

Item 5 Application for the Variation of a Premises Licence – the Borough Arms, Adelaide Road, Andover SP10 1HF

1 The Application

- 1.1 The application is by John Baker for the premises known as the Borough Arms, Adelaide Road, Andover SP10 1HF. The premises have traded as a public house for a number of years and currently benefits from a Premises Licence which permits recorded music and sale and supply of alcohol for consumption on and off the premises under the terms of the Licensing Act 2003 up to 2300 hours Monday to Saturday and until 2230 hours on Sunday. A copy of the existing licence is attached as Annex 1 to this report.
- 1.2 The applicant has now applied under section 34 of the Licensing Act 2003 for a variation of this licence. This variation application has attracted representations necessitating the application to be determined at a hearing. The nature of the variation application as submitted is as follows:-
- a) To vary the times to allow recorded music and sale of alcohol until 2330 hours Sunday to Thursday and until 0200 hours the following morning Friday and Saturday.
 - b) The premises to remain open for a further 30 minutes beyond the times given in a) above to allow for “drinking up time”.

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

2 Background

- 2.1 The premises are an established public house with an external patio/garden area located in Adelaide Road, Andover.

3 Promotion of the Licensing Objectives

- 3.1 The applicant makes the following comments in relation to the steps taken to promote the four licensing objectives:-
- a) General – such steps as are inherent in the Licensing Act 2003 plus the following:-
 - b) The prevention of crime and disorder – no entry to the premises will be permitted after 2230 [hours].
 - c) Public safety – no entry to the premises will be permitted after 2230 [hours].

- d) The prevention of public nuisance – the juke box and any other form of entertainment will be turned down or terminated at 2230 [hours]. The doors to the pub will remain closed at all times and the heavy curtains over all windows will remain. Signs will be posted reminding guests to use the toilets prior to leaving and to leave quietly.
- e) The protection of children from harm – we employ a ‘Challenge 21’ policy.

The measures to promote the licensing objectives are of relevance when considering the representations received.

4 Relevant Representations – Responsible Authorities

- 4.1 **Environment and Health Service** – The Pollution Team have no objection to the application subject to the applicant agreeing to the following conditions: during events involving live or amplified music and speech (other than low level background music), all windows and doors shall be kept closed. External doors will also be kept closed except where necessary for access and egress; no amplified music or amplified speech shall be audible at the boundary of the premises between 2300 and 0800 hours. The applicant has agreed to these conditions. The Health and Safety team have no comments to make in relation to the licensing objective of public safety.
- 4.2 **Planning Service** – There are no planning restrictions with regard to opening hours or noise attenuation contained within the planning history of the site. There are a number of residential properties in fairly close proximity to the Borough Arms. Any future alterations to opening hours or noise levels may result in a loss of amenity to these properties and would need to satisfy the concerns of the Council’s Environment and Health Service.
- 4.3 **Hampshire Constabulary** – The Police have no objection to the application.
- 4.4 **Hampshire Fire and Rescue Service** – No comments to make.

5 Relevant Representations – Interested Parties

- 5.1 Mr and Mrs Bruce Kerr – Objection to the extension of hours on the grounds that objective of prevention of public nuisance will not be achieved. Objection also suggests that objective of prevention of crime and disorder will not be achieved but comments relating to trouble outside of and in the vicinity of the premises may not be relevant. See Annex 3 to this report. NB The parties have also signed the petition referred to below.

- 5.2 Petition signed by 38 interested parties – Objection to the extension of hours on the grounds that the licensing objectives of prevention of crime and disorder, public safety and prevention of public nuisance will not be achieved. Comments relating to customers of the premises causing problems in Vigo Road Recreation Ground may not be relevant. See Annex 4 to this report.
- 5.3 Clerk to Andover Charity Trustees – Objection to the extension of hours on the grounds that the licensing objective of prevention of public nuisance will not be achieved. See Annex 5 to this report.
- 5.4 Mr S Reynolds - Objection to the extension of hours on the grounds that the licensing objective of prevention of public nuisance will not be achieved. See Annex 6 to this report. This party has also signed the petition referred to above but wishes to withdraw from that representation.

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.

5.46 – The operating schedule

5.47 – Steps to promote the licensing objectives

5.65 – Considering applications for new and major variations

7.20 – Crime and disorder

7.31 – Public safety

7.38 – Public nuisance

7.47 – The Protection of children from harm

- 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

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) Grant the application as requested
- b) Modify the conditions of the licence, by altering or omitting or adding to them. (The Committee may where appropriate attach different conditions to different parts of the premises concerned and/or to different licensable activities).
- c) Reject the whole or part of the application (in the case of the latter for example by only allowing some of the licensable activities or permitting them to take place at times other than those requested).

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote one or more of the four licensing objectives:-

- a. Prevention of crime and disorder
- b. Public safety
- c. Prevention of public nuisance
- d. Protection of children from harm

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Premises Licence variation application for the Borough Arms, Adelaide Road, Andover and all associated paperwork			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	6		
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