



## NOTICE OF MEETING

**Meeting:** Licensing Hearings

**Date and Time:** Wednesday, 11th November, 2020 at 10.00 am

**Place:** Council Chamber

**Enquiries to:** [committeeservices@hart.gov.uk](mailto:committeeservices@hart.gov.uk)

**Members:** Butler, Farmer and Wildsmith

Joint Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

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## AGENDA

**This meeting is being administered under the provisioning of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The provision made in this regulation applies notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the Council governing the meeting and any such prohibition or restriction has no effect.**

**This Agenda and associated appendices are provided in electronic form only and are published in [Council meetings](#)**

**1 APPOINTMENT OF CHAIRMAN**

**2 DECLARATIONS OF INTEREST**

**3 APPLICATION FOR VARIATION OF PREMISES LICENCE**

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**Wm MORRISON SUPERMARKET, ELVETHAM HEATH WAY,  
FLEET, HAMPSHIRE, GU51 1GY**

To consider and determine an application for a variation of premises licence application for a variation of premises licence for Morrisons Supermarket, Elvetham Heath Way, Fleet, GU51 1GY in accordance with the requirements of the Licensing Act 2003.

The following supporting documents are attached:

Appendix 1 – Existing premises licence

Appendix 2 – Morrison Supermarket Variation of Premises Licence Application Form

Appendix 3 – Site premises plan

Appendix 4 - Representations opposing the application

Appendix 5 - Relevant Extracts from Hart District Councils Statement of Licensing Policy

Appendix 6 – Relevant Extracts from the section 182 Guidance

**Date of Despatch: 27 October 2020**

**LICENSING SUB-COMMITTEE**

**DATE OF MEETING:** Wednesday 11 November 2020

**TITLE OF REPORT:** APPLICATION FOR VARIATION OF PREMISES LICENCE  
Wm MORRISON SUPERMARKET, ELVETHAM HEATH  
WAY, FLEET, HAMPSHIRE, GU51 1GY

**Report of:** Head of Place

**1 PURPOSE OF REPORT**

1.1 This report is to enable members to consider and determine an application for a variation of premises licence for Morrisons Supermarket, Elvetham Heath Way, Fleet, GU51 1GY in accordance with the requirements of the Licensing Act 2003.

**2 OFFICER RECOMMENDATION**

2.1 It is recommended that:

The sub-committee consider the evidence of all parties involved at the hearing and have regard to the guidance issued under section 182 of the Licensing Act 2003 and the council's statement of licensing policy, then take the steps it considers appropriate to promote the licensing objectives to determine the application.

2.2 Members must determine the application in accordance with The Licensing Act 2003 (Hearings) Regulations 2005.

2.3 After considering the above matters and evidence, the options available to the committee to determine the variation application are contained under section 35(4) of the LA2003 which are as follows:

(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.

2.4 When determined, the licensing authority must notify that decision including its reasons for that decision in a notice to:

a) The applicant,

b) Any person who has made relevant representations, and

c) The chief officer of Police for the area in which the premises is situated.

2.5 If granting the application, the notice must specify the time when the variation in question takes effect. That time is the time specified in the application or, if that

time is before the applicant is given that notice, such later time as the relevant licensing authority specifies in the notice.

- 2.6 An appeal against the decision made in determining this application may be made to the Magistrates Court within 21 days of all parties being notified of the local authority's decision.

### **3 BACKGROUND**

- 3.1 Morrison Supermarket, Elvetham Health already benefits from a premises licence (see Appendix 1) which was originally granted in 2005 and has been varied several times since for internal layout changes, to extend the hours for the sale of alcohol and to include a café. The café is not included in this variation. Current permitted licensable activities and timings for the supermarket only are as follows:

Sale of alcohol – Consumption off the premises and opening times every day  
06.00 – 00.00

- 3.2 The variation application received 25 September 2020 seeks to permit the sale of alcohol for consumption off the premises 24 hours a day every day and permit late night refreshment every day from 23.00 to 05.00hrs. The variation application form and plan may be found at Appendices 2 & 3.
- 3.3 The Council advertised the application on our website and notice boards. Officers are satisfied the advertising regulations for this application were complied with.
- 3.4 The application is subject to a statutory 28 days consultation period in which responsible authorities and other parties are able to make representations which are relevant to the licensing objectives which are:
- Public safety,
  - The protection of children from harm,
  - The prevention of crime and disorder, and
  - The prevention of public nuisance

### **4 REPRESENTATIONS**

- 4.1 Representations are relevant if they relate to the likely effect of the granting of the application in promotion of the licensing objectives. In other words, representations need to relate to the impact of licensable activities carried on from a premises on the licensing objectives.

- 4.2 Within the consultation period a total of 29 representations were received from local residents opposing the application on grounds relating to one or more of the Licensing Objectives. A further two were received from a Hart District Council Councillor and Elvetham Heath Parish Council. All the representations are attached at Appendix 4. Any matters outside the scope of the licensing objectives are not considered relevant under the Licensing Act 2003.
- 4.3 No representations were received from any of the 10 Responsible Authorities who are considered experts in their particular fields.

## **5 CONSIDERATIONS AND DETERMINATION**

- 5.1 In carrying out its licensing functions, a licensing authority must have regard to its 'Statement of Licensing Policy' and the guidance issued under section 182 of the Act. Relevant extracts of both documents are attached at Appendices 5 and 6. Members should note this does not preclude them from considering the remainder of the guidance and policy.

## **6 FINANCIAL IMPLICATIONS**

- 6.1 There are no financial implications arising out of this report.

## **7 EQUALITIES AND HUMAN RIGHTS**

- 7.1 Equalities/Human rights - Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the applicant/licensee and those making representations when making their decision. The sub-committee has a duty under section 17 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the District.
- 7.2 Legal Implications - The decision made by this sub-committee is subject to appeal rights to the Magistrates Court. Appeal rights must be included within the decision notice.
- 7.3 Where a decision is made that is contrary to the statement of Licensing Policy or is contrary to statutory guidance members must clearly state their grounds for departing from those documents within the decision notice.
- 7.4 The duties to take steps appropriate to promote the licensing objectives are referred to throughout this report.

## **8 CONCLUSION**

- 8.1 The sub-committee must consider the application on its own individual merits and take into account all relevant matters then determine the applications by taking the steps it considers appropriate to promote the licensing objectives. The options available to the committee are detailed within paragraph 2.3 of this report.

**Contact Details: Ms Angela Semowo Tel: 01252 622122**  
[angela.Semowo@hart.gov.uk](mailto:angela.Semowo@hart.gov.uk)

## **APPENDICES / CONFIDENTIAL APPENDICES**

- Appendix 1 – Existing premises licence**
- Appendix 2 – Morrison Supermarket Variation of Premises Licence Application Form**
- Appendix 3 – Site premises plan**
- Appendix 4 - Representations opposing the application**
- Appendix 5 - Relevant Extracts from Hart District Councils Statement of Licensing Policy**
- Appendix 6 – Relevant Extracts from the section 182 Guidance**

### **BACKGROUND PAPERS:**

**The Licensing Act 2003**

**Hart District Council – Statement of Licensing Policy**

**Guidance issued under section 182 of the Licensing Act 2003**



## **Licensing Act 2003 Premises Licence**

**Issued by:  
Licensing Section, Regulatory Services, Hart District Council, Civic Offices,  
Harlington Way, Fleet, Hampshire GU51 4AE**

**Tel: 01252 622122  
e-mail: [licence@hart.gov.uk](mailto:licence@hart.gov.uk)  
[www.hart.gov.uk](http://www.hart.gov.uk)**

Schedule 12  
Part A

Regulation 33,34

Premises Licence  
Hart District Council

Premises Licence Number

20/00391/MINORP

Part 1 – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Morrison's  
Elvetham Heath Way  
Fleet  
GU51 1GY

**Telephone number** 01252 786050

**Licensable activities authorised by the licence**

Sale by Retail of Alcohol

**Times the licence authorises the carrying out of qualifying licensable activities**

Sale by Retail of Alcohol

Every Day

06:00 - 00:00

Late Night Refreshment

23:00 - 00:00

**The opening hours of the premises**

Monday to Sunday

06.00 – 00.00

**Where the certificate authorises supplies of alcohol whether these are on and / or off supplies** Alcohol is supplied for consumption on and off the premises

Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Wm Morrison Supermarkets Plc Hilmore House Gain Lane Bradford West Yorkshire BD3 7DL  
Tel: 0845 6115626

**Registered number of holder, for example company number, charity number (where applicable)** 358949

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Simon Nellis The Stables Field Barn Upper Wootton Tadley Hampshire RG26 5TB



**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Party Reference: PERS/05/0557

Licensing Authority: Test Valley Borough Council

**Issued on 11.08.2020**

**Signed**

A handwritten signature in black ink, appearing to read 'R. Draper', with a long horizontal stroke extending to the right.

**Robert Draper**

**Regulatory Services Manager**

## **Annex I – Mandatory conditions**

### **Part I Where the licence authorises the supply of alcohol**

(a) No supply of Alcohol may be made under the premises licence either at a time when there is no designated premises supervisor in respect of the premises licence, or at a time when the designated premises supervisor does not hold a personal licence or his/her personal licence is suspended.

(b) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

(c) Alcohol shall not be sold or supplied except during permitted hours.

### **The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 - effective from 1 October 2014**

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either

(a) a holographic mark, or

(b) an ultraviolet feature.

### **Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014 - effective from 28 May 2014**

5. Alcohol minimum permitted price - on and off sales supply

1. A relevant person shall ensure no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purpose of the condition set out in paragraph 1 above

a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

b) "permitted price" is the price found by applying the formula  $P=D+(D \times V)$  where

i) P is the permitted price,

ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol and

iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol.

c) "relevant person" means in relation to premises in respect of which there is in force a premises licence-

i) The holder of the premises licence;

ii) The designated premises supervisor (if any) in respect of such licence, or

- iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence.
- d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question and
- e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price that would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of 14 days beginning on the second day.

## **Part 2**

### **Embedded conditions pertaining to the converted licence**

#### **Annex 2 – Conditions consistent with the Operating Schedule**

All staff engaged in the sale of alcohol will receive suitable training (including refresher training no less than every 6 months) in relation to the proof of age "Challenge 25" scheme to be applied on the premises.

The following forms of identification are acceptable: photo driving licence, passport, proof of age standards scheme (PASS) card, Military ID and any other locally or nationally approved form of identification. Written records shall be kept of all training and refresher training.

Challenge 25 posters shall be displayed in prominent positions at the premises.

