

Item 5 Application for variation of a Premises Licence – The Swallow, Pilgrims Way, Andover SP10 5HY

1. The application

- 1.1 The application is by Rosemary Glasscoe and Roger Meakins for the premises known as The Swallow, Pilgrims Way, Andover SP10 5HY. The premises have traded as a public house for a number of years and currently benefits from a Premises Licence which under the terms of the Licensing Act 2003 permits the licensable activities of regulated entertainment and the supply of alcohol for consumption both on and off the premises. A copy of the existing licence is attached as Annex 1 to this report.
- 1.2 The applicant wishes to remove the existing condition number 6 attached to the licence which limits the number of occasions upon which regulated entertainment can be provide to no more than 30 times a year. This application has attracted a representation necessitating the application to be determined at a hearing. 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 bar, function room and external patio area. The premises currently benefit from a Premises Licence as detailed in paragraph 1.1 above. The current licence was issued on 3 May 2006 following a variation application to extend the hours for supply of alcohol on the Sunday immediately preceding a Bank Holiday Monday. Prior to this the premises benefited from a Premises Licence which repeated the times and conditions of the Justices on-licence and Public Entertainment Licence issued under the previous licensing regime.

3 Promotion of the Licensing Objectives

- 3.1 As the application specifically seeks the removal of a condition the applicant makes no comments in relation to the steps taken to promote the four licensing objectives except, in relation to the objective of the prevention of public nuisance where it is stated that entertainment other than background music is to be kept in the function hall at all times. The measures to promote the licensing objectives are of relevance when considering the representation received.

4 Relevant Representations – Responsible Authorities

- 4.1 **Environment and Health Service** – The comments of the Pollution Team are set out in Annex 3 attached to this report. The Pollution Team agree to the removal of the condition subject to the applicant agreeing to the imposition of several new conditions as set out in Annex 3. The applicant has confirmed that they agree to the proposed conditions.
- 4.2 **Hampshire Constabulary** – The Police raise no objections to the premises licence application.
- 4.3 **Hampshire Fire and Rescue Service** – No comments to make.

5 Relevant Representations – Interested Parties

- 5.1 Mr and Mrs Baxter – Objection to the application on the grounds that objective of prevention of prevention of public nuisance will not be achieved. See Annex 4 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.

2.32-2.40 – Public nuisance

8.28-8.32 – Steps to promote the licensing objectives

8.33, 8.35-8.36 Variations

9.3-9.7 – Where representations are made

9.19-9.28 – Hearings

10.1-10.6 – Conditions attached to premises licences

10.7-10.8 – Proposed conditions

10.9-10.10 – Consistency with steps described in operating schedule

10.11-10.12 – Imposed conditions

- 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 has either previously been provided for Members of the Committee or 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

Background Papers (Local Government Act 1972 Section 100D)

Premises Licence application for The Swallow, Pilgrims Way, Andover and all associated paperwork

Confidentiality

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:	4		
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