once again apologies for any confusion that our chosen name caused. We have made the necessary changes to ensure no one is misled going forward. I am happy to discuss in more detail on the phone if needs be.

Kind regards,
Chris Lawbuary
Porters

This email is confidential but may have to be disclosed under the Freedom of Information Act 2000, the Data Protection Act 2018, or the Environmental Information Regulations 2004. If you are not the person or organisation it was meant for, apologies, please ignore it, delete it, and notify us. SCC does not make legally binding agreements or accept formal notices/proceedings by email. E-mails may be monitored. This email (and its attachments) is intended only for the use of the person(s) to whom it is addressed, and may contain information that is privileged and/or confidential. If it has come to you in error, you must take no action based on it, nor must you copy or show it to anyone.

Head, Karen

From: Collymore, Karl
Sent: 11 July 2019 12:48
To:
Subject: FW: Your ref: 19/00378/ENBOC - (Porters, Queens Terrace)

Follow Up Flag: Follow up
Flag Status: Completed

Dear All

Please find below, recent correspondence received/sent in respect of Porters at Queens Terrace. To advise, Mr Lawbuary has failed to respond to my email sent to him on 01.07.19!

Kind regards

Karl

Karl Collymore
Enforcement Supervisor
Southampton City Council

From: Collymore, Karl
Sent: 01 July 2019 12:20
To: 'Chris Lawbuary'
Cc:
Subject: RE: Your ref: 19/00378/ENBOC - (Porters, Queens Terrace)

Dear Mr Lawbuary

Thank you for your voicemail left and subsequent email sent this morning.

To clarify, I am fully aware of Planning Enforcement Officer Helen Sharp's involvement with the premises.

I note that you state that you have changed the name of the premises from Porters Wine Bar to Porters Wine Charcuterie. Can you please confirm whether you have made this change recently with the Licensing department as I have spoken with them this morning and they advise that the name was changed from Porters Wine Bar to Porters, there was no mention of Porters Wine Charcuterie.

I refer to your attached letter which you have sent/will be sending to residents outlining your intentions. I note that you have omitted to mention the small bar area which you refer to on your Licence application. Your draft conditions which mentions the nature of the premises clearly advise that you intend on having a small bar which can be used for patrons to drink wine without ordering food. I therefore consider the letter to residents to be slightly misleading.

The Local Planning Authority still has concerns over how you propose to use the premises and I believe that should you operate the premises (or any part of the premises) in the manner detailed in your "nature of the premises" mentioned within your Licensing application will be a clear breach of planning control.

To Clarify, the Local Planning Authority has concerns over how the property will be used as it will not be solely a restaurant (A3 use) if it is to be used in the manner identified by yourselves. As such, the Council's Licensing department has been notified and are aware of the Planning Permission granted for the premises including all conditions imposed by the Local Planning Authority.

Head, Karen

From: Paul Doherty
Sent: 25 July 2019 04:58
To: Licensing
Subject: Objection: Porter's Wine Bar
Attachments: Porters Appliation 2019_03466_01SPRN-OPERATING_SHEDULE_TOGETHER-1268929.pdf; Porters Layout Plan 2019_03466_01SPRN--1268930.pdf

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

This is an objection to the above application based on the following 4 main headings.

1. Prevention of Public Nuisance
2. Prevention of Crime and Disorder.
3. Protection of Children from harm
4. Public Safety –

In the first instance it is not believed that the application has been advertised correctly, and as required. The applicant has placed the notice in the bottom corner of a darkened window. This was done before Licensing had the application begin again, with the notice attached outside the unit. There is also a notice on the other side of the road, which is not on or outside the unit”, it does not make it clear that it relates to the new unit and not the former Nook “bar”, which has gone out of business. It has not been advertised as legally required and they should do so again correctly for a period of 28 days. It is an issue that due to the placement residents of the adjacent building, with 78 living units, particularly will not have seen the notice when they will be significantly affected and should have the opportunity to be informed and make representations.

It is very significant that this application has been put forward after 2 other Alcohol Licence applications were rejected or withdrawn due to planning issues that apply to the proposal. Planning has deemed a bar in this position as unacceptable in the main due to the protection of public amenities i.e. prevention of public nuisance particularly to the surrounding residents. There are 108 separate flats / living units above or adjacent to this unit. Although Licencing do not directly consider planning permission there is an overlap and it is unfeasible to deny the arguments already accepted by the Council in these areas i.e. a bar would cause a public nuisance in this location.