The sale of alcohol for consumption on the premises will be restricted to the area hatched red on the plan submitted with the application to vary premises licence 11 October 2018.

#### **Annex 3 – Conditions attached after a hearing by the licensing authority**

A member of the management will check and sign the refusals register on a weekly basis.

#### **Annex 4 – Plans - Attached**

## Part B

### Premises Licence Summary Hart District Council

Premises Licence Number

20/00391/MINORP

#### Part I – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

Morrison's Elvetham Heath Way Fleet GU51 1GY

**Telephone number** 01252 786050

**Licensable activities authorised by the licence** Sale by Retail of Alcohol & Late Night refreshment

**Times the licence authorises the carrying out of licensable activities**

Sale by Retail of Alcohol

Every Day 06:00 - 00:00

Late Night Refreshment

Every Day 23:00 - 00:00

Non-standard and seasonal variations ( if any) N/A

**The opening hours of the premises**

Monday to Sunday 06.00 – 00.00

Non-standard and seasonal variations ( if any) N/A

**Where the licence authorises supplies of alcohol whether these are on and / or off supplies**

Alcohol is supplied for consumption on and off the premises

**Name, (registered) address of holder of premises licence**

Wm Morrison Supermarkets Plc Hilmore House Gain Lane Bradford West Yorkshire BD3 7DL

**Registered number of holder, for example company number, charity number (where applicable)**

358949

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol** Mr Simon Nellis

**State whether access to the premises by children is restricted or prohibited**

Issued on 11.08.2020

Signed



Robert Draper

**Regulatory Services Manager**



**Hart**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[licensing@hart.gov.uk](mailto:licensing@hart.gov.uk)  
 Telephone: 01252 622122

\* required information

**Section 1 of 18**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference  This is the unique reference for this application generated by the system.

Your reference  You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes       No

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is the applicant's business registered in the UK with Companies House?  Yes       No

Registration number

Business name  If the applicant's business is registered, use its registered name.

VAT number   Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Agent Business**

Is your business registered in the UK with Companies House?  Yes  No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK?  Yes  No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

*Continued from previous page...*

Your position in the business

Home country

The country where the headquarters of your business is located.

**Agent Business Address**

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 18**

**APPLICATION DETAILS**

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

915,000

### Section 3 of 18

#### VARIATION

Do you want the proposed variation to have effect as soon as possible?  Yes  No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes  No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

#### Describe Briefly The Nature Of The Proposed Variation

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

1. To vary the hours for the sale by retail of alcohol and opening to 00.00 to 24.00 hours Monday to Sunday inclusive.
2. To permit late night refreshment from 23.00 to 05.00 hours Monday to Sunday inclusive.

### Section 4 of 18

#### PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

### Section 5 of 18

#### PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

### Section 6 of 18

#### PROVISION OF INDOOR SPORTING EVENTS



Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes  No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes  No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes  No

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes  No

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 11 of 18**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 12 of 18**

**PROVISION OF LATE NIGHT REFRESHMENT**

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors  Outdoors  Both

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

### Section 13 of 18

#### SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes                       No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises       Off the premises       Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

**Section 14 of 18**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

None.

**Section 15 of 18**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

*Continued from previous page...*

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

THE LICENCE HAS NOT YET BEEN ISSUED TO US FOLLOWING A PREVIOUS VARIATION APPLICATION.

**Section 16 of 18**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

As existing.

b) The prevention of crime and disorder

As existing.

c) Public safety

As existing.

d) The prevention of public nuisance

As existing.

e) The protection of children from harm

As existing.Page 22

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NOTES ON REGULATED ENTERTAINMENT

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

*Continued from previous page...*

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 18 of 18**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

\* Fee amount (£)

635.00

**DECLARATION**

I/WE UNDERSTAND THAT IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

I understand that I must now advertise my application in a locally circulating newspaper (or if there is none, in a local newsletter, circular or similar document) circulating in the vicinity of the premises, at least once during the 10 working days after the application is given to the relevant licensing authority.



**Continued from previous page...**

I understand that I must display a public notice outside the premises for 28 consecutive days, on pale blue A4 (or larger), printed legibly in black ink or typed in black, in a size equal (or larger) to 16 font, prominently at or on the premises to which the application relates. Where the premises covers an area of more than 50 metre squared, the same notice must be placed every 50 metres along the external perimeter of the premises.

\* I understand that if I do not comply with the requirements my application will be rejected.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

\* Date  /  /   
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/hart/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**OFFICE USE ONLY**

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed





## Comments for Licensing Application 20/00491/LAPRE

planningadmin@hart.gov.uk <planningadmin@hart.gov.uk>

Mon 28/09/2020 12:21

To: License Hart <licence@hart.gov.uk>

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 12:21 PM on 28 Sep 2020 from Mr Simon Rees.

### Application Summary

**Address:** Morrisons Elvetham Heath Way Fleet GU51 1GY

**Proposal:** Premises Licence

**Case Officer:** Angela Semowo

[Click for further information](#)

### Customer Details

**Name:** Mr Simon Rees

**Email:** [REDACTED]

**Address:** [REDACTED]

### Comments Details

**Commenter Type:** Member of the Public

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

- Anti social behaviour
- Noise Disturbance
- Opening Hours
- Protection of Children from Harm
- Public Nuisance
- Public Safety

**Comments:** 12:21 PM on 28 Sep 2020 This request is completely disproportionate in relation to the community that this supermarket serves. This supermarket has residential properties on three of its four neighbouring boundaries and extending its opening hours will attract further late night traffic and footfall to a wholly residential area. Further to this, late opening of the car-park for this supermarket will make it attractive as a late night social gathering point for young drivers displaced by the recently imposed 10pm closing time for pubs and restaurants.

This community is already working hard to prevent a rise in drink and drug related anti-social behaviour caused by a minority of teenage children in and around the Key and Elvetham Heath Primary School. This request for an extension to operating hours and

therefore the opening of the car-park is likely to make this space attractive to young people on foot or by car in the evening with no material reason to be there beyond social gathering. Any attempt to move teenage children on from this site is likely to push them towards local amenities that have already been the victim of mindless vandalism - namely Elvetham Heath Primary School and the Sports Pavilion.

There is no need in a residential community to open this supermarket for 24hours and I wholeheartedly object to this application.

## Morrisons licence application

Martyn O'Donoghue 

Mon 28/09/2020 13:50

To: License Hart <licence@hart.gov.uk>

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

As a very close by resident, I object to this extension application.

Morrisons is meant to be a local convenience store and filling station, not a 24hr Superstore. This is a heavily populated, family development. I for one, do not want any additional noise keeping me or my daughter awake. Extra cars and people out at all hours, will lead to anti social behaviour and more noise on the road.

If I need to send anything else to make this objection for formal, ease advise me how to do so.

Kindest Regards,  
Martyn O'Donoghue



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**From:** [REDACTED]

**Sent:** 28 September 2020 15:52

**To:** License Hart <[licence@hart.gov.uk](mailto:licence@hart.gov.uk)>

**Subject:** Morrisons Elvetham Heath - Application to vary Premises Licence under Section 34

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I am writing to object to this application.

The store is located at the heart of a residential development. It is not on the way to or from anywhere, there are other routes outside Elvetham Heath for this purpose.

It is not necessary or desirable to attract vehicle traffic into a residential area when people are sleeping. I am also concerned about people on foot coming into the Heath only for the purposes of buying alcohol. Other retail outlets closer to the town are far more suitable to have such a licence given to them. Finally, during a time of restriction of movement and meeting people this is not an appropriate time for such an application to me made, let alone granted.

Thank you

Nick Shrimpton

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**From:** (null) (null) [REDACTED] >  
**Sent:** 28 September 2020 19:17  
**To:** License Hart <licencc@hart.gov.uk>  
**Subject:** 20/00491/LAPRE Morrison's extended opening hours

CAUTION: This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

I would like to register my objection to the application for extended 24hr opening of Morrison's on Elvetham Heath. The store is in the centre of a residential area and as such it would be unbearable to have late night customers and delivery lorries passing through all night long. In order to get to the store the delivery lorries have to pass close to many houses for whom the deliveries all night long would severely disrupt sleep. I live in a house along Elvetham Heath Way and we are already blighted by the lorries thundering past all day long.

I cannot believe that there is a need for 24hr opening of this store, if someone is that desperate for supplies in the middle of the night they will drive 15 mins to the Tesco at the Meadows where the late opening of the store does not so directly affect residents.

Please reject this application and allow the residents to have a quiet nights sleep.

Kind regards,

Tamara Parr

Sent from my iPhone

5 of 42



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**From:** Sue Tappern [REDACTED]  
**Sent:** 28 September 2020 20:31  
**To:** License Hart <licencc@hart.gov.uk>  
**Subject:** 20/00491LAPRE - Objection

CAUTION: This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I would like to make an objection to Morrison's application (20/00491/LAPRE), to change it's opening hours to 24 hours. In my opinion as the store is on a residential estate, with a high proportion families, a store that is open 24 hours a day does not seem suitable for the area. It is in close proximity to many houses, who would be disturbed by the store being used late at night. Local houses are already disturbed by late night deliveries, often at 3am, which has increased during COVID times, which is particularly a problem during the summer months when people prefer to sleep with the windows open. If anything, being on a residential estate, there should be a review to look at whether there should be limitations on the timing of deliveries currently. I also believe that it could encourage anti-social behaviour, especially as there is the park area on The Key, where people may congregate after purchasing alcohol late at night. I could understand the request to increase the hours if it was located in an out of town site, but 24 hours opening is not suitable to a residential location.

I hope that you will carefully consider my objections.

Regards

Sue Tappern (Elvetham Heath resident)

Sent from my iPad

## Morrison's 24 hour license

Tim Buswell [REDACTED]

Mon 28/09/2020 21:20

To: License Hart <licence@hart.gov.uk>

CAUTION: This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi there,

I've just seen details of the Morrison's application having heard about it from the Elvetham Heath Parish Council Facebook page. I fully support this application provided that they have security guard on duty at all times.

Kind regards,

Tim Buswell,  
[REDACTED]

Sent from my iPhone

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**From:** Hannah Laney [REDACTED]  
**Sent:** 29 September 2020 12:01  
**To:** License Hart <[licence@hart.gov.uk](mailto:licence@hart.gov.uk)>  
**Subject:** Fwd: Extended hours at Morrisons Elvetham Heath

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madam

With regards to the proposal for extended hours at the Elvetham Heath Morrisons store, I just wanted to voice my concern and say I am against this plan.

As a resident on the heath, we are already struggling with teens congregating in the evenings and un safe driving through the heath at ridiculous, dangerous speeds.

