

Item 6 Application for Variation of a Premises Licence – The Star Inn, The Horsefair, Romsey SO51 8EZ

1 The Application

- 1.1 The application is by Wadworth & Co Ltd for the premises known as The Star Inn, The Horsefair, Romsey SO51 8EZ. The premises are an established public house and currently hold a Premises Licence which under the terms of the Licensing Act 2003 permits the licensable activities of regulated entertainment, provision of late night refreshment and 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 apply to relocate the bar server and doorway to the rear lobby of the premises. This application has attracted representations 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 Star Inn is a one bar public house with letting accommodation serving alcohol and food with weekly live entertainment situated just off the town centre of Romsey in a mainly residential area.

3 Promotion of the Licensing Objectives

- 3.1 As the application seeks an alteration to the internal layout of the premises the applicant makes no comments in relation to the steps taken to promote the four licensing objectives other than the following general comment:
 - a) General – As far as we are aware the house has operated without problems. We do not expect relocation of the bar server and doorway to the rear lobby to have an adverse effect or impact on the four licensing objectives. Therefore [we] do not see the need to introduce any extra measures other than those on our existing licence.

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

4 Relevant Representations – Responsible Authorities

- 4.1 **Housing, Health and Communities Service** – The Environmental Protection Team raise no objections to the application with regard to the licensing objective of prevention of public nuisance.

- 4.2 The Commercial Team have no comments to make regarding the licensing objective of public safety.
- 4.3 **Planning and Building Service** – The Service advises that the works may need listed building consent.
- 4.4 **Hampshire County Council Trading Standards Service** – No representation to make.
- 4.5 **Hampshire County Council Children's Services** – No representation to make.
- 4.6 **Hampshire Fire and Rescue Service** – Does not wish to make a representation.

5 Relevant Representations – Interested Parties

- 5.1 Mr D Sibley – Objection to the application on the grounds that the objective of prevention of public nuisance will not be achieved. See Annex 3 to this report.
- 5.2 Mr and Mrs P Checksfield – Objection to the application on the basis that the objective of prevention of public nuisance will not be achieved. See Annex 4 to this report.
- 5.3 K Small – Objection to the application on the grounds that the objective of prevention of public nuisance will not be achieved. See Annex 5 to this report.
- 5.4 Members of the Sub-Committee will note that the representations make mention of the effects of smoke. Members are reminded that they can only consider the effects of smoke from the point of view of causing a nuisance and cannot consider the health implications as public health is not a licensing objective.

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
3.36 – Late night refreshment
8.28-8.32 – Steps to promote the licensing objectives
8.33-8.38 – Variations
9.3-9.7 – Where representations are made
9.8-9.12 – Relevant, etc. representations
9.19-9.28 – Hearings

- 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 Legal and Democratic 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 application for The Star Inn, 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:	5		
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