

LICENSING SUB COMMITTEE – 25 OCTOBER 2019

APPLICATION FOR A NEW PREMISES LICENCE – 6 BARRELS-31 SALISBURY ROAD, TOTTON.

1. INTRODUCTION

- 1.1 The purpose of the report is to provide Members with information at the hearing to determine an application for a new premises licence under section 17 of the Licensing Act 2003. The premises is located at 31 Salisbury Road, Totton, SO40 3HX. The premises will be called 6 Barrels.

2. BACKGROUND INFORMATION

- 2.1 The new business venture is situated in a row of shops on Salisbury Road. The premises are currently licenced and have operated as a Thai restaurant since 20 September 2017. The current licence permits live and recorded music and sales of alcohol between 12:00 to 23:30 daily (On and off sales permitted). The opening hours are the same. In addition, late night refreshment has been provided from 23:00 to 23:30.
- 2.2 A location plan of the premises is provided at **Appendix 1**.
- 2.3 As the new business varies in operation to a restaurant, the Premises Licence Holder (K&S Trading1) is applying for a new licence which reflects the style of operation of this new venture, together with a change to the trading hours.
- 2.4 The current application describes the premises as a Micro-pub selling craft ales, lager, cider, wine, spirits, hot drinks and soft drinks and bar snacks.
- 2.5 There will be seating for approximately 40 persons inside the premises with some provision for outside seating within a roped-off area to the front of the premises. However, the Applicant has stated that the use of this outside seating will cease at 22:00 each day.
- 2.6 The property is situated in a row of shops on a service road which is parallel to the main A36. Limited parking is available on the road in front of the shops and there is also a large public car park opposite. There is a variety of retail units in the area, including a pizza takeaway which is open until 23:30 each night and midnight on Friday and Saturdays.
- 2.7 The premises benefit from a recently granted planning permission which permits the proposed activities and timings. A copy of the permission is provided as **Appendix 2**.
- 2.8 Photographs of the property and immediate location are provided for members as **Appendix 3**.

The photographs are described as follows-

Photo 1- Front of premises

Photo 2- Premises and other shops

Photo 3- Service road and parking spaces

Photo 4- Gym in the row of shops

Photo 5- Front of premises and parking

3. THE APPLICATION

- 3.1 On 4 September 2019 New Forest District Council received an application for a new premises licence from K&S Trading1 Ltd. The application is attached as **Appendix 4.** (blank pages removed).
- 3.2 The application seeks permission for the following:-
- Live music, recorded music, performance of dance and supply of alcohol From 12:00 to 00:00 daily (on and off premises sales);
 - Late night refreshment from 23:00 to 00:00 daily; and
 - Opening hours from 12:00 to 00:00 daily
- 3.3 The Applicant has also requested an additional hour in respect of all licensable activities and opening hours on Christmas Eve, New Year's Eve and Bank Holidays.
- 3.4 The planning permission for the site (**Appendix 2**) currently includes a condition that:
- 'No activity shall take place on the site in connection with the approved use other than between the following hours of 11.00am and 12.00 midnight, Monday to Sunday and Bank Holidays.'
- 3.5 The Applicant has submitted a number of conditions which would be attached to any licence granted. These include staff training, an age verification policy, CCTV, control of patrons outside the premises and limitation on the time that the outside seating area can be used.
- 3.6 Public consultation as required by the Licensing Act 2003 has been correctly carried out and the application has been advertised both on the premises and in the local newspaper.

4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to determine the application where relevant representations are made regarding the likely effect of the grant of the premises licence on the promotion of the licensing objectives. These are:
- 1) The prevention of Crime and Disorder;
 - 2) Public safety;
 - 3) The prevention of public nuisance;
 - 4) The protection of children from harm.
- 4.2 Members are referred to statutory guidance issued by the Home Office under section 182 of the Licensing Act 2003 dated April 2018.
- <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- 4.3 In determining the application, the Licensing Sub-Committee must give appropriate weight to:
- 1) The steps that are appropriate to promote the licensing objectives;
 - 2) The relevant representations presented by all the parties;
 - 3) The Home Office guidance;
 - 4) The Council's own Statement of Licensing Policy.

5. REPRESENTATIONS RECEIVED

- 5.1 During the representation period, the Licensing Authority received two representations against the application. One from a member of the public and one from Totton and Eling Town Council, who discussed the application at a Town Council meeting. These are provided at **Appendix 5**.
- 5.2 Members will note from the location plan at **Appendix 1** that the resident who has raised an objection lives a distance from the premises. However, the Licensing Act 2003 no longer refers to "vicinity", in relation to relevant persons who can submit a representation against a premises application. Therefore, any individual, body or business is entitled to make representations to licensing authorities in relation to applications for the grant of a premises licence regardless of their geographic proximity to the premises.
- 5.3 The representations raise a number of concerns about the impact of the application on the licensing objectives. These being that the serving of alcohol until midnight will cause disorder, threats to the public using the businesses next door, noise from the business, disturbance from patrons and that the location is not suitable for late hours of operation applied for.
- 5.4 There are no representations from any of the responsible authorities consulted, however the Police Licensing Officer requested that a number of additional conditions be placed on any licence granted for the premises. The Applicant agreed to these and they are provided as **Appendix 6**.

6. LEGAL IMPLICATIONS

- 6.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations 2005. These provide that hearings should be held in public unless the Licensing Authority considers that the public interest in excluding the public outweighs the public interest in the hearing taking place in public.
- 6.2 The Applicant and those parties making representations have been invited to this hearing and have been provided with this report and the procedures to be followed at the hearing.
- 6.3 The Applicant and those who have made relevant representations are entitled to address the Sub Committee and to ask questions of the other party as set out in the procedure.

7. RIGHT OF APPEAL

- 7.1 It should be noted that the Applicant and those who have made relevant representations may appeal the decision made by the Licensing Sub-Committee to the Magistrates' Court. The appeal must be lodged with the Magistrates' Court within 21 days of the notification of the decision.
- 7.2 In the event of an appeal being lodged, the decision made by the Licensing Sub-Committee remains valid until any appeal is heard and any decision made by the Magistrates Court.

8. CONCLUSION

8.1 The Licensing Sub-Committee must, having regard to the application and any relevant representations and consider which of the following measures are appropriate for the promotion of the licensing objectives. Members may therefore:

- 1) Grant the licence as applied for. To include Police and applicant conditions modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives;
- 2) Grant the licence but exclude from the scope of the licence any of the licensable activities to which the application relates; or
- 3) Reject the application.

9. RECOMMENDATION

9.1 That the Licensing Sub-Committee determines the application.

10. APPENDICES

Appendix 1 Location plan
Appendix 2 copy of recent planning permission
Appendix 3 Photographs of the building
Appendix 4 Application form and plan
Appendix 5 Representations from a resident and Totton and Eling Town Council
Appendix 6 Police conditions agreed by Applicant

Further information:

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