It is preposterous that an application from an individual who has submitted an application for “**Porters Wine Bar**” and stated in their application that “**Porters is a brand new Wine bar coming to Southampton**” is allowed to claim to Planning Enforcement that it is a restaurant to circumvent planning conditions and then apply for an alcohol licence stating it will be a restaurant when it is called “Porters Wine Bar”! It has already been highlighted how this misrepresentation can cause unacceptable problems with required conditions, when the owner of the Nook Bar and Kitchen stood in front of the licensing Committee 9 months ago and said he was going to open a family friendly American themed burger restaurant and then the day after he got the license went back and fitted the unit out as a Sports Bar. As with this application the clue was always in the name of the business. The current applicants did this fitting out work when they will have been made aware that you can simply say one thing to licencing and then do another once you have the licence. Instead of a restaurant with children enjoying burgers with their parents and friends we had large groups of lads, supporting opposing teams, watching football games and drinking. The two scenarios have completely different requirements when it comes to the:

1. Prevention of Public Nuisance
2. Prevention of Crime and Disorder.
3. Protection of Children from harm
4. Public Safety –

The claimed scenario of a family friendly American themed burger restaurant might need a DBS checked children's entertainer but the actual scenario of a sports bar several SIA qualified door staff. This was not recognised due to the misrepresentation of the proposed business.

Therefore, agreed conditions for an application will be completely inappropriate if there is any misrepresentation. All of the restaurants in Oxford Street close at 10pm except one pizzeria which shuts at 11pm in line with its national franchise model and another finishes food at 10:30pm at weekends as it is also a bar. The applicant has explicitly stated they are a restaurant and not a bar – they are just called a bar and branded as a bar, and leased the unit for a bar, as confirmed in writing by the freeholder, and are physically set up to be a bar. So why do they require an alcohol licence until 24:00 which only a bar would want. The establishment would cause significant public nuisance if open till this time due to the close proximity of residences. In those last hours the requirements to deal with the above 4 areas are completely different if it is customers spending hours drinking rather than eating a meal. If they are being considered as a restaurant when it will be a bar then again the correct conditions cannot be considered. The contents of the Alcohol Licence application goes directly against the statements the applicant made to Planning Enforcement and therefore the integrity of the application is highly questionable. This is confirmed by their own statements. Planning enforcement were advised by the Applicant "it is not their intention to operate a wine bar / drinking establishment", the applicants Alcohol Licence Application clearly states "Porters is a brand new wine bar coming to Southampton"

There is a long history of public nuisance, particularly to the residents of the block above, being created from a previous bar in the block. This included noise abatement orders being raised. The noise of patrons entering and leaving a bar environment will and has caused a public nuisance. Individuals having a normal conversation in front of the building can be heard from the top flats at the front. Large groups of individuals leaving a bar environment at closing time cannot help but be a nuisance to the tenants / public. Although planning issues are not a part of this application process. It is significant that the council have a planning restriction on this ground floor premises that it shall not be used for a "drinking establishment" in the interests of the amenities of the area and free flow of traffic i.e. to stop it creating a public nuisance. The planning conditions for the ground floor also required that sound proofing and air conditioning is required to ensure windows could be left closed and there would be no noise nuisance. This was to "protect the amenities of local residents" i.e. prevention of public nuisance. Not only has none of the above been installed but the limited insulation that was there has been removed increasing the level of public nuisance.

The use of the unit as proposed would raise numerous issues under the 4 main headings above. The application should be rejected or at the very least restricted in the times it can be open and mechanisms put in place to ensure it is operating as a restaurant as it claims to be e.g. food purchase required with drinks. These will not be an issue unless it intends to operate as a bar. Permission should only be given subject to Planning conforming previous conditions have been met and they are happy it will operate and is set up as a restaurant.