I feel opening the store later and serving alcohol during the late evening will encourage more people visiting the heath late at night which will bring noise and unruly behaviour, as well as drink driving and under age drinking.

The pub will close at 10pm and then drive people to the store to buy more alcohol. There is no need for the store to be open 24 hours and definitely not a good idea to be able to buy alcohol all night long.

Please reconsider.

Kind regards  
Hannah Laney

**From:** Malvena Stuart Taylor <[malvenast@gmail.com](mailto:malvenast@gmail.com)>

**Sent:** 03 October 2020 08:08

**To:** License Hart <[licence@hart.gov.uk](mailto:licence@hart.gov.uk)>

**Subject:** Objection to application for extending alcohol permit Morrisons Elvetham Heath  
20/000491/LAPRE

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Council,

I cannot give my support to this development and am surprised it is even being considered. It is widely known that alcohol abuse is a growing problem in the UK. It is also known that extending hours of purchase/drinking exacerbates this problem. It causes obesity, diabetes, liver disease, mental ill-health and social disruption, not to forget domestic abuse. At a time when the NHS and social care services are at breaking point this can only contribute to their need.

I urge the Council to reject this move for the health of individuals and of society.

Yours sincerely,  
(Dr.) Malvena Stuart Taylor  
COnsultant Anaesthetist

# Morrison's Variation of Premises Licence 20/00491/LAPRE

Catherine Northwood [REDACTED]

Tue 06/10/2020 09:58

To: License Hart <licence@hart.gov.uk>

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I would like to express an objection to the Variation of Premises Licence at Morrisons Supermarket on Elvetham Heath.

Application - 20/00491/LAPRE

Reasons being:

- This is a residential area with a local supermarket, not a 24-hour store in an industrial park.
- This will encourage people to the store to buy alcohol after the pubs shut, encouraging even more anti-social behaviour in the area.
- The additional noise during the night from traffic, cars, loud music, or drunken people on a residential area, housing families with young children.

Thank you

Ms Catherine Northwood  
[REDACTED]

## Application for Variation of Premises Licence 20/00491/LAPRE

Tracy 

Fri 09/10/2020 15:25

To: License Hart <licence@hart.gov.uk>

CAUTION: This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

I write to express my opposition to the above application made by Morrisons on Elvetham Heath I'm Fleet.

My family have lived on Elvetham Heath since it's early days, having moved in during 2000. We have watched it's growth and taken an active part in the 'village' life and feel that was sold to us when we first arrived.

Morrisons is a useful resource, however the idea that it needs to be open 24 hours in just absurd.

It is situated in the middle of a large residential area and not in an 'out of town' location. We already have many, many delivery lorries hurtling through the estate on a regular basis, causing damage to the kerbsides, roundabouts and regular delays caused entering and exiting the delivery bays. The speed that they travel through this highly populated area is also something of a worry. We do not need even more of these and certainly not more during anti social hours.

We already unfortunately have a growing number of cases of anti social behaviour on the Heath and by keeping the shop open longer hours and allowing the consumption of refreshments and alcohol during the proposed extended period will only exacerbate this problem.

In the current situation we find ourselves in, how can it possibly be justified that even our local Pub has to close at 10pm, yet the supermarket can then offer drinks to people all night!

Morrisons is one of 4 local supermarkets in Fleet, none of which are open 24 hours. The one in closest proximity to a residential area seems a ridiculous choice.

I wholeheartedly object to all the proposals being put forward.

Regards,

Tracy Cleaver  


Dear Licensing Officer

**Ref 20/00491/LAPRE**

I am writing to object to this license for several reasons.

**Residential Estate**

I live on Elvetham Heath, it is a residential estate and I see absolutely no need for Morrison's to be open 24hrs with a 11pm -5am license to sell alcohol. It is not on a retail park; it is on an estate surrounded by houses.

**Unsociable Behaviour**

With the closing of the DeHaviland pub at 10pm, and having the possible ability to purchase alcohol from Morrison's all through the night, it would only encourage further drinking in public areas, a heightened risk of unpleasant behaviour, and the inevitability of increased littering. All elements, local residents do not wish to have, constantly, on their doorstep. Also, we know, that the occasional anti-social behaviour, already experienced, on Elvetham Heath is met with little help from the Police, as they are so under staffed.

**Road Infrastructure**

The road infrastructure is simply not there. A lorry delivering to Morrison's always causes traffic to build up, as there is nowhere for lorries to park, and they have to wait their turn, on the one through road of the estate, to unload. At Morrison's, there is only space, for one lorry, to unload at one time. As half the supermarket shelves empty quickly, during any normal day, to be able to refresh, and keep the store stocked for 24 hours, will mean many more lorry deliveries, and many more traffic jams on this quiet residential estate.

It is also very close to the roundabout, where streams of young children and students are crossing at peak times of the day. I dread to think of the unhealthy combination of lorries, children and incensed drivers stuck in traffic, caused by Morrison's deliveries, merging all together, and the probability of more road traffic accidents.

So, in summary, I object to the new licence because of the impact it will have, on encouraging anti-social behaviour, on this quiet residential estate, creating an unsafe & noisy environment for all the local residents, and for the burden deliveries will bring to an infrastructure of roads, that were not designed for multiple daily lorry deliveries.

Thank you for taking the time to read this, and I look forward to your reply.

Yours sincerely,



Claire Ptaszek



## Morrison's Elvetham Heath 20/000491/LAPRE

Lucy Goswell [REDACTED]

Mon 19/10/2020 13:54

To: License Hart <licenc@hart.gov.uk>

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I write with reference to the above application for 24h trading/licence at Morrison's Elvetham Heath.

My main concern around this application is additional noise at the delivery Bay Area - it is already not fit for this increased purpose - already having damage to the surrounding pathways and also a van knocked down a lamppost opposite last month leaving exposed wiring. We live very close to this side of Morrison's and already have noticed substantial increase in noise in the middle of the night from the increased deliveries to cope with lockdown supply and demand and going 24h would create even more noise from vehicles sitting idly blocking the road while waiting to unload, also blocking traffic flow in rush hours, loud reversing beepers on some vans and big clanks when they drop stuff while unloading and shouting even though there is a big sign up saying please be considerate of neighbouring houses.

A side note to the licensing issue would be at this time of corona virus being open after pubs close at 10pm would be encouraging house parties after pubs close where sanitization and social distancing are not enforced.

Thank you for reading.

Lucy Goswell  
[REDACTED]



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**From:** Kerstin Hodges-Jackson <[REDACTED]>

**Sent:** 19 October 2020 12:28

**To:** License Hart <licence@hart.gov.uk>

**Subject:** Morrisons Licence Variation - Objection

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon

I would like to object to Morrisons Licence Variation application, extending the opening hours to 24h whilst also selling alcohol.

There is no need to extend the opening hours and furthermore this would mean even more people gathering around the green/around Morrisons drinking, especially since pubs are currently closing earlier.

It would also increase traffic late at night which would be a disturbance to people living close by.

Kind regards

Kerstin Hodges-Jackson

Kerstin Hodges-Jackson [REDACTED]

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**From:** Lisa Griffiths [REDACTED]  
**Sent:** 19 October 2020 11:12  
**To:** License Hart <licence@hart.gov.uk>  
**Subject:** Morrison's extending hours

CAUTION: This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

,

Hi

I am writing with regards the extending hours at Morrison's.

I strongly disapprove of this extension due as this is a residential estate and not a retail park. We will have more lorries through the night and a larger footfall which will have a big impact on the residents.

We have many issues of anti social behaviour caused by drinking and extending the hours will encourage those that cause the issues to be able to have access all night. This will exacerbate an already nightmare situation for alot of us leaving on the Heath near Morrison's. In many parts of the Heath especially at the church car park, Key and around the scout hut we have groups that go to Morrison's for their alcohol and snacks and display anti social behaviour, criminal damage and littering. If you give them access 24/7 this will mean the situation will increase - that's blindly obvious!!

The store was always meant for the residents of fleet but had already increased in size causing more traffic and being open 24 hours is not meant for residential areas but places like the Meadows in Camberley where they have no surrounding houses.

I think this is a crazy idea and would very much vote against this.

Thanks  
Lisa Griffiths  
[REDACTED]

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**From:** helen henderson [REDACTED]

**Sent:** 19 October 2020 14:05

**To:** License Hart <[licence@hart.gov.uk](mailto:licence@hart.gov.uk)>

**Subject:** Morrisons application for late night licence from 23:00 to 05.00

I right to object to Morrison's application for an extended licence. I am a resident on Elvetham Heath and this is primarily a residential area full of families (and always has been). My view is that if you allow this to happen then people

will drive (possibly over the limit) to purchase alcohol in the late hours of the evening. The out of hours traffic along Elvetham Heath Way (a cut through and lorry traffic for Morrisons) is already enough to disturb sleep at times. I am absolutely shocked

and concerned that Morrisons will be able to be open 24 hours Monday to Sunday and permit alcohol sales. This is particularly disturbing during the current Covid outbreak - we should be restricting traffic to areas, not encouraging more people onto the Elvetham

Health.

Helen Henderson

E H resident

## Variation of Premises Licence - Wm Morris Supermarkets Plc

Marilyn Robson [REDACTED]

Mon 19/10/2020 16:23

To: License Hart <licence@hart.gov.uk>

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam

As a resident of Elvetham Heath I wish to object to the application of Morrison's Supermarket to trade for 24 hours a day on the following grounds.

1. Morrisons supermarket is in a residential area and not a high street or out of town location, therefore I do not feel that our housing estate of Elvetham Heath needs to become a night time shopping destination.
2. Any extension of the hours will cause more movements of articulated lorries throughout the night.
3. If the store were to be allowed to open 24 hours then the surrounding properties would be subjected to considerable light pollution from the car park lighting.
4. I am concerned that longer opening hours throughout the night will increase the anti-social behaviour which is already a problem on Elvetham Heath. It could lead to more under age drinking in the car parks and an increase in litter.

If this application is just for the Christmas period to allow more capacity for shoppers then I feel that opening until midnight on the week prior to Christmas would be more acceptable but not for longer and not at all times.

Kind regards  
Marilyn Robson

[REDACTED]

## Premises Licence for Morrisons, Elvetham Heath, Fleet

James Gunn <[REDACTED]>

Mon 19/10/2020 19:12

To: License Hart <licence@hart.gov.uk>

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sir / Madam,

I am writing to you in regards to the application for Morrison's in Elvetham Heath, Fleet to extend their hours and become a 24hr store including the sale of alcohol. Being a local resident to this store, I have some concerns about how this may impact the local area.

