

LICENSING SUB-COMMITTEE – 18 JANUARY 2017

APPLICATION FOR THE GRANT OF A PREMISES LICENCE - 9 GOSPORT STREET, LYMINGTON, SO41 9BG

1. INTRODUCTION

- 1.1 The purpose of this hearing is to determine an application under section 17 of the Licensing Act 2003 for a premises licence in respect of 9 Gosport Street, Lymington made by VG Ventures Limited.

2. THE APPLICATION

- 2.1 On 1 November 2016 an application was received for a premises licence, the main details of which are shown below:

Licensable Activity	Hours
Films	Monday to Sunday: 12:00 – 24:00
Live Music	Monday to Sunday: 12:00 – 24:00
Recorded Music	Monday to Friday & Sunday 08:00 – 24:00 Saturday 08:00 – 01:00 hours
Supply of Alcohol	Monday to Friday 08:00 – 24:00 Saturday 08:00 – 01:00 hours Sunday 10:00 – 24:00
Opening Hours	Monday & Tuesday: 08:00 – 24:00 Wednesday, Thursday & Sunday: 08:00 – 00:30 hours Friday & Saturday: 08:00 - 01:30 hours.

- # 2.2 The original application is attached as **Appendix 1**.
- 2.3 The applicant has agreed to withdraw the request for Live & Recorded Music and to reduce the terminal hour for other licensable activities to 23:00 hours. A condition has also been added whereby alcohol will only be served to persons taking a table meal.

3. BACKGROUND INFORMATION

- # 3.1 These premises previously held a licence which was surrendered on 13 September 2016. A copy of this licence is attached as **Appendix 2**.
- 3.2 The application process requires a public notice (on pale blue paper) to be posted on the premises for a period of 28 days starting on the day after the authority receives the application. A notice must also be published in a local newspaper within 10 working days of the start of the consultation period. During the consultation period representation may be made to Licensing Services.
- 3.3 On Friday 4 November 2016 the notice at the premises was checked by the Licensing Enforcement Officer. It was found to be correctly displayed on site and contained the statutory information regarding the consultation period and the colour was pale blue. The last day for representations was shown as 29 November 2016.
- 3.4 The notice was published in the Lymington Times on 11 November 2016.

4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to determine the application where relevant representations addressing the licensing objectives are made. The licensable objectives 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 Guidance about the licensing objectives issued by the Home Office under section 182 of the Licensing Act 2003 is attached as **Appendix 3**.

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.

4.4 Additional Home Office guidance about determining actions that are appropriate for the promotion of the licensing objectives is attached as **Appendix 4**.

5. AGREED CHANGES TO THE APPLICATION

5.1 During the consultation period, Hampshire Police Licensing and the District Council's Environmental Health (Pollution) proposed additional conditions which were accepted by the applicant. These are summarised below:

Hampshire Police Licensing

- Amendment of licensable activities to end at 23:00 hours daily;
- Closing to the public at 23:30 hours daily;
- Conditions in relation to training, Challenge 25, refusals & incidents book, alcohol with food & off- sales of alcohol, and use of the garden area.

Environmental Health Pollution

- Appropriate signage to be displayed;
- Monitor and manage external areas.

5.2 There were no other representations or comments from any other responsible authority including New Forest District Council Development Control.

5.3 The details of the agreed changes are attached as **Appendix 5**. As a consequence of these changes, a letter was sent to all parties on 7 December (**Appendix 6**) explaining these in detail. Particular reference was made to the fact that the ceasing of licensable activities at 23:00 meant that live and recorded music and late night refreshment was no longer licensable and therefore removed from the application. The Licensing Authority decided to defer the consideration of the application to allow all parties the opportunity to consider these changes.

6. REPRESENTATIONS RECEIVED

6.1 During the consultation period relevant representations were received, including two letters of support. However, following the amendments to the application, as referred to in paragraph 5.3 above, a number of representations were formally withdrawn. There are now 29 objections to and 2 representations in support of the application.

6.2 The objections to the application are made on the grounds of the following licensing objectives;

- i) The Prevention of Crime and Disorder;
- ii) The Prevention of Public Nuisance.

6.3 The representations are all attached as **Appendix 7**.

7. LEGAL IMPLICATIONS

- 7.1 This hearing is governed by the Licensing Act 2003 (Hearings) Regulations. 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.
- 7.2 The Applicant, the Responsible Authorities and all other persons who have made representations have been informed of the date, time and location of the hearing and of their right to attend and be represented.
- 7.3 The Applicant and those who have made relevant representations are entitled to address the Sub Committee and to ask questions of the other party, with the consent of the Sub Committee.

8. RIGHT OF APPEAL

- 8.1 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.
- 8.2 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.
- 8.3 A Responsible Authority or any person may apply to the Licensing Authority for a Review of a Premises Licence. Whether or not a Review Hearing takes place is in the discretion of the Licensing Authority, but, if requested by a person other than a Responsible Authority, will not normally be granted within the first 12 months except for the most compelling circumstances.

9. CONCLUSION

- 9.1 The Licensing Sub-Committee must, having regard to the application and any relevant representations, consider whether to: -
- 1) Grant the Licence - with the conditions proposed by the Police and Environmental Health (Pollution) and accepted by the applicant and all applicable mandatory conditions of the Licensing Act 2003;
 - 2) Grant the Licence – but with modified conditions to restrict further the licensable activities or operating hours;
 - 3) Reject the application.

10. RECOMMENDATION

- 10.1 That the Licensing Sub-Committee determines the application.

Further Information:

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Background papers:

None