Yours sincerely,

Dr Paul Doherty

Owner, 9 Havelock Chambers,
20-22 Queens Terrace
Southampton SO14 3BQ

Head, Karen

From: |
Sent: 25 July 2019 20:30
To: Licensing
Subject: Comments for Licensing Application 2019/03466/01SPRN

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 8:29 PM on 25 Jul 2019 from Mr Gage Bullard.

Application Summary

Address: Unit 1 Havelock Chambers 20 - 22 Queens Terrace
Southampton SO14 3BQ

Proposal: Premises Licence

Case Officer: Tricia Young

[Click for further information](#)

Customer Details

Name: Mr Gage Bullard

Email:

Address: Flat 29, Havelock Chambers, 20 - 22 Queens Terrace,
Southampton SO14 3BQ

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Licensing Application

Reasons for comment:

Comments: 8:29 PM on 25 Jul 2019 We strongly object to this application. We feel strongly that this venue plans to operate as a bar and not as a restaurant, particularly because they are calling it a wine bar. We believe if the application is approved it will lead to increased public nuisance in a densely populated residential street. We believe it could lead to increased crime and disorder in the area and could put the public at risk particularly residents living directly above and next door to the bar. We have a 20 month old child and we live above this proposed bar, and we are deeply concerned that if the application is approved our child could be out at risk by intoxicated customers of the bar, our front door is practically next to the bar's entrance. The bar intends to be open late at night and this doesn't appear to be typical of a venue wishing to operate solely as a restaurant. We have lived here for a number of years and feel strongly that this would have a negative impact on our lives and the daily lives of our neighbours.

Sincerely,

Gage Bullard & Luke Stone

This email is confidential but may have to be disclosed under the Freedom of Information Act 2000, the Data Protection Act 2018, or the Environmental Information Regulations 2004. If you are not the person or organisation it was meant for, apologies, please ignore it, delete it, and notify us. SCC does not make legally binding agreements or accept formal notices/proceedings by email. E-mails may be monitored. This email (and its attachments) is intended only for the use of the person(s) to whom it is addressed, and may contain information that is privileged and/or confidential. If it has come to you in error, you must take no action based on it, nor must you copy or show it to anyone.

Head, Karen

From:
Sent: 25 July 2019 20:57
To: Licensing
Subject: 2019/03466/01SPRN Porters Wine Bar, Havelock Chambers.

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello I would like to object to the license for alcohol consumption at Porters Wine Bar.

I would like to object to the increase of noise and nuisance that this will cause at the entrance of the bar. It will interfere of the normal life in the building. It will add to the noise at night that can be heard in the apartments that it is already high from other bars next door.

I would also not want to have more people making loud noises and behaving badly at the entrance of the building.

I am residing in flat 24 Havelock Chambers.

Thank you for your attention,

Best Regards

Diogo Cerqueira

Head, Karen

From: 1>
Sent: 25 July 2019 20:10
To: Licensing
Subject: Porters wine bar Havelock Chambers application

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern, I am writing about the application(reference: 2019/03466/01SPRN) for a wine bar being allowed at Havelock Chambers

I seriously hope that this application to NOT be approved on the basis this is a residential area where I live and do not wish to have people coming and going till midnight drinking being loud. To come home late and have people who are drinking or drunk near the entrance of my building is not right...!

I hope you reject this application

Yours faithfully

Mark Castelino
Flat 26 Havelock Chambers

Sent from Yahoo Mail on Android

Head, Karen

From:
Sent:
To: Licensing
Subject: Re: Objection to: 2019/03466/01SPRN - Porters Wine Bar, Havelock Chambers - Clarification of text of original submission

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I wish to object to the above application.

The unit they are planning to use is required to be a refuse store for the residents of Havelock Chambers and a bike store by previous planning conditions.

The area was specifically excluded from the precious A3 application area, it was also specifically excluded from having any type of bar. All of this was given with reasons that it would spoil residential and local amenities. The logical extension was that the planning department considered any of the above would cause a public nuisance. I and the other owners of the apartments here agree.

It is evident from the text of the application that they want to open up a new Wine Bar, which will be open until 24:00. Ostensibly describing it as a restaurant will not change it from having the issues of a bar when it is the aim of the owners.

A late night licence will cause significant anti-social issues for the residents and other locals.

The application should be rejected or if granted any permission the ability to ensure it is run as a restaurant e.g. drink only being sold with food and certification that the food sales when compared to the alcohol sales match those of a restaurant at 3 monthly intervals.