My main concern is in regards to the noise generated during the deliveries to this store, which currently occur in the early evenings through to the early mornings of various days of the week. At present, the bay is already at max capacity with additional lorries needing to park on the main road into the estate due to the increased demand especially during the Covid 19 pandemic. During the night, I have experienced loud banging, lorries engines being left on whilst they wait, lorries reversing and beeping and occasional shouting from employees which are not appropriate at these times of the night. If the application is accepted, I do worry whether this will increase and become a regular occurrence throughout the week.

For safety reasons, the lorries parked on the main road are causing an obstruction on a tight and sometimes blind corner which could potentially cause an accident, especially during rush hour and the upcoming dark winter months.

In regards to the alcohol licence for the store, my main concern is how this will help the community as it could cause additional noise from potential anti-social behaviour or large house parties in the area, which under the current Covid 19 guidelines is not currently allowed.

Please can you provide any evidence to confirm that this service will be used and how this will benefit the local community.

I will look forward to hearing from you in the near future.

Best regards,

James Gunn  
[REDACTED]

20/00491/LAPRE - Morrisons Elvetham Heath Way Fleet GU51 1GY

Jan Hyatt [REDACTED] >

Tue 20/10/2020 10:23

To: License Hart <licence@hart.gov.uk>

CAUTION: This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning,

Elvetham Heath Parish Council objects to this application for 24 hour trading and sale of alcohol at Morrison's supermarket.

The store is located in the middle of a housing estate and close to dwellings. Such a residential area is not a suitable location for a 24 hour store. The noise and light pollution would negatively impact the nearby properties and an increase in traffic and delivery vehicles would affect a large number of residents of Elvetham Heath. In addition, the existing issues with anti-social behaviour, clearly often fuelled by alcohol, are likely to increase and with the pub next door having to close at 10pm, the availability of late night alcohol could add to these problems.

However, if the purpose of this extension is to ease the problems of the run up to Christmas during the Covid pandemic, the parish council would be more supportive of a temporary licence extension. It appreciates that 24 hour trading could help with social distancing and could provide temporary employment. If there is a guarantee that these changes would be temporary for the Christmas period, the council would not have an objection but it objects strongly to a permanent extension.

Regards,  
Jan Hyatt  
Executive Officer  
Elvetham Heath Parish Council  
The Key Centre  
GU51 1HA  
[REDACTED]

**From:** Pat Stow [REDACTED]  
**Sent:** 20 October 2020 13:26  
**To:** License Hart <licence@hart.gov.uk>  
**Subject:** Variation of Premises Licence - Wm Morrison Supermarkets Plc

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs,

We oppose very strongly the above application for the following reasons:-

1. Elvetham Heath is a residential development and we consider it wholly inappropriate and unacceptable to have cars and lorries travelling to Morrison's during the night along Elvetham Heath Way.
2. [REDACTED]
3. [REDACTED]
4. In the past there have been problems of anti-social behaviour taking place in and around Morrison's car park. This could well escalate if the car park remained open 24 hours a day.
5. We cannot understand why Morrison's want to open 24 hours a day. Have they submitted a business plan to demonstrate the viability of doing so? Fleet is well served by supermarkets with Waitrose, Sainsburys, M&S Food and hopefully a new Aldi Store.

There is no need or justification for Morrison's to extend its trading hours to 24 hours a day. We urge Hart District Council to reject their application.

Your sincerely,

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Pat and Geoff Stow

21 of 42



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**From:** Guy HORNSBY [REDACTED]  
**Sent:** 19 October 2020 21:08  
**To:** License Hart <[licence@hart.gov.uk](mailto:licence@hart.gov.uk)>  
**Subject:** Ref 20/000491/LAPRE

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Sirs

I have been made aware of a licence variation requested by Morrisons Elvetham Heath.

I live on the Heath and our family are regular customers, almost exclusively purchasing our groceries, alcohol and petrol from the store.

However I wish to strongly object as a local resident and customer to any variation.

There is no need to provide a 24 hour service in my opinion and this will only further increase traffic, noise and anti-social behaviours at unsociable hours when the vast majority of the local residents will be asleep.

Furthermore it is unclear what 'late night refreshment' means or why it needs to be served all night until 5am.

I recognise that this variation may increase the number of jobs and people that Morrisons employ, however believe the negative impact far outweighs this.

I would like to understand what market research Morrisons have undertaken and who their target demographic is as well as their sales projections and product mix.

Given the lack of consideration that Morrisons have given to the anti-social elements these additional opening hours will bring, I have to assume that this is a self-serving initiative designed purely to aggravate the local residents and as such reiterate my strong objection to this application and hope that you will support by not granting it.

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Kind regards  
Guy Hornsby

# Comments for Licensing Application 20/00491/LAPRE

planningadmin@hart.gov.uk <planningadmin@hart.gov.uk>

Tue 20/10/2020 19:21

To: License Hart <licence@hart.gov.uk>

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 7:20 PM on 20 Oct 2020 from Mr MATT ROBERTS.

## Application Summary

**Address:** Morrisons Elvetham Heath Way Fleet GU51 1GY

**Proposal:** Premises Licence

**Case Officer:** Angela Semowo

[Click for further information](#)

## Customer Details

**Name:** Mr MATT ROBERTS

**Email:** [REDACTED]

**Address:** [REDACTED]

## Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

- Community Safety
- Crime Objections
- Noise Disturbance
- Opening Hours
- Public Nuisance
- Traffic

**Comments:** 7:20 PM on 20 Oct 2020 I wholeheartedly object to this license extension. I am sure that that if there had been any meaningful consultation with the residents of Elvetham Heath, the vast majority would not want this to happen. Why?

- 1) Most 24 hour supermarkets do not serve the immediate vicinity late at night, but instead draw people in from a broader catchment area. This isn't a problem in the case of examples like Tesco Extra at Sandhurst, as no one is living there and so the downsides are limited. In this case, the supermarket is literally in the middle of a residential area. That means that Morrisons will gain, people living outside EH will gain but residents will lose based on higher levels of traffic and disruption.
- 2) Although some responsible shoppers might use

the shop after 10 pm, it is highly likely that this change will also attract other anti social elements. This is particularly likely through the Covid period when there is nowhere to go.

3) Morrisons already demonstrate limited interest in the residents of EH. The best example of this is that for years they have scheduled and managed deliveries such that they park lorries on the main road. Doing this creates a hazard and shows they don't care about their neighbours. It doesn't give me any confidence that they would manage an extension of hours responsibly.

Fundamentally, this is a case of a big business seeking to profit at the expense of the people living in the local residential area. It isn't unreasonable to think that a supermarket which many people's houses overlook should close at 10 pm. It isn't unreasonable to want traffic levels on EH to reduce when you go to bed.

I really hope the people considering this application think about the people who live here and pay tax, rather than what a corporation wants, and reject this extension.

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**From:** Julie Attard [REDACTED]  
**Sent:** 20 October 2020 21:06  
**To:** License Hart <licence@hart.gov.uk>  
**Subject:** Morrisons Licence Variation

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I live on Elvetham Heath & just around the corner from Morrisons. I object to them opening 24 hrs & extended hours to sell alcohol .  
It's already open for long enough hours. There really is no need. I believe it is just pure greed on their part . No consideration to residents at all . It will only encourage more anti social behavior . Living on a road that is a cut through to Morrisons will also bring more footfall late at night with additional noise level .  
Regards  
Julie Attard

Sent from my iPhone

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**From:** Fiona Hill [REDACTED]  
**Sent:** 19 October 2020 19:35  
**To:** License Hart <licence@hart.gov.uk>  
**Subject:** 20/00491/LAPRE

CAUTION: This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I strongly object to Morrison's application to extend their trading hours and their ability to sell alcohol 24/7.

The residential area of Elvetham Heath already has an issue with anti social behaviour in the form of late night drinking and substance abuse in recreational spaces, and misuse of car parks and The Key for racing and vehicular misadventure. In addition Morrisons currently fail to deliver a good standard of maintenance around their site based on their current trading pattern - there is frequently a high volume of debris, litter in the car park and the delivery area. Abandoned Trolleys are not collected at the close of business and can frequently be spotted across Elvetham Heath causing a safety hazard for children and road users.

Attracting external visitors to the store for 24/7 shopping will increase the road usage of Elvetham Heath Way which is already problematic, with late

night racing resulting in noise disturbance and damage to verges. In addition Morrison trucks currently struggle to navigate Elvetham Heath Way given their size and long wheel base - the trucks frequently cause damage to verges and roundabouts and it is not unusual for the truck drivers to take a wrong turning and access a narrow residential street. It can only be assumed that additional trading hours will require additional deliveries and the current model is not sustainable.

I strongly object to both principles and cannot help but think Morrisons is taking advantage of the national crisis whereby alcohol consumption is prevented in pubs/restaurants after 22:00.

I consent to my comments being shared publicly - but I explicitly do not give my consent to my comments being attributed to me personally - my name/address/email address must be withheld.



## 20/00491/LAPRE Morrison's EH

Angela Delaney [REDACTED]

Fri 23/10/2020 12:29

To: License Hart <licence@hart.gov.uk>

Cc: Angela Semowo [REDACTED]

Dear Licensing Team,

Re: 20/00491/LAPRE Morrison's, Elvetham Heath GU51 1GY

I would like to, strongly, object to the licence variation application by Morrison's on Elvetham Heath. My reasons being.....

