

**Item 6 Application for Variation of a Premises Licence –
 Stokes of Stockbridge, Stockbridge House,
 High Street, Stockbridge SO20 6EX**

1 The Application

- 1.1 The application is by Simon Gordon on behalf of Stokes of Stockbridge for the premises known as Stokes of Stockbridge, Stockbridge House, High Street, Stockbridge SO20 6EX. The premises currently hold a Premises Licence under the terms of the Licensing Act 2003 which permits the sale by retail of alcohol and provision of regulated entertainment by way of recorded music. A copy of the current licence is attached as Annex 1 to this report.
- 1.2 The applicant wishes to apply for a variation of this Premises Licence to extend the last time for the supply of alcohol until 0200 hours the following morning Monday to Saturday inclusive and to vary the time for recorded music to start at 0900 hours and finish at 2400 hours Monday to Saturday. 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 (with any blank pages omitted).

2 Background

- 2.1 The premises are a listed building on Stockbridge High Street built around 1890 and used as a garage for many years until early this century. The building has gone through substantial renovation works and opened as a wine bar, restaurant and coffee shop in 2010. This application is to allow an increase in the time permitted for provision of recorded music and sale of alcohol but only for consumption on the premises and is intended primarily for the benefit of private diners holding functions such as birthday celebrations in the upstairs dining room.

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 – We propose to stop people entering our premises at 11pm, (which is close for other pubs) to prevent anti-social behaviour.
 - b) The prevention of crime and disorder – We have CCTV.
 - c) Public safety – We will prevent our customers from drinking on our patio after 11pm.
 - d) The prevention of public nuisance – We will not serve alcohol to drunk individuals.

- e) The protection of children from harm – We do not allow children on the premises after 9pm unless they are dining with responsible adults.

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 Commercial Team has no comments to make with regard to the licensing objective of public safety. The Environmental Protection Team has submitted a representation in relation to the licensing objective of prevention of public nuisance which is detailed in Annex 3 to this report.
- 4.2 **Hampshire Fire and Rescue Service** – Does not wish to make a representation.
- 4.3 **Test Valley Borough Council Planning & Building Service** – A representation has been submitted in relation to the licensing objective of prevention of public nuisance objecting to the opening of the premises beyond 2400 hours. See Annex 4 to this report.
- 4.4 **Hampshire Constabulary** – The Police have no objection to the application. They do make some comments about suggested last times for supply of alcohol and provision of recorded music. See Annex 5 to this report.
- 4.5 **Hampshire County Council Children’s Services** – The Safeguarding Unit has no conditions or representations for the application.

5 Relevant Representations – Interested Parties

- 5.1 Stockbridge Parish Council – Objection to the application on the grounds that the objective of prevention of public nuisance will not be achieved. See Annex 6 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

8.41-8.45 – 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

10.1-10.21 – Conditions

A copy of the Secretary of State's Guidance will be provided at the meeting for Members of the Sub Committee. Additional copies can be obtained from the Home Office website.

- 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 Sub 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> Variation of Premises Licence reference PREM/10/0408 application for the Stokes of Stockbridge, High Street, Stockbridge 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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