

## LICENSING SUB-COMMITTEE - 23 FEBRUARY 2017

### APPLICATION FOR THE GRANT OF A PREMISES LICENCE - CYPRESS LOG CABINS, SOUTHAMPTON ROAD, GODSHILL

#### 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 Cypress Log Cabins, Southampton Road, Godshill, Fordingbridge made by Michael and Amanda Le Riche.

#### 2. THE APPLICATION

- 2.1 On 29 December 2016 an application was received for a premises licence, the main details of which are as follows:

The sale of alcohol from 11:00 to 23:00 hours daily.

The applicant states in the operating schedule that this is; "a small bed & breakfast business with a maximum of 8 staying guest when fully booked, to whom we would like to offer a complimentary bottle of wine and the option to purchase alcohol to consume within their accommodation during their stay".

- # 2.2 The application is attached as **Appendix 1**.

- 2.3 On 2 February 2017, the applicant made a proposal to reduce the terminal hour for the sale of alcohol from 23:00 hours to 22:00 hours daily.

#### 3. BACKGROUND INFORMATION

- 3.1 These premises have never had a licence.
- 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 the Licensing Authority.
- 3.3 On 5 January 2017 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 26 January 2017.
- 3.4 The notice was published in the New Forest Journal on Thursday 5 January 2017.

#### 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. These being:
- 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 2**.

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 guidance about determining actions that are appropriate for the promotion of the licensing objectives is attached as **Appendix 3**.

## 5. AGREED CHANGES TO THE APPLICATION

5.1 As set out in paragraph 2.3 above.

## 6. REPRESENTATIONS RECEIVED

6.1 During the consultation period there were no representations from any of the Responsible Authorities.

6.2 Two relevant representations were received from 'other persons' including one from Godshill Parish Council.

6.3 Both representations are made on the grounds of the 'Prevention of Public Nuisance' licensing objective.

# 6.4 The representations are attached as **Appendix 4**.

## 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 and Responsible Authority who have made representations have been informed of the date, time and location of the hearing and 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 which of the following measures are appropriate for the promotion of the licensing objectives:
- 1) Grant the Licence - with the conditions consistent with the operating schedule and all applicable mandatory conditions of the Licensing Act 2003;
  - 2) Grant the Licence - but modify the conditions proposed in the operating schedule, restrict certain 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