1. Our government has recently issued a directive to all pubs etc ordering their closure at 10pm to prevent the complacent behaviour that often comes hand in hand with drinking alcohol. This directive is to prevent the spiralling rise in COVID-19 cases in England. Allowing a supermarket, set within a community, to stay open for 24 hours and, sell alcohol until 5am, is putting the residents of Elvetham Heath at risk, putting the wider community of Fleet at risk and so it goes on. This is a serious risk to Public Safety.
2. 24 hour opening, coupled with selling alcohol until 5am may lead to abusive behaviour towards, not only Morrison's staff but also, to the Residents of EH and those from outside the area visiting the store. This is a serious risk to Public Safety.
3. This particular Morrison's is set within a family community, for the community. Extending hours to 24 hours may well lead to the store being visited by people outside of the area, bringing late night traffic into a sleeping community. This is, potentially, a serious source of Public Nuisance.
4. With extended hours, Morrison's will require additional deliveries. The residents of Elvetham Heath already suffer the poor design of deliveries with HGV's blocking the through road of the community. Additional deliveries, to feed the extended hours would, undoubtedly, lead to overnight deliveries and the thundering noise that would bring to the sleeping community. The road being blocked during the day is one thing but, during dark hours, this is additionally hazardous to other road users. This is, potentially, a serious Public Safety and Public Nuisance issue.
5. Extending to 24 hour opening is likely to draw additional customers from the wider area. Whilst this may be ok for Morrison's profit margins, it brings with it detriment to the community of Elvetham Heath and the wider Fleet area. Traffic, late night noise and pollution. 24 hour opening with the sale of alcohol until 5am, the potential for opportunistic thieves, drug runners, gangs gathering and the like. Public Nuisance, Public Safety, Crime & Disorder. This licence variation is irresponsible and solely centred on profit with absolutely NO consideration of the, potential, effects on the community that has supported the store for many years.
6. During the COVID-19 pandemic, there has been a significant increase in Domestic Abuse. Alcohol being one of the triggers for Domestic Abusers. Selling alcohol until 5am is, potentially, going to fuel an already desperate situation for those suffering Domestic Abuse, among those affected will be children. This variation increases the risk of Harm to these Children.
7. Selling alcohol until 5am encourages youth gangs to stay out later. This risks our younger generation becoming alcoholics, it risks them becoming involved in drug use or drug selling. Drug dealers will target youths out at all hours to do their bidding. Youth gangs, drinking,

undoubtedly leads to abusive behaviour, noise nuisance, littering, petty crime, not so petty crime.....need I go on?

8. The store is currently open until 10pm. However, I have spoken to Morrison's employees who tell me that is already excessive as they have very little custom beyond 8pm. They also tell me that when Morrison's has applied for a temporary 24 hour order at Christmas, this is also unnecessary given the level of custom.

This licence variation fails on every level and should be rejected.

When considering 'Prevention of Crime & Disorder', 'Public Safety', 'Prevention of Public Nuisance', 'Protection of Children from Harm', NOT ONE can be ruled out with this licence variation.

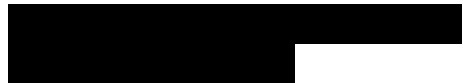
Thank you for taking the time to read this representation.

Kind regards,

Angela Delaney



Cllr Ange Delaney  
Fleet West  
Hart District Council





**From:** P Fitzgerald [REDACTED]  
**Sent:** 22 October 2020 14:51  
**To:** License Hart <licence@hart.gov.uk>  
**Subject:** Morrisons Application for Licence Variation

CAUTION: This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I understand that Morrison's in Elvetham Heath have applied for a 24 hour licence from Monday to Sunday, inclusive.

I live in [REDACTED] the roundabout, and as such, am directly affected by the heavy volume of traffic throughout the day. This generally subsides after 9.00pm.

In the event that Morrisons were granted this extension, then this relatively quiet period from 9.00pm to 7.00am would be broken, and would affect my quality of life.

This being the case, I wish to object, in the strongest possible terms, to this application.

Kind regards,  
Patrick Fitzgerald.  
Sent from my iPad

---

**From:** Sandra Wigg [REDACTED]  
**Sent:** 23 October 2020 10:44  
**To:** License Hart <[licence@hart.gov.uk](mailto:licence@hart.gov.uk)>  
**Subject:** Morrisons Elvetham Heath Application for Licence Variation

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Licensing Officer

I object to a 24 hour licence being granted to Morrisons on Elvetham Heath. This operation is not appropriate in a quiet residential area because of the noise from car engines and car doors slamming, people talking, car lights, and inevitably the 24 hour lorry deliveries that will occur.

I also don't think we should encourage more drinking of alcohol.

Yours faithfully

**Sandra Wigg**  
[REDACTED]

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**From:** phil young <[REDACTED]>  
**Sent:** 23 October 2020 15:50  
**To:** Planning Admin <planningadmin@hart.gov.uk>  
**Subject:** 20/000491/LAPRE Morrisons

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Good afternoon

I would like to comment on the planning application for Morrisons to serve alcohol for 24 hours.

I tried searching the above number but it came to nothing, so I would like to register my concern here if that is acceptable.

I note the time for comments closes today.

I have been a victim of anti-social behaviour involving youths throwing glass beer bottles on to the playing field section of the recreation ground.

I did contact the Parish council about this at the time.

The Parish Council recognise there is an anti-social behaviour issue and I therefore strongly advise against any extension.

Thanks and kind regards

P D Young

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## Re: Morrisons extended licence

Shirley [REDACTED]

Mon 28/09/2020 16:55

To: Licence Hart <licence@hart.gov.uk>

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reference 20/00491/LAPRE

Sent from my Huawei phone

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----- Original message -----

From: Shirley [REDACTED]

Date: Mon, 28 Sep 2020, 08:38

To: Licence@hart.gov.uk

Subject: Morrisons extended licence

I'm worrying to object against Morrisons application to extend its licencing hours. With the current situation of pubs shutting at 10pm and police being given extended powers to stop antisocial behaviour which has significantly increased lately I strongly object to this. There are plenty of hours in the day in which to purchase alcohol.

Shirley Eason

Resident on Elvetham Heath  
[REDACTED]  
[REDACTED]

Licensing Department  
The Civic Offices  
Harlington Way  
Fleet  
Hampshire  
GU51 4AE

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20<sup>th</sup> October 2020

Dear Sirs,

**Objection to a Variation in a Premises Licence of WM Morrisons Supermarkets PLC, Morrisons Elvetham Heath Way, GU51 1GY (your ref: 20/00491/LAPRE)**

I am writing to register my objection to the application for a variation of the Premises licence in respect of Morrisons, Elvetham Heath Way, Fleet, GU51 1GY that was submitted on 25<sup>th</sup> September 2020. The basis for this opposition is that granting this variation will not promote the licensing objective, particularly in the prevention of crime, disorder and antisocial behaviour.

The supermarket is situated inside an extensive housing estate, surrounded by residential properties. Our family lives very close by, a few minutes walk away. Next to the supermarket is a pub, the De Havilland.

At present, there is the occasional disturbance as people leave the pub and make their way home. I believe that moving the alcohol licence to 24 hours, Monday to Sunday, will make this worse. Whilst one may think that people will behave responsibly and buy alcohol and take it home and drink responsibly, sadly, evidence around the estate would suggest otherwise. There is often litter, including broken bottles in the Morrisons carpark, and the play parks around the estate, particularly early in the morning. A cursory look on the Facebook pages of various Fleet groups will show photographs of this litter. There is a high likelihood that this would increase with increased opportunities to buy the alcohol, particularly in the hours of darkness.

Further, during the current covid rules, the pub next door to the supermarket is closing at 10pm. Having an open supermarket next door that is providing more alcohol must be tempting to the pub customers who would like to extend their evening out, in addition to the non-pub visitors who also want to buy and drink alcohol in the public spaces nearby.

I note that other supermarkets not situated in the midst of residential areas are not selling alcohol in 24 hour periods (e.g. Watchmoor Park Sainsburys or Sainsbury in Fleet Centre). I am surprised that

Morrisons would even contemplate such a request in an area that is clearly mostly residential in nature.

So, for the maintaining of the tranquility and lifestyle around our estate, for protection of children from the broken bottles and litter etc., for the prevention of crime and disorder resulting from the increase in the inebriated, I would urge the Licensing Authority to refuse the variation of Premises licence.

Yours faithfully,

Yeun White

## Morrison's Fleet

Andrew [REDACTED]

Mon 28/09/2020 20:20

To: License Hart <licence@hart.gov.uk>

CAUTION: This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello,

I am dismayed at the prospect of Morrison's Elvetham Heath being able to sell alcohol 24 hours per day. I am an Elvetham Heath resident who lives near the supermarket. We already have to endure people returning home from the Dehaviland being unruly and leaving litter strewn on the streets. The area is not an out of town shopping development, it is residential and as such, should not have to deal with the inevitable downside of this idea.

Thank you for your consideration.

Kind regards,

Mr Andrew Plumridge

[REDACTED]

Sent from my iPad



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**From:** Roger Munday [REDACTED]  
**Sent:** 20 October 2020 15:42  
**To:** License Hart <[licence@hart.gov.uk](mailto:licence@hart.gov.uk)>  
**Subject:** Morrisons 24 hours licence

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

I totally disagree with the application for 24 hours opening and for the sale of alcohol during all of those hours for seven days a week.

This is a lovely place to live and I hope you keep it this way. I do not want to have to see another band of Fleet Angel's here such as in Fleet town centre

It is your duty to maintain the safe and peaceful environment which we all chose to live in.

Yours

Roger

**RE: Comments for Licensing Application 20/00491/LAPRE**

veda [REDACTED]

Fri 23/10/2020 15:09

To: License Hart &lt;licence@hart.gov.uk&gt;

**CAUTION:** This email originated from outside of Hart District Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

,

Dear Angela,

I am not sure how to go back onto the system to edit my comments further. However, I shall try and expand my objections in this email.

There have already been a few cases of Anti social behaviour cases at Morrison's. With the store allowed to remain open 24/7 and thus allowing the sale of Alcohol I strongly suspect these cases will increase. Thereby causing Public Nuisance, being a risk to public safety and Protection of children. This is also most likely to increase the Crime and disorder in the community.

The Morrison's on Elvetham Heath is not a super store, where it is distanced far from a residential area. (Like Tesco's at the Meadow's, or the Morrison's in Aldershot). This is a small Family community and to be honest I cannot understand or see the need for this smaller type to be open for a 24/7 hour period?

#### 1. The Prevention of Crime and Disorder

When people go into the store at 10pm at night, make their purchases, what are the chances that they will go home. Or will the probability be to rather meet friends at the benches or the children's park and possibly damaging the area. This in my view is a high probability. Will additional police officers be in the vicinity?

#### 2. Public Safety

Who will keep the members of the public safe during these sorts of unwanted instances? Who will be responsible for making sure that people who have had a little too much are safely escorted home and not driving? There is a risk and a probability of injury to members of the public and the people who made the purchases in the first place.

#### 3. The Prevention of Public Nuisance

Who will control the noise levels, shouting, clean up in the morning and the amount of traffic late at night?

#### 4. The Protection of Children from Harm

Again not only the youth who manage to perhaps get the purchases from the store, but the families with small children who need their sleep and rest in the evenings. How will they be protected from this change in licensing.

I apologise, but especially in the current climate where social distancing is of paramount importance and the Younger Generation are limited with the activities that they can do it seems rather strange to be applying for a license to open for longer to sell Alcohol? Why would this even be a sensible thing to even apply for at the moment?

