

Item 6 Application for a new Premises Licence – Tastebuds, 16 Latimer Street, Romsey SO51 8DG

1 The application

1.1 The application is by Tastebuds Romsey Limited for the premises located at 16-16a Latimer Street, Romsey SO51 8DG. As these premises have not previously been licensed a new Premises Licence is required and the applicant has now applied under section 17 of the Licensing Act 2003 for such a licence. This application has attracted representations necessitating the application to be determined at a hearing. The application seeks the following licensable activities:

- Provision of regulated entertainment by way of recorded music from 0830 to 2100 hours; and
- The supply of alcohol for consumption both on and off the premises between 0830 and 2200 hours Monday to Saturday and between 0930 and 2200 hours Sunday.

A copy of the application is attached as Annex 1 to this report.

2 Background

2.1 The premises are a retail shop unit located in Latimer Street in Romsey town centre. The premises is to be of mixed use, the format being that of a modern delicatessen serving a selection of cheese, charcuterie and light meals from the deli. The deli will specialise in gourmet foods and wishes to offer a limited selection of wines and bottled beers to accompany food and platters. There will be no bar as such with only table service.

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 delicatessen will be a tranquil spot where people who enjoy good food and where one can eat quality produce [sic]. The establishment will not attract people nor will it wish to sell alcohol to any person likely to cause any disturbance to customers or the local vicinity. The deli has been designed to allow a limited number of seated dining tables. The range of alcohol on the premises will be considerably less than any public house in the area and alcohol is not a primary focus of the deli but an expected accompaniment to deli dishes such as cheese and wine. While competitive the deli is not looking to offer drinks deals

of the kind that can encourage large quantities of alcohol to be consumed. The deli will use the Challenge 21 and any other best practice necessary to ensure that all licensing objectives are fulfilled.

- b) The prevention of crime and disorder – The business will not permit behaviour of the kind that would or could lead to crime or disorder. Delicatessen and café culture are not conducive to behaviour that is likely to lead to crime or disorder; the deli will participate in any and all community programmes to preserve the pleasant nature of the Romsey town centre.
- c) Public safety – The premises will have very few tables many if not most of which will be used for the serving of no[n] alcoholic beverages and foods most of the time. The premises has entrances and exits to front and rear which would facilitate the orderly evacuation of customers should it be necessary.
- d) The prevention of public nuisance – The business offer[ed] does not lend itself to the sale of alcohol to individuals who are likely to cause a public nuisance – staff will refuse to serve alcohol to any person who appears to be already intoxicated and the business has been designed to have alcohol only as a supplement to the enjoyment of fine cheese, charcuterie etc., not as a drinking establishment. It is not foreseen therefore that any customer will leave the premises in a state likely to cause a public nuisance. The business will not be open late therefore no-one will be leaving the premises at unsociable times.
- e) The protection of children from harm – The business will operate a Challenge 21 or any future locally adopted standard of serving practice to ensure that only adults are sold alcohol.

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 raises no objection provided any music provided is of low level background/incidental music as requested on the application form.
- 4.2 **Hampshire County Council Trading Standards Service** – wishes to raise no representation regarding the application.
- 4.3 **Hampshire Constabulary** – No objection.

5 Relevant Representations – Interested Parties

- 5.1 Sarah Mackay – Objection to the application on the grounds that the objective of prevention of public nuisance will not be achieved. See Annex 2 to this report.
- 5.2 Mark Bramley – Objection to the application on the grounds that the objective of prevention of public nuisance will not be achieved. The objection also makes mention of matters relating to public safety and the prevention of crime and disorder. See Annex 3 to this report.
- 5.3 Michael Perfect – Objection to the application on the grounds that the objective of prevention of public nuisance will not be achieved. The objection also makes mention of matters relating to public safety and the prevention of crime and disorder. See Annex 4 to this report.
- 5.4 With regard to the above representations, many of these mention matters which are not relevant to the licensing objectives and thus not relevant to this application. Members of the Sub Committee must ignore any such comments. Matters to be disregarded would include comments about: crime and disorder where not directly attributable to the application site; any matter relating to existing licensed premises or other locations; financial matters including property values; the nature and character of the premises and the immediate locality; noise and other pollution not directly attributable to the application site; environmental issues where not directly attributable to potential pollution or nuisance from the premises; the commercial viability or need for additional licensed premises; and the need for planning permission.
- 5.5 In addition, members may wish to note that a further nine representations were received but were subsequently rejected as being invalid.

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
 - 9.3-9.7 – Where representations are made
 - 9.8-9.12 – Relevant, etc. representations
 - 9.19-9.28 – Hearings
 - 10.7-10.8 – Proposed conditions
 - 10.9-10.10 – Consistency with steps described in operating schedule
- 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

Background Papers (Local Government Act 1972 Section 100D)

Premises Licence application for Tastebuds, Latimer Street, Romsey 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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