

**Item 5                    Application for Review of a Premises Licence –  
   Martins of Andover, 50 London Street,  
   Andover SP10 2PE**

**1            The Application**

- 1.1    The application is by Hampshire Constabulary requesting a Review of the Premises Licence for the premises known as Martins of Andover, 50 London Street, Andover SP10 2PE. The application is requested in accordance with the provisions of Section 51 of the Licensing Act 2003.
- 1.2    The premises benefits from a Premises Licence permitting sale of alcohol by retail for consumption off the premises. A revised licence was issued on 5 January 2006 following an application to specify the Designated Premises Supervisor as Anthony Dyer, to transfer the licence into the name of Saftdwin Limited (trading as Martins of Andover) and to extend the hours for sale of alcohol from 0800 to 2300 hours seven days a week, all year round. The application for a Review requires the matter to be determined at a hearing.
- 1.3    The application requesting a Review relates to the following licensing objectives:-
- a)    The prevention of crime and disorder.
  - b)    The prevention of public nuisance.
  - c)    The protection of children from harm.

A copy of the application as is attached as Annex 1 to this report for parties to the application and Members of the Licensing Sub-Committee only.

**2            Background**

- 2.1    The premises are an established garage forecourt convenience store of 350 square feet located in London Street in central Andover. The premises benefits from a Premises Licence as described in paragraph 1.2 above. Prior to 5 January 2006 the premises benefited from a Premises Licence held in the names of Peter Cook and Anthony Dyer permitting sale of alcohol from 0800 to 2300 hours weekdays (including Saturdays), 1000 to 2230 hours Sundays, 0800 to 2230 hours Good Friday and from 1200 to 1500 hours and 1900 to 2230 hours Christmas Day. Prior to 24 November 2005 the premises benefited from a Justices Off Licence permitting sale of alcohol during these hours.

### **3 Grounds for the Review**

The applicant states the grounds for the review in their application which, as mentioned above, is attached as Annex 1 to this report for parties to the application and Members of the Licensing Sub-Committee only.

### **4 Relevant Representations – Responsible Authorities**

- 4.1 **Hampshire County Council Trading Standards Service** – Does not wish to make a representation.

### **5 Relevant Representations – Interested Parties**

- 5.1 There are no representations from Interested Parties.

### **6 Policy Considerations**

- 6.1 It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant.

5.99 – Reviews

5.107 – Powers of a licensing authority on the determination of a review

7.20 – Crime and disorder

7.38 – Public nuisance

7.47 – The protection of children from harm

12.1 – Sale and supply of alcohol to children

12.7 – Defences

12.10 – Allowing sale of alcohol to children

12.13 – Purchase of alcohol by or on behalf of children

12.16 – Consumption of alcohol by children

A copy of the Secretary of State's Guidance will be provided at the meeting for Members of the Committee. Additional copies can be obtained from the website of the Department of Culture Media and Sport.

- 6.2 It is considered that the following extracts from the Licensing Authority's own Statement of Licensing Policy are relevant to this application:

Section A: Prevention of Crime and Disorder

Section C: Prevention of Public Nuisance

Section D: Protection of children from harm

The Statement of Licensing Policy is enclosed with a copy of this report for Members of the Committee. Additional copies will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Administration Service or downloaded from the Council's website.

## **7 Observations**

7.1 The Committee is obliged to determine this application with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council's own Statement of Licensing Policy. The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- a) Modify the conditions of the Premises Licence, by altering or omitting or adding to them.
- b) Exclude a licensable activity from the scope of the licence (although in the case of this licence this would be inappropriate as the sale of alcohol is the only licensable activity).
- c) Remove the Designated Premises Supervisor.
- d) Suspend the licence for a period not exceeding three months.
- e) Revoke the licence.

The Committee is asked to note that it may not undertake any of the above steps merely because it considers it desirable to do so. It must actually be necessary in order to promote one or more of the licensing objectives:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent the Committee issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that the licensing authority will regard such a warning as an important mechanism for

ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the Police have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, the Committee should not merely repeat that approach.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Application for a Review of Premises Licence number 113 for Martins of Andover, 50 London Street, Andover and all associated paperwork			
No of Annexes:	1 (circulated separately to Members and parties to the Review)		
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Report to:	Licensing Sub Committee	Date:	27 <sup>th</sup> February 2006