I do hope that my objections are better understood. However, I think that Morrison's needs to appreciate that this is not a location like the new Lidl going up near the Virtu site where it is separate from the actual housing estate. They are in the middle of Elvetham Heath and a big part of the community. If the local area is damaged or littered in any way, will they be paying for the clean up? If they wanted to open for 24/7 and not sell alcohol but rather keep the pharmacy open for the 24/7 that may be a much more acceptable discussion.

Thank you so much.

Page

Kind Regards  
Veda Snyman

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**From:** [planningadmin@hart.gov.uk](mailto:planningadmin@hart.gov.uk) <[planningadmin@hart.gov.uk](mailto:planningadmin@hart.gov.uk)>

**Sent:** 21 October 2020 12:05

**To:** License Hart <[licence@hart.gov.uk](mailto:licence@hart.gov.uk)>

**Subject:** Comments for Licensing Application 20/00491/LAPRE

Licensing Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 12:05 PM on 21 Oct 2020 from Mrs Veda Snyman.

## Application Summary

**Address:** Morrisons Elvetham Heath Way Fleet GU51 1GY

**Proposal:** Premises Licence

**Case Officer:** Angela Semowo

[Click for further information](#)

## Customer Details

**Name:** Mrs Veda Snyman

**Email:** [REDACTED]

**Address:** [REDACTED]

## Comments Details

**Commenter Type:** Neighbour

**Stance:** Customer objects to the Licensing Application

**Reasons for comment:**

- Anti social behaviour
- Community Safety
- Noise Disturbance
- Opening Hours
- Public Nuisance
- Public Safety
- Safety of Premises
- Traffic

**Comments:**

12:05 PM on 21 Oct 2020 It is not in keeping with the village like, family orientated atmosphere of Elvetham Heath. Opening 24/7 will require more delivery trucks through the night impacting the single access road which was not built for this in the first place.

At this time when pubs are having to close at 10pm, the point of selling more alcohol makes no sense.

2.1 When administering licensing matters the council as the Licensing Authority will have regard to and promote the four Licensing Objectives set out in section 4 of Part 2 of the Licensing Act 2003.

**The four licensing objectives are:**

- **Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance, and**
- **Protection of Children from Harm**

The Council gives equal weight to each of these objectives.

3.1 Hart District Council is the Licensing Authority pursuant to the Licensing Act 2003 (the Act) and is responsible for considering a range of licence applications and amendments to licences for a number of activities detailed below. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, at qualifying clubs and under temporary event notices. The activities as defined by the Act include:

- Sale and/or supply of alcohol
- The provision of regulated entertainment which includes:
  - the performance of a play
  - an exhibition of a film
  - an indoor sporting event (subject to some exemptions)
  - boxing or wrestling entertainment
  - a performance of live music (subject to some exemptions)
  - playing of recorded music (subject to some exemptions)
  - provision of late night refreshment

Some exemptions exist for audiences of fewer than 500 if provided between the hours of 8am and 11pm.

## 5 POLICY AIMS

5.1 This Policy aims to promote the Licensing Authority's vision for the District as a whole and its hopes:

***'to encourage in our District a wide choice of high quality and responsibly managed entertainment and cultural venues which provide a diverse range of licensed activities, community interaction and a variety of places for retail and refreshment, ensuring at all times the safety and amenity of residential communities, business communities and the visiting public'***

5.6 The Licensing Authority will regulate licensable activities at licensed and unlicensed premises in the combined interests of the public and licensed trades, and recognises that these activities contribute to the quality of lives of the districts residents, businesses and visitors and help support the local economy.

5.7 To achieve this aim the council is committed to partnership working with the responsible authorities, local businesses, licensing trade, residents, those involved in the protection of children and other interested parties towards the promotion of the objectives. The council will ensure that it takes into account the views of these stakeholders

and ensure proper integration of local crime prevention, planning, transport, employment, tourism and cultural strategies.

5.8 The Licensing Authority aims to balance the protection of the amenity of the local population with the expectations and ability of local businesses to operate in an environment that is attractive and sustainable for their business. The Policy aims to minimise the impacts of licensable activities on residents, visitors, stakeholders and the environment.

5.9 This Policy aims to guide applicants, residents and other persons on the general approach that the council will take to licensing applications and other related issues. Although each application will be considered individually on its own merits, this Policy indicates the wider considerations that will be taken into account when determining applications. However, it is not the Council's intention in adopting this Policy to override the right of any person to make an application and have it considered on its merit.

5.10 The Council will work with other local authorities, particularly those with whom boundaries are shared, to ensure a consistent approach is taken to licensing issues whilst respecting the differing needs of the individual communities.

## **6 LICENSING AUTHORITY GENERAL POLICY CONSIDERATIONS**

### **Supermarkets and other 'off' licensed premises selling alcohol**

6.6 The Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises throughout opening times. However where there are reasons for restricting or amending hours, for example, where premises become the focus of disorder and disturbance, such restrictions or amendments will be considered where relevant representations have been made.

6.7 All 'off' licensed premises must comply with the *Licensing Act 2003 Mandatory Conditions Order* in relation to age related sales. The Licensing Authority also expects such premises to implement additional measures to prevent and deter **proxy** sales on behalf of under 18's.

6.8 Licensees should ensure consideration is given to refusing sales of alcohol to customers who can be clearly identified as having an alcohol related health condition and who may be a source of nuisance or annoyance through street drinking.

6.9 The Licensing Authority expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by most large supermarket chains) is not delivered to minors, to prevent a risk of underage consumption.

6.10 Where self-pay till points are made available in stores selling alcohol, provision must be included for alcohol sales to be identified and approved prior to completion of the purchase to prevent under age sales.

### **Designated Premises Supervisor (DPS) at alcohol licensed premises**

6.11 Whilst this role has a limited definition under the Licensing Act 2003, it is expected that this person nominated on a licence will have overall responsibility for the day to day

management and control of the licensed premises and in particular be responsible for the safe receipt, storage and sale of alcohol.

6.12 The Licensing Authority would expect the DPS to be onsite at the licensed premises for the majority of time when alcohol is being sold subject to working hours' legislation and absence for sickness and holidays. The Licensing Authority expects the DPS to provide training to staff in relation to alcohol sales and to authorise the employees the DPS considers competent to sell alcohol on their behalf in writing.

## **11 HUMAN RIGHTS AND EQUAL OPPORTUNITIES**

11.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention. The Council will interpret the Licensing Act 2003 (LA 2003) in a manner consistent with the Human Rights Act 1998.

11.2 The Council will consider the effect upon people's human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the council which affects another's rights must be no more onerous than is necessary in a democratic society.

## **22 HEARINGS**

22.1 Any application that has resulted in the submission of relevant representations from any party will be referred to the Licensing Sub-Committee for a hearing and determination in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.

22.2 A sub-committee will consist of three suitably trained members of the Licensing Committee. No members will serve on a sub-committee involving an application for a licence within their own district ward. The subcommittee will be advised on the law by a member of the Council's Shared Legal Services Team. That legal team member will not be involved in the application process in order to avoid a conflict of interest by ensuring a clear separation of roles.

22.3 This Policy will play a key role in achieving consistency in decision making and will ensure decisions are made in a way which promotes a sustainable leisure economy for the district.

22.4 Where representations are made only by Responsible Authorities, the Council would expect applicants and Responsible Authorities to enter into negotiation or mediation prior to a hearing in an attempt to resolve issues before attending the licensing hearing.

22.5 Where mediation is successful and a hearing is deemed unnecessary by all parties the mediation outcome will be presented to the licensing sub-committee in writing and signed by all parties for ratification and determination<sup>2</sup>.

22.6 Parties will be advised of the hearing date and procedure in advance and in accordance with the statutory process. At all hearings the sub-committee will have regard to the Guidance issued under section 182 of the Act. This authority may use its discretion where



there are strong and defensible reasons for departing from the Guidance and where it considers it right to do so. In any such case this authority will clearly express and explain its reasons for doing so.

22.7 The Council must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. It will give appropriate weight to all representations made by all parties based on the content and relevance to the promotion of all licensing objectives.

22.8 All decision notices will be in writing and will include clearly stated reasons to explain a decision on an application. Decision notices will be issued within 5 working days or the same day in the instance of applications for a review.

22.9 In respect of all of the licensing objectives, licensing officers may be asked to assist in the drafting of licence conditions relevant to the application and representations in order to assist the Sub-Committee at a hearing.

### **23 LICENCE CONDITIONS**

23.1 A key concept in the Licensing Act is that conditions that are attached to licences or certificates are tailored to suit the individual style and characteristics of the premises and its activities and the impact of those activities. Those conditions will be deemed appropriate and proportionate in order to promote the licensing objectives at that premises.

23.2 All licences that authorise the sale of alcohol will be subject to the mandatory conditions set out in the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

23.3 Applicants will be expected to include appropriate steps within their operating schedule which will be converted to conditions on a premises licence or club premises certificate. Those steps will be expected to be achievable and relevant to the business in question and will ensure the promotion of each of the four licensing objectives.

23.4 Where applications receive valid representations and are subject to a hearing, the sub-committee will consider the evidence provided within representations, the detail of the application, the nature of the premises and business and only where appropriate will attach conditions to a licence to secure the promotion of the licensing objectives in light of the evidence provided.

23.5 Decisions on individual licence conditions will be made on a case by case basis, and where there are concerns over the effective promotion of the licensing objectives, the applicant will be expected to offer suggestions on how the objectives can be met. This authority will work closely with all parties and the applicant in establishing workable and reasonable conditions for new and variation applications.

23.6 In all cases the Council will have regard to the Guidance when considering the implementation of licence conditions. Further information on the Guidance can be found at the Home Office website by clicking here: [Guidance to the Licensing Act issued by the Home Office - https://www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance](https://www.gov.uk/government/publications/section-182-of-the-licensing-act-2003-amended-guidance)

23.7 In all cases conditions will aim to promote the licensing objectives, be unambiguous and enforceable, appropriate to the activities and the business, achievable and applicable to the premises itself and the areas around the premises which is within the licence holders control.

23.8 The Council recognises the need to avoid, so far as possible, duplication with other regulatory systems including Health and Safety at Work, Fire Safety, Food Hygiene and Nuisance Control. However these regulations may not cover the unique circumstances of some activities and entertainment. In these circumstances, the council may therefore, where necessary, attach conditions to premises licenses for the promotion of the licensing objectives.

### **Conditions to promote the Prevention of Crime and Disorder**

23.9 Under the Act the Council has a duty to promote the licensing objectives, and, a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the District.

