

**Item 5 Application for Review of a Premises Licence –
Chickoland, 7 Winchester Street, Andover SP10 2EA**

1 The application

- 1.1 The application is by Hampshire Constabulary requesting a Review of the Premises Licence for the premises known as Chickoland, 7 Winchester Street, Andover SP10 2EA. 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 late night refreshment. A new Premises Licence was granted in November 2005, as prior to this date the premises required no licence. The Premises Licence permits late night refreshment until 0000 hours Sunday to Wednesday and until 0300 hours the following morning Thursday to Saturday, Christmas Eve, Boxing Day, New Year's Eve, New Year's Day, any Bank Holiday weekend and College Bop nights. A copy of the existing licence is attached as Annex 1 to this report. 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 objective:-
- a) The prevention of crime and disorder.

A copy of the application is attached as Annex 2 to this report.

A copy of a response to the application from solicitors acting for the licence holders is attached as Annex 3 to this report.

2 Background

- 2.1 The premises are an established hot food take away located in Winchester Street in Andover town centre. The premises benefits from a Premises Licence as described in paragraph 1.2 above.

3 Grounds for the Review

The applicant states the grounds for the review in their application which, as mentioned above, is attached as Annex 2 to this report.

4 Relevant Representations – Responsible Authorities

- 4.1 There are no representations from Responsible Authorities (other than the application for Review from the Police).

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.

5.20 – Late night refreshment

5.47 – Steps to promote the licensing objectives

5.99 – Reviews

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

6.5 – Principle of flexibility (hours)

7.20 – Crime and disorder

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

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 provision of late night refreshment is the only licensable activity).
- c) Remove the Designated Premises Supervisor (although in the case of this licence this is inappropriate as there is no DPS as the licence does not include sale of alcohol).
- 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 296 for Chickoland, 7 Winchester Street, Andover and all associated paperwork			
No of Annexes:	3		
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