

DECISION NOTICE
OF THE LICENSING SUB COMMITTEE
AT
HART DISTRICT COUNCIL
ON 30 NOVEMBER 2021

21/00474/LAPRE: APPLICATION FOR NEW PREMISES LICENCE
FOR GRANDMA BUGGINS, 3 WHITE HART HOUSE, LONDON ROAD,
BLACKWATER, CAMBERLEY, GU17 9AD

The Licensing Sub Committee has carefully considered all the evidence and listened to the representations from the Applicant, his agent, the Police and Cllr Tarbet on behalf of Blackwater and Hawley Town Council. The Sub Committee has also shown regard to the written representations. The Sub Committee has decided after having regard to all the circumstances to **refuse** to grant the application for a new premises licence.

Prior to the hearing the parties entered into mediation. The applicant proposed to reduce the licensable hours to 1:00 am but the Police and the Town Council did not wish to withdraw their representations. At the hearing the applicant proposed to further reduce the hours of selling alcohol to 12:00 midnight for each day of the week. However, the police continued to have concerns regarding the delivery of alcohol with orders.

The Sub Committee consider that the application does not promote any of the four licensing objectives and therefore refuses the application for the following reasons:

Prevention of Crime and Disorder

- The police reports states the following - *that on 06/10/2021 there were three assaults relating to the premises which involved staff and customers. This was confirmed as 2 x Actual Bodily Harm and 1 x Common Assault. On 25/09/2021 there was a violent incident outside the premises..... It is important to note the following breakdown of police recorded violent incidents in the following areas*

related to this premises. GU17 9AD is the postcode of the premises and within this the following incidents have occurred:

12/10/2018 - 12/10/2019: 1 x public order offence 2 x assaults

13/10/2019 – 12/10/2020: 7 x public order offences 2 x assaults

13/10/2020 – 12/10/2021: 3 x assaults

To get a greater picture of violent crime within the area the following incidents have been recorded when the postcode is adjusted to GU17 9A. These will of course include the above postcode.*

12/10/2018 – 12/10/2019: 3 x public order offences 17 x assaults

13/10/2019 – 12/10/2020: 13 public order offences 16 x assaults

13/10/2020 – 12/10/2021 5 x public order offences 15 x assaults

- The Sub Committee noted that the police in their representation asked for this application to be rejected.
- It was also noted that the applicant failed to engage with the police before and during the application process.
- In their report of the incident of the 25/9/2021 the police noted that the CCTV was not working and had not been working for three months.
- The Sub Committee questioned the applicant regarding how staff on the premises would deal with and diffuse potentially explosive or violent situations, an example of which being on 6/10/2021, when there were three assaults relating to the premises involving staff and customers. Neither the applicant or his agent were able to give sufficient reassurance and demonstrate how this would be done. Committee members gave the applicant and his agent multiple opportunities to answer questions relating to this and they repeatedly failed to demonstrate a knowledge of the licensing objectives and their responsibilities under the licensing legislation.



Public Safety

- It was noted that the police reported during the incident of 25/9/2021 that the CCTV at the premises was not working and had not been working for three months. This demonstrates that the applicant does not take his licensing responsibilities seriously.
- The applicant failed to engage with the police during or prior to the application process.
- Following the incident on 6/10/2021 which involved staff and customers, members of staff on the premises failed to work with the police and provide witness statements so the police were unable to prosecute.
- When questioned by Sub Committee members on how delivery drivers would be trained to identify safeguarding issues, for example delivering alcohol to a vulnerable person, the applicant was unable to give sufficient reassurance and demonstrate adequate training or understanding of this.
- Delivery vehicle movement could potentially increase with the sale of alcohol. The premises are located in a narrow cul de sac with limited parking. There are likely to be many pedestrians leaving neighbouring public houses and/or visiting the premises and increased delivery vehicles could impact public safety.

Prevention of Public Nuisance

- Committee members considered that increased activities on these premises which are located on the ground floor of a large residential block will have a detrimental impact on residents in the form of increased litter and noise from delivery vehicles.
- When questioned by Sub Committee members about how staff on the premises would deal with and diffuse potentially explosive or violent situations, the applicant and his agent were unable to give sufficient reassurance and demonstrate how this would be done.

Protection of Children from Harm

- When questioned by Sub Committee members about how their delivery drivers would deal with the scenario such a number of under-age people at a delivery address, neither the applicant or his agent were able to give sufficient reassurance and demonstrate how they would deal with this. Committee members gave the applicant and his agent multiple opportunities to answer questions relating to this and they repeatedly failed to demonstrate a knowledge of the licensing objectives and their responsibilities under the licensing legislation.

The Sub Committee were mindful of the S182 Guidance paragraph 9.12 which states: *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. 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.*

Paragraph 7.5 of the Council's Statement of Licensing Policy also contains a similar provision and states that the Licensing Authority must give the appropriate amount of weight to the representations made by the Police on crime and disorder matters.

The Sub Committee considered that this application was primarily motivated by the potential to increase income without paying due regard to the importance of promoting the four licensing objectives.

- The prevention of crime and disorder
- The prevention of public nuisance
- Public Safety

- The protection of children from harm.

The applicant and his agent failed to demonstrate knowledge of the four licensing objectives and licensing legislation, particularly with regard to the sale of alcohol. The Sub Committee also gave significant weight to the representation made by Hampshire Constabulary.

In making this decision the Sub Committee have considered representations from all the parties, Guidance made under S182 of the Licensing Act 2003 and Hart District Council's Licensing Policy. The decision is considered proportionate and appropriate to promote the licensing objectives.

You have 21 days from the date of receipt of the decision notice to appeal this decision.

Chair: _____

Date: 30.11.21