

NON EXEMPT

HAVANT BOROUGH COUNCIL

Licensing Sub-Committee

29th May 2019

Licensing Act 2003, New Premises Application, The Office, Unit 2, 2 St Mary's Road, Hayling Island.

FOR DECISION BY THE LICENSING SUB-COMMITTEE

**Interim Head of Service (Environmental Health, Parking & Traffic Management):
Mr S Ings**

Key Decision: No

1.0 Purpose of Report

- This report is submitted to the Licensing Sub-Committee to consider an application for a premises licence made by Mrs Jablonski for The Office, Unit 2, 2 St Mary's Road, Hayling Island under the Licensing Act 2003.

2.0 Recommendation

- The Licensing Sub-Committee is requested to determine the application for a new premises licence following receipt of relevant representations.
- In making determination the Authority must, having regard to the application and relevant representations, take such of the steps as it considers appropriate for the promotion of the licensing objectives. The steps the Authority can take are:
 - grant the application as applied for;
 - modify the conditions of the licence, by altering, omitting, or adding to them;
 - exclude any licensable activity from the scope of the licence to which the application relates;
 - refuse to specify a person as a designated premises supervisor;
 - reject the application.
- The Licensing Authority must have regard to:

Licensing Act 2003

Guidance issued under section 182 of the Licensing Act 2003

Havant Borough Council's Statement of Licensing Policy

3.0 Executive Summary

- Background

The proposed premises is situated at Unit 2, 2 St Mary's Road, Hayling Island. Also situated in the road is a Post Office sorting office, some business premises but mainly are residential properties (site map attached at Appendix A).

The applicant describes the premises as currently a retail unit, being a square unit with glass frontage and double-glazed doors to the side of the building.

The applicant and nominated Designated Premises Supervisor (DPS), has previously held the post of DPS at Ralphs Wine Bar, Hayling Island and The Golden Lion, Bedhampton, Havant.

- Premises Licence Application

The application detailed the following times and activities:

Monday-Saturday	16.00 – 00.58
Sunday	14.00 – 22.00

For opening hours, on-sale of alcohol, late night refreshment (indoors/outdoors), indoor recorded music.
Non-standard timing: events to finish one hour later.

The applicant subsequently amended to the following:

Monday-Thursday	16.00 – 22.30
Friday – Saturday	16.00 – 23.30
Sunday	14.00 - 22.00

For opening hours, on-sale of alcohol, late night refreshment (indoors/outdoors), indoor recorded music being background/ambient music (therefore not licensable)
Non-standard timing: New Year's Eve until 1am for indoor recorded music for entertainment purposes (licensable).

Those who had made representation were informed, although no representations were withdrawn, and the public notices and register were amended to reflect the changes. The consultation period was restarted.

A copy of the application, supporting information and confirmation of revised times are attached at Appendix B

- Mandatory Conditions and Operating Schedule

Every licensed premises must comply with mandatory conditions set by the Government which form part of the licence; these are attached at Appendix C.

The applicant has described, in the operating schedule, the steps they intend to take to promote the four licensing objectives; prevention of crime and disorder, public safety, prevention of public nuisance and protection of children from harm as detailed below. The operating schedule forms part of the licence conditions:

Prevention of Crime and Disorder:

1. Installation of CCTV covering all exits, corridors and outside areas.
2. A clear sign advising of trading times and licensable activities are permitted on the premises.
3. Not selling alcohol to a person who seems or is intoxicated.
4. Clear signs warning the public of theft and other criminal activities.
5. Customers will not be sought by solicitation outside or within the vicinity of the premises.
6. Staff training to make sure customers use the premises respectfully and as intended.
7. Register with our local 'Pubwatch' to attend regular meetings to receive updates from local landlords.

Promotion of Public Safety:

1. Internal and external lighting for safety of the public.
2. Staff follow environmental health regulations.
3. Continue to check ID of potential customers covering under age.
4. Regular checks and written reports to be kept on site of lighting, doorways, exits, door fastenings, heating and sanitary accommodation including any air conditioning units which we may install.

Prevention of Public Nuisance:

1. Notices advising customers and reminding staff we are within a residential area and noise must be kept to an absolute minimum.
2. Deliveries will not take place early hours or late to prevent noise and disturbance to local residents.
3. Customers will be reminded of the closeness of residential properties regarding noise and must adhere to the rules regarding disturbance.
4. There will be waste bins placed in areas which are to be used by customers. All bins including bar bottles will be disposed of correctly and not late at night or early hours.