23.10 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- i) Prevention of disorderly conduct and anti-social behaviour
- ii) Prevention of underage drinking
- iii) Prevention of sales of alcohol to intoxicated customers
- iv) Prevention of drunkenness both on and in the vicinity of the premises
- v) Prevention of drug use and drug dealing
- vi) Restriction of drinks promotions
- vii) Use of safety glass
- viii) Inclusion of a wind-down time following alcohol sales period
- ix) Adequate seating to discourage “vertical drinking”
- x) The offer of food and snacks or other entertainment or occupation to discourage persistent drinking
- xi) Prevention of noise nuisance by customers waiting to enter a premises and on leaving

23.11 In busier premises the Council would expect to see a short (say 30mins) ‘wind down’ or ‘drinking up’ period allowed for after the cessation time of entertainment and alcohol sales, as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.

23.12 Where the Council determines after consultation with the police that a premise is one that warrants additional security and monitoring, it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area. Applicants will be expected to seek advice from the Police and the Council will give appropriate weight to requests by

the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence.

23.13 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to include a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.

23.14 The Council would expect licencees or the DPS to be members of, and regularly attend, local pubwatch meetings.

23.15 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidence purposes. Licence holders will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.

23.16 In any application the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to the objectives.

### **Conditions to promote Public Safety**

23.17 The applicant will be expected to show that the physical safety of persons attending the premises will be protected and will offer relevant steps in the operating schedule to promote this.

23.18 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.

23.19 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Council will consider adding such a limit as a licence condition.

It is expected that an operating schedule will specify occupancy limits for the following types of licensed premises:

- i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the prime activity is the sale of alcohol
- (ii) Nightclubs
- (iii) Cinemas
- (iv) Theatres
- (v) Other premises where regulated entertainment is likely to attract a large number of people.

### **Conditions to promote the Prevention of Public Nuisance**

23.20 The applicant will be expected to detail steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

23.21 The applicant will be expected to demonstrate that they have considered and included steps to prevent public nuisance, such as:

- (i) Proximity of local residents to the premises
- (ii) Licensable activities proposed and customer base
- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (vi) Availability of public transport to and from the premises
- (vii) Noise from use of the garden/outside space including smoking shelters.
- (viii) Delivery and collection times and locations.
- (ix) Impact of external security or general lighting on residents.
- (x) History of management of and complaints about the premises.
- (xi) Applicant's previous success in preventing Public Nuisance.
- (xii) Outcomes of discussions with the relevant Responsible Authorities.
- (xiii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiv) Collection of litter arising from the premises
- (xv) Appropriate times of disposal of glass bottles into external waste receptacles
- (xvi) Provision of and encouraging use of toilet facilities for customers prior to leaving a premises.
- (xvii) Notices to clients asking them to respect the amenity of local residents.

23.22 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, closing windows and doors at appropriate times, management of smoking areas, etc.

23.23 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

### **Conditions to promote the Protection of Children from Harm**

23.24 Applicants will be expected to detail steps to protect children at the premises from any harm. The Council recognises the right of licensees (serving alcohol) to allow accompanied children into their premises. The Council would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm.

23.25 Steps to prevent children from harm must be included where:

- (i) There is entertainment or services of an adult nature provided.

- (ii) There have been previous convictions for under age sales of alcohol.
- (iii) There is a known association with drug taking or dealing.
- (iv) There is a significant element of gambling on the premises.
- (v) There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
- (vi) Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.

23.26 Nothing in the Licensing Act prevents licensees from excluding children from a licensed premises and no condition can be added to require the admission of children.

23.27 Where there are no matters that give rise to concern in respect of children at premises the Council would expect to see the relevant box on an application form completed to specify NONE.

## Licensing Objectives and Aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

1.9 Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.

1.10 Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

1.12 However, determining and publishing a statement of its policy is a licensing function and as such the authority must have regard to this Guidance when taking this step. A licensing authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. But once again, it is important that it should be able to give full reasons for departing from its published statement of licensing policy. Where revisions to this Guidance are issued by the Secretary of State, there may be a period of time when the licensing policy statement is inconsistent with the Guidance (for example, during any consultation by the licensing authority). In these circumstances, the licensing authority should have regard, and give appropriate weight, to this Guidance and its own existing licensing policy statement.

### **Licence Conditions – general principles**

1.16 Conditions on a premises licence or club premises certificate are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Licence conditions:

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

### **Each application on its own merits**

1.17 Each application must be considered on its own merits and in accordance with the licensing authority’s statement of licensing policy; for example, if the application falls within the scope of a cumulative impact policy. Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives in an individual case.

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly



to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

3.12 Schedule 2 to the 2003 Act provides a definition of what constitutes the provision of late night refreshment. It involves the supply of 'hot food or hot drink' between the hours of 23.00 and 05.00 to the public for consumption on or off the premises. It includes the supply of hot food or hot drink between those hours on premises to which the public has access. Under Schedule 2, food or drink is considered to be 'hot' if, before it is supplied, it has been heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and at the time of supply it is above that temperature; or after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

3.13 Shops, stores and supermarkets selling only cold food and cold drink, whether it is immediately consumable or not, from 23.00 are not licensable as providing late night refreshment. The 2003 Act affects premises such as night cafés and takeaway food outlets where people may gather to purchase hot food or drink at any time from 23.00 and until 05.00. In this case, supply takes place when the hot food or hot drink is given to the customer and not when payment is made. For example, supply takes place when a table meal is served in a restaurant or when a takeaway is handed to a customer over the counter.

3.14 Some premises provide hot food or hot drink between 23.00 and 05.00 by means of vending machines. The supply of hot drink by a vending machine is not a licensable activity and is exempt under the 2003 Act provided the public have access to and can operate the machine without any involvement of the staff.

3.15 However, this exemption does not apply to hot food. Premises supplying hot food for a charge by vending machine are licensable if the food has been heated on the premises, even though no staff on the premises may have been involved in the transaction.

8.1 Premises licences are issued by the licensing authority in which the premises are situated or, in the case of premises straddling an area boundary, the licensing authority where the greater part of the premises is situated. Where the premises is located equally in two or more areas, the applicant may choose but, in these rare cases, it is important that each of the licensing authorities involved maintain close contact.

8.7 The second group –“responsible authorities”– are public bodies that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence. These representations must still be considered ‘relevant’ by the licensing authority and relate to one or more of the licensing objectives. For all premises, responsible authorities include:

- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
- the chief officer of police;
- the local fire and rescue authority;
- the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- the local authority with responsibility for environmental health;
- the local planning authority;
- a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- each local authority’s Director of Public Health (DPH) in England and Local Health Boards (in Wales);
- the local weights and measures authority (trading standards); and
- Home Office Immigration Enforcement (on behalf of the Secretary of State).

8.41 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

8.42 Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

8.43 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

8.46 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.

8.47 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.

8.48 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.

8.49 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be

precise and clear about the measures that are proposed to promote each of the licensing objectives.

9.1 When a licensing authority receives an application for a new premises licence or an application to vary an existing premises licence, it must determine whether the application has been made in accordance with section 17 of the 2003 Act, and in accordance with regulations made under sections 17(3) to (6), 34, 42, 54 and 55 of the 2003 Act. It must similarly determine applications for the grant of club premises certificates made in accordance with section 71 of the 2003 Act, and in accordance with regulations made under sections 71(4) to (7), 84, 91 and 92 of the 2003 Act. This means that the licensing authority must consider among other things whether the application has been properly advertised in accordance with those regulations.

9.3 Where a representation concerning the licensing objectives is made by a responsible authority about a proposed operating schedule and it is relevant (see paragraphs 9.4 to 9.10 below), the licensing authority's discretion will be engaged. It will also be engaged if another person makes relevant representations to the licensing authority, which are also not frivolous or vexatious (see paragraphs 9.4 to 9.10 below). Relevant representations can be made in opposition to, or in support of, an application and can be made by any individual, body or business that has grounds to do so.

9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.11 Responsible authorities under the 2003 Act are automatically notified of all new applications. While all responsible authorities may make representations regarding applications for licences and club premises certificates and full variation applications, it is the

responsibility of each responsible authority to determine when they have appropriate grounds to do so.

9.12 Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area<sup>5</sup>. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

9.31 The Licensing Act 2003 (Hearings) Regulations 2005 governing hearings may be found on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website. If the licensing authority decides that representations are relevant, it must hold a hearing to consider them. The need for a hearing can only be avoided with the agreement of the licensing authority, where the applicant and all of the persons who made relevant representations have given notice to the authority that they consider a hearing to be unnecessary. Where this is the case and the authority agrees that a hearing is unnecessary, it must forthwith give notice to the parties that the hearing has been dispensed with. Notwithstanding those regulatory provisions, in cases where the licensing authority believes that a hearing is still necessary, it is recommended that the authority should, as soon as possible, provide the parties with reasons in writing for the need to hold the hearing. In cases where only 'positive' representations are received, without qualifications, the licensing authority should consider whether a hearing is required. To this end, it may wish to notify the persons who made representations and give them the opportunity to withdraw those representations. This would need to be done in sufficient time before the hearing to ensure that parties were not put to unnecessary inconvenience.

9.32 Responsible authorities should try to conclude any discussions with the applicant in good time before the hearing.

The 2005 Hearings Regulations permit licensing authorities to extend a time limit provided for by those Regulations for a specified period where it considers this to be necessary in the public interest. For example, if the application is amended at the last moment, the licensing committee should consider giving other persons time to address the revised application before the hearing commences. Where the authority has extended a time limit it must forthwith give a notice to the parties involved stating the period of the extension and the reasons for it.

9.33 The 2005 Hearings Regulations require that representations must be withdrawn 24 hours before the first day of any hearing. If they are withdrawn after this time, the hearing must proceed and the representations may be withdrawn orally at that hearing. However, where discussions between an applicant and those making representations are taking place and it is likely that all parties are on the point of reaching agreement, the licensing authority

may wish to use the power given within the hearings regulations to extend time limits, if it considers this to be in the public interest.

9.34 Applicants should be encouraged to contact responsible authorities and others, such as local residents, who may be affected by the application before formulating their applications so that the mediation process may begin before the statutory time limits come into effect after submission of an application. The hearing process must meet the requirements of regulations made under the 2003 Act. Where matters arise which are not covered by the regulations, licensing authorities may make arrangements as they see fit as long as they are lawful.

9.35 There is no requirement in the 2003 Act for responsible authorities that have made representations to attend, but it is generally good practice and assists committees in reaching more informed decisions. Where several responsible authorities within a local authority have made representations on an application, a single local authority officer may represent them at the hearing if the responsible authorities and the licensing authority agree. This local authority officer representing other responsible authorities may be a licensing officer, but only if this licensing officer is acting as a responsible authority on behalf of the licensing authority and has had no role in the licensing determination process. This is to ensure that the responsible authorities are represented by an independent officer separate from the licensing determination process.