I object to the application.

Niall Casey
Chairman
Havelock chambers RTM Company Ltd.
16 Havelock Chambers
Queens Terrace
Southampton

Procedure – Applications etc. under the Licensing Act 2003 or Gambling Act 2005

1. A hearing will be held to decide applications, etc., under the Licensing Act 2003, where there have been relevant representations from one or more of the responsible authorities or other persons. The parties to the hearing will have the chance to be heard. They are also entitled to be helped or represented by another person if due written notice is given in advance.
2. Hearings will take place before a Sub-Committee comprising three members of the Licensing Committee. One of these members will be elected Chair of the Sub-Committee for that hearing.
3. Please note that for day time hearings the Sub-Committee will normally adjourn for lunch at 1:00 p.m. and that comfort breaks will be taken at the discretion of the Chair at appropriate points during the meeting.

Preliminary matters

4. The Chair will introduce those present.
5. The Chair will check whether any of the Sub-Committee members has a “disclosable pecuniary”, “personal” or “pecuniary” interest.
6. The Chair will check whether all the parties are present at the hearing, and if any are not, whether they have told the Council that they do not wish to attend or be represented. If any party who was expected to attend has not done so, the Sub-Committee will decide whether to hold the hearing in that party’s absence, or to adjourn it to another date. Hearings will be adjourned if the Sub-Committee considers this necessary in the public interest, if that is possible. If the Sub-Committee decides to hold the hearing in a party’s absence, they will still consider any written information received.
7. In the case of an application for variation or a new licence, the Sub-Committee’s legal advisor will ask the applicant or their advisor for confirmation that the required public notices have been displayed where they can conveniently be read from the exterior of the premises and that notice was given in a local newspaper within eleven working days of the day on which the application was received by the licensing authority.
8. Normally, hearings will be open to the public. However, the Sub-Committee may exclude the public from the hearing (or part of it) if they think the public interest in doing so outweighs the public interest in having the hearing in public. If the public are excluded, any of the parties to the hearing, and/or anyone helping or representing them, may also be excluded.
9. The Chair will propose a motion that the public and the press be excluded from the hearing while the Sub-Committee considers the matter. Ordinarily the legal advisor and democratic support officer will remain (see paragraph 30 (b) below).
10. The Openness of Local Government Bodies Regulations 2014 provide an entitlement for the public to film, photograph and audibly record (“record”) public meetings. However, by virtue of Schedule 6, paragraph 58 of the Licensing Act 2003 and section 101 (15) of the Local Government Act 1972, Licensing Act 2003 hearings are not covered by the entitlement to film as of right. The Council’s general approach is to encourage openness and transparency in all its dealings and the general presumption is that filming or recording of hearings shall generally be permitted where due notice has been provided in advance of the hearing. Nonetheless the following shall apply:

- i) Filming / recording / photographing hearings shall only be permitted with the express permission of the Chair. Such permission may include restrictions to protect children, vulnerable persons or others that object to being filmed / photographed / recorded.
 - ii) Requests to film / record / photograph should be made with sufficient notice in advance of the hearing. Late requests may not be granted if there shall be a delay to proceedings as a result.
 - iii) Every party to the hearing and any witnesses shall have the opportunity to object and those representations shall be considered by the Sub-Committee.
 - iv) No filming, photography or sound recording shall be permitted of any person under 18 years of age.
 - v) No person shall be put under any pressure to consent to such and no payment for such consent shall be given.
 - vi) The Chair shall have the final say as to whether any filming, photography or recording is allowed (including the extent to which permission is granted e.g. the parts of the meeting, the individuals concerned or the arrangement of the recording equipment).
 - vii) All directions given by the Chair shall be fully complied with and the Chair shall have the absolute discretion to withdraw permission to film, photograph or record in the event the same causes an obstruction or interferes with the general conduct of the hearing, including the impeding of the giving of proper evidence.
11. A party may have asked for someone else to appear at the hearing to make a point or points that may help the Sub-Committee reach a decision. It is up to the Sub-Committee to decide whether that person should be heard, although permission will not be refused unreasonably. Such a person is referred to as a “witness” in this procedure.
12. Where application has been made, in advance of the hearing, that it should be conducted in private (e.g. by the Police in review or summary review proceedings) reports shall be prepared and presented as confidential so that the Committee can make a meaningful determination in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 to exclude the press and public. It is important to note that reports presenting Licensing Act 2003 matters are not required to be published in advance. However, certain limited information must be published in accordance with the Licensing Act 2003 (Licensing Authority’s Register) (Other Information) Regulations 2005 and section 8 of the Licensing Act 2003.
13. The Chair will then explain the procedure that will follow.

