

HAVANT BOROUGH COUNCIL

At a meeting of the Licensing Sub Committee held on 15 April 2015

Present

Councillor Wilson (Chairman)

Councillors Ponsonby and Shimbart

Officers:	Tristan Fieldsend	Democratic Services Officer
	Hannah Newbury	Council's Senior Solicitor
	Hilary Smith	Licensing Officer
	Gerry Thorne	Licensing Officer
	Nathan Ash	Applicant's Solicitor
	PC1148 P Barron	Licensing Officer – Hampshire Constabulary
	Soifur Rahman	Mr Rahman - Applicant

5 Declarations of Interests

There were no declarations of interests from any members present in respect of the following item on the agenda.

Introduction and Procedure

Prior to hearing the application the Chairman outlined the procedure for the hearing (Minute 6) and confirmed that a permanent record of the proceedings would be kept. The Chairman asked if anyone wished to withdraw their representations. No representations were withdrawn.

6 Licensing Hearing

The Sub-Committee considered an application for a Premises Licence in respect of Cyber Candy Express, 15 Market Parade, Havant.

The following documents were submitted to the Sub-Committee:

- (i) Report of Licensing Officer;
- (ii) Application for Premises Licence;
- (iii) Plan of Premises;
- (iv) Location Plan;
- (v) Representation from Angel Radio;
- (vi) Representation from the Police;
- (vii) Notice of Hearing;

- (viii) Information to Accompany Notice;
- (ix) Relevant Regulations Relating to Hearings; and
- (x) Hearings Procedure

PC Barron confirmed that he wished to address the meeting on behalf of Hampshire Constabulary.

Mr Ash confirmed that he wished to address the meeting on behalf of the applicant.

The Sub-Committee was advised that Mr Smith who had made a representation was not present for consideration of the application. The Sub-Committee agreed to proceed to determine the application in his absence.

The Licensing Officer presented his report to the Sub-Committee and gave an outline of the application and representations received.

All parties were invited to make representations to the Sub-Committee in relation to the application. The parties responded to members' questions and were given an opportunity to ask questions of each other.

The Sub-Committee adjourned at 2.35pm to consider the application.

At 3.36pm the meeting reconvened and the Democratic Services Officer read the decision to the parties.

DECISION OF THE LICENSING SUB-COMMITTEE

RESOLVED that the application for a premises licence be granted subject to:

- 1) The conditions set out in the report; and
- 2) The Sub-Committee refused to specify a Designated Premises Supervisor as it was not convinced the applicant had sufficient experience in retail, including the sale of alcohol, and failed to demonstrate to the Sub-Committee an ability to communicate and uphold the licensing objectives. Specifically, despite passing the personal licence training the applicant displayed alcohol on the premises contrary to Section 137 of the Licensing Act 2003.

The Sub-Committee was concerned that the use of the word 'Candy' in the name of the premises ran contrary to the licensing objective of protecting children from harm. Whilst making no conditions the Sub-Committee strongly suggested the premises sign be modified. The Sub-Committee was mindful of the Portman Group's recommendations and their code of practice.

The meeting commenced at 1.00 pm and concluded at 3.38 pm

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Chairman