

**Item 5 Application for the variation of a Premises Licence –
 The Olive Tree Bar and Kitchen, Latimer Street,
 Romsey SO51 8DF**

1 The application

- 1.1 The application is by London and Edinburgh Inns Limited for the premises known as The Olive Tree (formerly Judges Bar), 11 Latimer Street, Romsey SO51 8DF. The premises have traded as a public house for a number of years and currently benefits from a Premises Licence which permits the following licensable activities under the terms of the Licensing Act 2003: regulated entertainment other than live music until 2330 hours Sunday to Thursday and until 0030 hours Friday and Saturday; live music until 2300 hours; and sale and supply of alcohol for consumption on and off the premises until 2300 hours Sunday to Thursday and until 0000 hours on Friday and Saturday. 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 condition number 15 to the current licence to allow the use of the beer garden to be extended from 2000 hours to 2300 hours.
 - b) To vary condition number 17 to the current licence to allow access by persons aged under 18 to be extended from 1800 hours to 2100 hours. This is in respect of the restaurant area only and persons aged under 18 will not be permitted in the bar at any time.
 - c) To vary condition number 13 to the current licence to allow the number of occasions on which regulated entertainment can be provided to be increased from 30 to 104 times per calendar year.
 - d) To provide late night refreshment until 0000 hours on Friday and Saturday.
 - e) The times for all licensable activities to be increased by one hour on Burns Night, St Valentine's Day, St David's Day, St Patrick's Day, Good Friday, Easter Saturday, Easter Sunday, St George's Day, Christmas Eve, Boxing Day and the Saturday and Sunday immediately preceding each bank holiday that falls on a Monday.

Apart from the requests in d) and e) above there is no overall increase in the times and activities currently permitted by the licence. 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 a bar and restaurant area and also an external patio/garden area located in Latimer Street, Romsey. The premises currently benefit from a Premises Licence as detailed in paragraph 1.1 above granted at a hearing on 18th November 2005 following an application to vary the previous licence.

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 – the risks associated with the variations sought have been considered and no further steps are felt necessary to promote the licensing objectives save as detailed below.
 - b) The prevention of crime and disorder – persons suspected of being drunk will not be served. Persons/groups seeking admission after 2300 [hours] will not be admitted to the premises if they are in any way disorderly and/or drunk. Premises will promote the crime and disorder objective in accordance with the Licensing Act 2003 and any other relevant legislation. Proof of age policy will apply. Toilets will be regularly checked. Zero tolerance to illegal drugs.
 - c) Public safety – customers will be encouraged to leave in a quiet and orderly manner. Staff will be trained to observe the measures necessary to promote the public safety objective of the Licensing Act 2003.
 - d) The prevention of public nuisance – customers, particularly those leaving later in the evening, will be encouraged to do so later in an orderly manner. Staff will be trained in the measures necessary to promote the public nuisance objectives contained in the Licensing Act 2003. Zero tolerance to illegal drugs.
 - e) The protection of children from harm – children will not be allowed on the premises at any time unless accompanied by an adult. Non-alcoholic drinks will be available. Proof of age policy will operate. Staff will be trained to protect children's interests.

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 conditions attached to the current licence remaining with the exception of conditions 9 and 11 which can be removed. The team goes on to advise the applicant that as the pub is located in a mixed area comprising residential premises, the licensee should ensure that noise management controls are put in place to minimise disturbance to neighbouring premises. The Health and Safety team have no comments to make in relation to the licensing objective of public safety.
- 4.2 **Planning Service** – The Planning Service has concerns over the use of the beer garden until 2300 hours and the increase in number of indoor events due to the possible detriment to the amenities of residential properties in the immediate vicinity. [Planning] Application TVS.0374/9 included a condition that development should include a scheme of noise insulation. Provided this is in place and is functional, issues relating to noise attenuation would not provide concern. Concern would still remain over the increase in hours of use of the beer garden. However, the Local Planning Authority is not minded to object if the Council's Environment and Health Service are not minded to object.
- 4.3 **Hampshire County Council Trading Standards** – No representation.
- 4.4 **Hampshire Constabulary** – The Police have no objection to the application. An officer from Romsey Police Station has spoken with the Designated Premises Supervisor at the premises and a record of their discussion is reproduced at Annex 3 to this report. The Licensing Manager has advised the Police that they would need to formally request the applicant to make the undertakings given during the discussion conditions to the licence. To date this has not happened.
- 4.5 **Hampshire Fire and Rescue Service** – No comments to make.

5 Relevant Representations – Interested Parties

- 5.1 Mr and Mrs N Watkins – Objection to the application on the grounds that objective of prevention of public nuisance will not be achieved. See Annex 4 to this report.
- 5.2 Mr M W Bramley – Objection to the application on the grounds that the licensing objective of prevention of public nuisance will not be achieved. See Annex 5 to this report.

- 5.3 C and L Foreman – Objection to the application on the grounds that the licensing objective of prevention of public nuisance will not be achieved. Comments are also made relating to the objective of prevention of crime and disorder. Comments regarding other licensed premises are not relevant to this application. See Annex 6 to this report.
- 5.4 Mr M J Perfect - Objection to the application on the grounds that the licensing objective of prevention of public nuisance will not be achieved. See Annex 7 to this report.
- 5.5 Mr D Thelwell – Objection to the application on the grounds that the licensing objective of prevention of public nuisance will not be achieved. See Annex 8 to this report.

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

7.38 – Public nuisance

- 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 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

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| <u>Background Papers (Local Government Act 1972 Section 100D)</u> | | | |
| Premises Licence variation application for The Olive Tree, 11 Latimer Street, Romsey 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: | 8 | | |
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| Report to: | Licensing Sub-Committee | Date: | 11 th August 2006 |