9.37 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits.

9.38 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the licensing authority must give appropriate weight to:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- this Guidance;
- its own statement of licensing policy.

9.39 The licensing authority should give its decision within five working days of the conclusion of the hearing (or immediately in certain specified cases) and provide reasons to support it. This will be important if there is an appeal by any of the parties. Notification of a decision must be accompanied by information on the right of the party to appeal. After considering all the relevant issues, the licensing authority may grant the application subject to such conditions that are consistent with the operating schedule. Any conditions imposed must be appropriate for the promotion of the licensing objectives; there is no power for the licensing authority to attach a condition that is merely aspirational. For example, conditions may not be attached which relate solely to the health of customers rather than their direct

physical safety. Any conditions added to the licence must be those imposed at the hearing or those agreed when a hearing has not been necessary.

9.40 Alternatively, the licensing authority may refuse the application on the grounds that this is appropriate for the promotion of the licensing objectives. It may also refuse to specify a designated premises supervisor and/or only allow certain requested licensable activities. In the interests of transparency, the licensing authority should publish hearings procedures in full on its website to ensure that those involved have the most current information.

9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.

10.1 This chapter provides further guidance in relation to conditions attached to premises licences and club premises certificates. General principles on licence conditions are set out in Chapter 1 (see paragraph 1.16).

10.2 Conditions include any limitations or restrictions attached to a licence or certificate and essentially are the steps or actions that the holder of the premises licence or the club premises certificate will be required to take or refrain from taking in relation to the carrying on of licensable activities at the premises in question. Failure to comply with any condition attached to a licence or certificate is a criminal offence, which on conviction is punishable by an unlimited fine or up to six months' imprisonment. The courts have made clear that it is particularly important that conditions which are imprecise or difficult for a licence holder to observe should be avoided.

10.3 There are three types of condition that may be attached to a licence or certificate: proposed, imposed and mandatory. Each of these categories is described in more detail below.

### **Proposed conditions**

10.4 The conditions that are appropriate for the promotion of the licensing objectives should emerge initially from the risk assessment carried out by a prospective licence or certificate holder, which they should carry out before making their application for a premises licence or club premises certificate. This would be translated into the steps recorded in the operating schedule or club operating schedule, which must also set out the proposed hours during which licensable activities will be conducted and any other hours during which the premises will be open to the public.

10.5 It is not acceptable for licensing authorities to simply replicate the wording from an applicant's operating schedule. A condition should be interpreted in accordance with the applicant's intention.

### **Consistency with steps described in operating schedule**

10.6 The 2003 Act provides that where an operating schedule or club operating schedule has been submitted with an application and there have been no relevant representations made by responsible authorities or any other person, the licence or certificate must be granted subject only to such conditions as are consistent with the schedule accompanying the application and any mandatory conditions required under the 2003 Act.

10.7 Consistency means that the effect of the condition should be substantially the same as that intended by the terms of the operating schedule. If conditions are broken, this may lead to a criminal prosecution or an application for a review and it is extremely important therefore that they should be expressed on the licence or certificate in unequivocal and unambiguous terms. The duty imposed by conditions on the licence holder or club must be clear to the licence holder, club, enforcement officers and the courts.

### **Imposed conditions**

10.8 The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives. In order to promote the crime prevention licensing objective conditions may be included that are aimed at preventing illegal working in licensed premises. This provision also applies to minor variations.

10.9 It is possible that in some cases no additional conditions will be appropriate to promote the licensing objectives.

### **Proportionality**

10.10 The 2003 Act requires that licensing conditions should be tailored to the size, type, location and characteristics and activities taking place at the premises concerned. Conditions should be determined on a case-by-case basis and standardised conditions which ignore



these individual aspects should be avoided. For example, conditions should not be used to implement a general policy in a given area such as the use of CCTV, polycarbonate drinking vessels or identity scanners where they would not be appropriate to the specific premises. Conditions that are considered appropriate for the prevention of illegal working in premises licensed to sell alcohol or late night refreshment might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check is retained at the licensed premises. Licensing authorities and other responsible authorities should be alive to the indirect costs that can arise because of conditions. These could be a deterrent to holding events that are valuable to the community or for the funding of good and important causes. Licensing authorities should therefore ensure that any conditions they impose are only those which are appropriate for the promotion of the licensing objectives.

10.13 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.

10.14 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.

10.15 Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

10.25 The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificate in the circumstances specified.

### **Designated premises supervisor**

10.26 The 2003 Act provides that, where a premises licence authorises the supply of alcohol, it must include a condition that no supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or the personal licence has been suspended.

10.27 The main purpose of the 'designated premises supervisor' as defined in the 2003 Act is to ensure that there is always one specified individual among these personal licence holders who can be readily identified for the premises where a premises licence is in force. That person will normally have been given day to day responsibility for running the premises by the premises licence holder. The requirements set out in relation to the designated premises supervisor and authorisation of alcohol sales by a personal licence holder do not apply to community premises in respect of which a successful application has been made to

disapply the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act (see Chapter 4 of this Guidance).

10.28 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

10.29 In addition, every premises licence that authorises the sale of alcohol must require that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence. This in most instances will be the designated premises supervisor who must hold a valid personal licence. Any premises at which alcohol is sold or supplied may employ one or more personal licence holders. This does not mean that the condition should require the presence of the designated premises supervisor or any other personal licence holder on the premises at all times.

10.30 Similarly, the fact that every supply of alcohol must be made under the authority of a personal licence holder does not mean that only personal licence holders can make sales or that they must be personally present at every transaction. A personal licence holder may authorise members of staff to make sales of alcohol but may be absent at times from the premises when a transaction takes place. However, the responsible personal licence holder may not be able to escape responsibility for the actions of anyone authorised to make sales.

10.31 “Authorisation” does not imply direct supervision by a personal licence holder of each sale of alcohol. The question arises as to how sales can be authorised. Ultimately, whether an authorisation has been given is a question of fact that would have to be decided by the courts on the evidence before it in the course of a criminal prosecution.

10.32 The following factors should be relevant in considering whether or not an authorisation has been given:

- the person(s) authorised to sell alcohol at any particular premises should be clearly identified;
- the authorisation should have specified the acts which may be carried out by the person who is authorised to supply alcohol;
- there should be an overt act of authorisation, for example, a specific written statement given to the individual who is authorised to supply alcohol; and
- there should be in place sensible arrangements for the personal licence holder to monitor the activity that they have authorised on a reasonably regular basis.

10.33 It is strongly recommended that personal licence holders give specific written authorisations to individuals whom they are authorising to retail alcohol. A single written authorisation would be sufficient to cover multiple sales over an unlimited period. This would assist personal licence holders in demonstrating due diligence should issues arise with enforcement authorities; and would protect employees if they themselves are challenged in respect of their authority to sell alcohol.

10.34 Written authorisation is not a requirement of the 2003 Act and its absence alone could not give rise to enforcement action.

10.35 It must be remembered that while the designated premises supervisor or a personal licence holder may authorise other individuals to sell alcohol in their absence, they are responsible for any sales that may be made. Similarly, the premises licence holder remains responsible for ensuring that licensing law and licence conditions are observed at the premises.

10.36 The mandatory conditions made under sections 19A and 73B of the 2003 Act (the conditions governing irresponsible promotions, dispensing alcohol directly into the mouth, provision of free tap water, age verification, small measures and the prohibition on sales of alcohol below the permitted price) do not have to be physically included in the licence or certificate but nonetheless will apply to every licence and certificate authorising the sale and supply of alcohol for consumption on the premises. The mandatory conditions set out in section 19 of the 2003 Act (the requirement for a DPS and for all sales to be made or authorised by a personal licence holder) do, however, have to be physically included in the licence. The mandatory licence conditions do not apply to activities (including the supply of alcohol) authorised by a temporary event notice.

10.44 The responsible person (see paragraph 10.39) must ensure that no alcohol is dispensed directly into the mouth of a customer. For example, this may include drinking games such as the 'dentist's chair' where a drink is poured continuously into the mouth of another individual and may also prevent a premises from allowing another body to promote its products by employing someone to dispense alcohol directly into customers' mouths. An exception to this condition would be when an individual is unable to drink without assistance due to a disability.

### **Age verification**

10.46 The premises licence holder or club premises certificate holder must ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. This must as a minimum require individuals who appear to the responsible person (see paragraph 10.39) to be under the age of 18 years of age to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature. The Home Office encourages licensed premises to accept cards bearing the Proof of Age Standards Scheme (PASS) hologram as their preferred proof of age, while acknowledging that many other forms of identification meet the requirements of the mandatory condition.

10.47 The premises licence holder or club premises certificate holder must ensure that staff (in particular, staff who are involved in the supply of alcohol) are made aware of the existence and content of the age verification policy which applies by the premises.

10.48 The designated premises supervisor (where there is one) must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy. This means that the DPS has personal responsibility for ensuring that staff are not only aware of, but are also applying, the age verification policy.

10.49 It is acceptable, and indeed encouraged, for premises to have an age verification policy which requires individuals who appear to the responsible person to be under an age greater than 18 to produce such identification on request. For example, if premises have a policy that requires any individual that appears to be under the age of 21 to produce identification that meets the criteria listed above, this is perfectly acceptable under the mandatory code.

10.50 Licence holders should consider carefully what steps they are required to take to comply with the age verification requirements under the 2003 Act in relation to sales of alcohol made remotely. These include sales made online, by telephone and mail order sales, and alcohol delivery services. Each of these sales must comply with the requirements of the 2003 Act. The mandatory condition requires that age verification takes place before a person is served alcohol. Where alcohol is sold remotely (for example, online) or through a telephone transaction, the sale is made at this point but the alcohol is not actually served until it is delivered to the customer. Age verification measures (for example, online age verification) should be used to ensure that alcohol is not sold to any person under the age of 18. However, licence holders should also consider carefully what steps are appropriate to ensure that age verification takes place before the alcohol is served (i.e. physically delivered) to the customer to be satisfied that the customer is aged 18 or over. It is, therefore, the responsibility of the person serving or delivering the alcohol to ensure that age verification has taken place and that photo ID has been checked if the person appears to be less than 18 years of age.

13.2 With the exception of appeals in relation to closure orders, an appeal may be made to any magistrates' court in England or Wales but it is expected that applicants would bring an appeal in a magistrates' court in the area in which they or the premises are situated.

13.3 An appeal has to be commenced by the appellant giving a notice of appeal to the designated officer for the magistrates' court within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision which is being appealed.