General information on the conduct of the hearing

14. Each party is entitled to:
- (a) Give further information in response to any point that the Council told them before the hearing they would like clarified;
 - (b) With the permission of the Chair, seek clarification on any point by any other party;
 - (c) Address the Sub-Committee.
15. Members of the Sub-Committee may also seek clarification of any party or witness.
16. At the Chair’s discretion, the Sub-Committee’s legal advisor may ask any questions he or she thinks are relevant.

17. Unless the Council has requested in advance that a particular point be clarified, new documentary or other evidence may not be submitted for the first time at the hearing, unless all the other parties agree.
18. Members of the Sub-Committee will have read all the papers included in the agenda for the hearing before the hearing starts. The parties are requested not to spend unnecessary time repeating evidence which is already in the papers and which is not disputed.
19. Evidence that is not relevant to the case, or to the promotion of the four licensing objectives, will be disregarded.

Hearing Procedure

20. If any party has asked permission for a witness or witnesses to appear, the Sub-Committee will decide whether they should be heard (see paragraph 10 above).
21. All parties will be allowed a similar (and maximum) amount of time to put their case, and ask questions of other parties, subject to the Chair's discretion to not hear repetitive matters or questions.

The applicant

22. The applicant for the licence (or their representative) or the applicant in review proceedings, may present their case.
23. If the Sub-Committee permits, the applicant may call those witnesses whose names have been provided in advance to support their application.
24. Where a group of witnesses wish to speak in support of the application for similar reasons, one person should, where possible, act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.
25. The Chair will invite those making representations to seek clarification on any point made by the applicant. The Chair will decide in which order those making representations will be invited to put their questions.
26. Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may also seek clarification of the applicant or any of their witnesses.

The representations

27. Where there is more than one person making a representation, the Chair will decide the order in which they may put their case. If there is a representation from one or more of the responsible authorities, their representatives will normally be invited to put their case first.
28. The following procedure will apply to each person making a representation in turn:-
 - (a) The person making a representation (or their representative) may present their case.
 - (b) If the Sub-Committee permits, the person making a representation may call those witnesses whose names have been provided in advance to support their objection.
 - (c) Where a group of witnesses wish to speak in support of the objection for similar reasons, where possible, one person should act as spokesperson for the whole group. The Sub-Committee may reasonably refuse permission for a witness to be heard if their evidence simply repeats points already made.

(d) The Chair will invite the applicant to seek clarification on any points made by those making representations.

(e) Members of the Sub-Committee or the Legal Advisor, if so permitted by the Chair, may seek clarification of those making representations or any witnesses.

Summing up

29. The Chair will invite each person making a representation to make a final statement or sum up their case.

30. The Chair will invite the applicant to make a final statement or sum up their case.

Sub-Committee's decision

31.

(a) At the end of the hearing the Sub-Committee will move to private session whilst it considers the matter.

(b) The Sub-Committee's legal advisor will remain to provide legal advice and the democratic services officer will remain to record the decision. Details of any legal advice will be recorded and referenced in the decision and reasons.

(c) The parties will be invited to wait to be informed of the outcome.

(d) As soon as the decision is reached, the public and press will be invited to return to the room in which the hearing took place, and the Chair will announce the decision and the reasons for it.

(e) If a room is available, the Committee may retire to deliberate and make its decision

(f) All parties will be formally notified in writing of the decision and reasons as soon as possible.

In most cases the Sub-Committee will announce the decision at the conclusion of the hearing. In certain cases where this is not possible due to time constraints (and the Hearings Regulations permit – Regulation 26 (1) sets out those hearings where delay is not possible) the decision shall be made within 5 working days beginning with the day of the hearing or the last day of the hearing.