

Name of Committee:	Licensing Sub-Committee		
Committee Date:	1 September 2023		
Report Title:	Application to Vary a Premises Licence: Golden Lion, 54 Bedhampton Road, Havant, PO9 3EY		
Responsible Officer:	Briony Appletree, Licensing & Animal Welfare Team Leader		
Cabinet Lead:	N/A – Non-Executive Function		
Status:	Non-Exempt		
Urgent Decision:	No	Key Decision:	No
Appendices:	Appendix A: Application by Punch Partnerships (PTL) Limited Appendix B: Representations from Responsible Authorities Appendix C: Representations from Other Persons Appendix D: Current Premises Licence		
Background Papers:	Please see section 3.2.		
Officer Contact:	Name: Briony Appletree Email: licensing@havant.gov.uk		
Report Number:	HBC/032/2023		

Corporate Priorities:

This report is specific to the application under consideration.

Members should note that the Sub-Committee is meeting on this occasion solely to perform the role of Licensing Authority. As such Members should disregard the Council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the Council's related policies and guidance.

Executive Summary:

This report is for the Licensing Sub-Committee to determine the outcome of the application made by Punch Partnerships (PTL) Limited to vary the premises licence in effect at Golden Lion, 54 Bedhampton Road, Havant, Hampshire, PO9 3EY.

Recommendations:

In making its determination, the Licensing Sub-Committee must, having regard to the application and relevant representations, take such steps as it considers appropriate for the promotion of the licensing objectives. The steps the Authority can take are:

- (a) to modify the conditions of the licence;
- (b) to reject the whole or part of the application;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

1.0 Introduction

- 1.1 Havant Borough Council received an application, under section 34 of the Licensing Act 2003, on 14 August 2023 from Punch Partnerships (PTL) Limited to vary the premises licence in effect at Golden Lion, 54 Bedhampton Road, Havant, Hampshire, PO9 3EY.

2.0 Background

- 2.1 The premises licence in effect at the Golden Lion, 54 Bedhampton Road, Havant, Hampshire, PO9 3EY was first granted in November 2005.
- 2.2 The premises is currently licensed for the provision of live music, recorded music and indoor sporting events, and the sale by retail of alcohol. Full details of the current premises licence can be found at Appendix D.

Application

- 2.3 The application received on 14 August 2023 proposed to amend the licensing plan in accordance with the drawing submitted with the application, and to extend opening hours to permit the premises to open from 08:00 on Sundays for non-licensable activities. The application can be found at Appendix A.
- 2.4 The proposal to extend the opening hours was removed from the application during the consultation period, in response to a representation received. The application therefore now only proposes to amend the licensing plan.
- 2.5 The application was subject to the statutory public consultation period of 28 days, ending on 11 August 2023. A statutory notice was displayed at the premises and on the Council's website for the duration of the consultation period, and published in the Portsmouth News on 20 July 2023.

Representations

- 2.6 A representation was received from Environmental Health, a Responsible Authority, relating to the 'prevention of public nuisance' licensing objective. This can be found at Appendix B.
- 2.7 A representation was received from one 'Other Person', relating to the 'public safety' and 'prevention of public nuisance' licensing objectives. This can be found at Appendix C.
- 2.8 No representations were received from any other Responsible Authority or Other Persons.

Role

- 2.9 As a quasi-judicial body the Sub-Committee is required to consider this matter on its merits and must act reasonably and rationally.
- 2.10 In considering the matter, the Sub-Committee should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the licence holder.
- 2.11 The Sub-Committee may only consider matters referred to in representations relevant to the four licensing objectives. These must be considered in the context of what is relevant to the application.
- 2.12 In reaching the decision, regard must also be had to relevant provisions of the national guidance and the Council's licensing policy statement.

3.0 Options

- 3.1 In making its determination, the Licensing Sub-Committee must, having regard to the application and relevant representations, take such steps as it considers appropriate for the promotion of the licensing objectives. The steps the Authority can take are:
 - (a) to modify the conditions of the licence;
 - (b) to reject the whole or part of the application;and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

3.2 The Licensing Sub-Committee must also have regard to:

- [Licensing Act 2003](#)
- [Guidance issued under section 182 of the Licensing Act 2003](#)
- [Havant Borough Council's Statement of Licensing Policy](#)
- [Human Rights Act 1998](#)
- [Crime and Disorder Act 1998](#)
- [Public Sector Equality Duty \(s.149 Equality Act 2010\)](#)

3.3 The Committee should note that it cannot modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so; it must be because it is appropriate for the promotion of the licensing objectives.

3.4 The Committee may only consider matters relating to the four licensing objectives.

4.0 Relationship to the Corporate Strategy

4.1 Consideration has not been given to how the decision sought will help the Council meet its corporate priorities as the nature of the application is outside the scope of these priorities.

5.0 Conclusion

5.1 The Licensing Sub-Committee must determine the outcome of the application, having regard to the matters set out in this report and the recommendations made for the steps that the Licensing Authority can take.

6.0 Implications and Comments

6.1 S151 Comments

There are no direct financial implications as a result of accepting or rejecting the recommended options to the Local Authority.

6.2 Financial Implications

A statutory fee of £190 has been received for this application.

6.3 Monitoring Officer Comments

The legal implications and role of the Sub-Committee are outlined within the body of the report. Constitutionally, the Licensing Sub-Committee is designated to consider matters under the Licensing Act 2003.

6.4 Legal Implications

Section 35(3) of the Licensing Act 2003 states that where relevant representations are made in respect of an application to vary a premises licence, the Authority must hold a hearing to consider them and take steps as it considers appropriate for the promotion of the licensing objectives. Section 35(4) of the Licensing Act 2003 specifies the steps an Authority may consider.

Any decision made by the Licensing Sub-Committee in relation to this application may be appealed to the Magistrates Court within 21 days' notice of that decision.

6.5 Equality and Diversity

The Licensing Sub-Committee shall have regard to the Human Rights Act 1998 and section 149 of the Equality Act 2010, in making its determination.

6.6 Human Resources

None.

6.7 Information Governance

Notice of the application has been published on the Council's website as required by section 17(5)(aa) of the Licensing Act 2003. Details of

the application and outcome shall be published on the Council's public register, as required by section 8 of the same Act.

6.8 Climate and Environment

None.

7.0 Risks

7.1 Any decision made by the Licensing Sub-Committee in relation to this application may be appealed to the Magistrates Court within 21 days' notice of that decision.

8.0 Consultation

8.1 The application was subject to the statutory public consultation period of 28 days, ending on 11 August 2023.

9.0 Communications

9.1 A statutory notice was displayed at the premises and on the Council's website for the duration of the consultation period and published in the Portsmouth News on 20 July 2023.

Agreed and signed off by:		Date:
Cabinet Lead:	Cllr Elizabeth Lloyd – <i>provided with a copy of final report for information only.</i>	22/08/2023
Executive Head:	Alex Robinson	22/08/2023
Monitoring Officer:	Jo McIntosh	22/08/2023
Section151 Officer:	Wayne Layton (Deputy)	22/08/2023