

LICENSING SUB-COMMITTEE

DATE OF MEETING: Wednesday 7 June 2023

TITLE OF REPORT: APPLICATION FOR PREMISES LICENCE - LIQUOR and VAPE STORE, 158 ALDERSHOT ROAD, CHURCH CROOKHAM, FLEET, GU52 8JT

Report of: Executive Director, Place

1 PURPOSE OF REPORT

1.1 This report is to enable members to consider and determine an application for a new premises licence for Liquor and Vape Store, 158 Aldershot Road, Church Crookham, Fleet, GU52 8JT 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 It is for members of the Licensing Sub-Committee to determine the application and consider the steps it considers appropriate for the promotion of the licensing objectives which may include one or more of the following options (s18(4)):

- Grant the licence subject to:
 - 1) The conditions consistent with the operating schedule accompanying the application modified to such an extent as the authority considers appropriate for the promotion of the licensing objectives and
 - 2) Any mandatory conditions which must under section 19 (relating to the sale of alcohol) and 21 (relating to door supervision) of the Licensing Act 2003 which must be included in the licence if relevant to the proposed activities.
- Exclude from the scope of the licence any of the licensable activities to which the application relates
- Refuse to specify a person in the licence as the premises supervisor
- Modify the conditions of the licence or add new conditions
- Reject the whole or part of the application

2.3 When determined, the licensing authority must notify that decision including its reasons for the 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.

2.4 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.

2.5 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 An application for a new premises licence was received 12 April 2023. The application is for an off licence (sale of alcohol by retail for consumption off the premises only). The premises previously operated as an off licence for several years trading as Wine Rack, Threshers and latterly as Wine Shack until it closed in 2013 and did not re-open.

It is situated in close proximity to three further commercial premises; Church Crookham pharmacy located at 157 Aldershot Road, Ho's Fish Bar at 162 Aldershot Road, and a currently vacant retail unit at 164 Aldershot Road.

The application can be found at Appendix 1 and the internal layout plan at Appendix 2

The proposed licensable activities are as follows:

Proposed licensable activities	Proposed times
The Sale of Alcohol (for consumption off the premises only)	Everyday 0700-2200 hours
Proposed Opening Hours	Everyday 0700-2200 hours

3.2 The Council advertised the application on our website and notice boards. Officers are satisfied the advertising regulations for this application were complied with. The application is subject to a statutory 28 day 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

3.3 The applicant has proposed steps to promote the licensing objectives within the operating schedule of the application form, see section 18 of Appendix 1.

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 the application attracted four (4) valid representations opposing the application which related to the possibility that neighbouring residents would be affected by noise nuisance and anti-social behaviour and the possibility of youths congregating outside the premises. These have been attached at Appendix 3.
- 4.3 None of the eight (8) Responsible Authorities made representations against this application.

5 CONSIDERATION

- 5.1 A licensing authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives which are listed at para 3.2 above.
- 5.2 When determining the application, members must take the steps they consider appropriate to promote the licensing objectives.
- 5.3 Having determined the application, the licensing authority must notify its decision and its reasons for that decision to the applicant, any person who has made representation and the Chief Officer of Police in which the premises is situated.
- 5.4 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.

6 POLICY IMPLICATIONS

- 6.1 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 Licensing Act 2003. Relevant extracts of both documents are attached at Appendices 4 and 5.

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 and DETERMINATION

- 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 2.2 of this report

Contact Details: Ms Angela Semowo Tel: 01252 622122
angela.semowo@basingstoke.gov.uk

APPENDICES / CONFIDENTIAL APPENDICES

- Appendix 1 – Liquor and Vape Store Premises Licence Application Form**
Appendix 2 – Premises Plan
Appendix 3 – Relevant representations opposing the application
Appendix 4 - Extracts from the Hart District Council Statement of Licensing Policy
Appendix 5 - Extracts from the Licensing Act 2003 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