Protection of Children from Harm:

1. We will promote challenge 25 and under and do not intend to admit children with exceptions to private functions where the children will be protected from harm which is all of our duty of care
2. Staff will be trained and reminded to continue to check ID cards for age and identification.
3. Follow and adhere to health and safety requirements.

- **Responsible Authorities**

The Responsible Authorities were consulted on the application with the following responses:

Police: Hampshire Constabulary requested conditions to be added to the premises licence, if granted, as detailed below. Hampshire Constabulary stated they have no objection to the licence provided the conditions were added. These were agreed with the applicant during the consultation period.

Hampshire Fire & Rescue: No representation

Environmental Health (Commercial): No representation

Environmental Health (Environment): Relevant representation

Primary Care Trust: No response

Licensing: No representation

Planning: No representation

HCC Social Services: No response

HCC Trading Standards: No response

Home Office: No response

A representation was received from Environmental Health (Environment) relating to the Public Nuisance objective regarding noise nuisance. The Environmental Regulatory Officer's concerns focussed on nearby residents and posed questions on areas that needed more clarity from the applicant, this is attached as Appendix D.

Conditions

During the consultation period, the Police proposed a set of 8 conditions to be incorporated in the operating schedule. These relate to CCTV, staff training, Challenge 25 scheme, refusals log, drugs policy, security arrangements, removal of bottles and glasses and Pubwatch attendance. These are attached as Appendix E.

- **Representations**

Representations have been received from interested persons and these are shown in full in Appendix F.

35 members of the public raised objections to the application. These mainly relate to the Public Nuisance objective regarding noise nuisance and parking problems. Parking issues can also relate to the Public Safety objective. Some refer to anti-social behaviour concerns which fall under the Crime and Disorder objective.

16 members of the public submitted representations in support of the application. A submission was also received from the applicant. These refer to the conduct of the applicant and how previous licensed premises were managed regarding noise and anti-social behaviour. These are attached at Appendix G.

- **Cumulative Impact Policy**

Some relevant representations received also refer to the number of other licensed premises already in the vicinity. Havant Borough Council does not have a cumulative impact policy therefore any comments regarding the number of licensed premises in an area is not a matter for a licensing authority to take into consideration.

4.0 Additional Budgetary Implications

- N/A

5.0 Background and relationship to the Corporate Strategy and Directorate Business Plan/s

- N/A

6.0 Options considered and reasons for the recommendation

- Section 18(3) of the Licensing Act 2003 states that where relevant representations are made, the authority must hold a hearing to consider them and take steps as it considers appropriate for the promotion of the Licensing Objectives.
- Section 18(4) of the Licensing Act 2003 specifies the steps an Authority may consider.
- The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:
 - The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.

In making its deliberations, the Committee is obliged to have regard to the Council's own Licensing Policy and National Guidance. The Committee must also have regard to the representations that have been made balanced against the conditions offered by the applicant and the evidence that it hears.

The Committee must take one of the following steps, as it considers necessary for the promotion of the licensing objectives:

- (a) grant the application
- (b) modify the conditions of the licence, by altering, omitting or adding to them
- (c) exclude any licensable activity from the scope of the licence to which the application relates;
- (d) refuse to specify a person in the licence as the premises supervisor
- (e) reject the application.

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.

7.0 Resource Implications

- Financial Implications – None
- Human Resources Implications – None
- Information Governance Implications – N/A
- Other Resource Implication (if appropriate) – N/A

8.0 Legal Implications

- None

9.0 Risks

- N/A

10.0 Consultation

- This premises licence application has been consulted on with all responsible authorities and the public under the requirements of the Licensing Act 2003.

11.0 Communication

- The application was advertised on Havant Borough Council's website and public notice displayed at The Office and in the Hampshire Independent newspaper.
- All interested parties will be sent a notice of decision following the hearing.

12.0 Appendices: (include short summary of each appendix)

Appendix A – Site map

Appendix B – Application form and email confirmation of amendments

Appendix C – Mandatory conditions

Appendix D – Environmental Health representations

Appendix E – Police conditions and email confirmation of acceptance
Appendix F – Representations

13.0 Background Papers

13.1. N/A

Agreed and signed off by:

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S151 Officer: Lydia Morrison: 15th May 2019

Head of Service: Sam Ings: 10th May 2019

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