

Item 6 Application for Variation of a Premises Licence – the Three Cups, High Street, Stockbridge SO20 6HB

1 The application

- 1.1 The application is by Lucia Foster for the premises known as the Three Cups, High Street, Stockbridge SO20 6HB. The premises currently holds a Premises Licence under the terms of the Licensing Act 2003 which permits the sale by retail of alcohol, provision of regulated entertainment and the provision of late night refreshment. 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 take account of structural alterations involving the rearrangement of the bar, kitchen and toilets. Also the application is to include the garden within the licensed area and permit residents to have access to the sale (and consumption) of alcohol 24 hours a day. In all other respects the licence is to remain unchanged. 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, originally a 15th century coaching inn, are an established public house with restaurant and eight letting rooms located in the centre of Stockbridge on the south side of the High Street.

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 – As these premises have been trading successfully without any apparent public nuisance or crime and disorder issues no further conditions over and above those existing are considered necessary.
 - b) The prevention of crime and disorder – n/a.
 - c) Public safety – n/a.
 - d) The prevention of public nuisance – n/a.
 - e) The protection of children from harm – n/a.

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 County Council Trading Standards Service** – No representation submitted.
- 4.3 **Hampshire Fire and Rescue Service** – Does not wish to make a representation.
- 4.4 **Test Valley Borough Council Planning & Building Service** – A representation has been submitted which is detailed in Annex 4 to this report. In respect of the comments about use of the garden, the Licensing Authority had initially suggested to both the Planning Officer and the applicant's agent that these concerns could be addressed by the imposition of a condition restricting the use of the garden beyond a certain time e.g. 2300 or 2400 hours. However, this suggestion has not been pursued.
- 4.5 **Hampshire Constabulary** – The Police have no objection to the application.
- 4.6 **Hampshire County Council Children's Services** – The Safeguarding Unit has no conditions or representations for the application.

5 Relevant Representations – Interested Parties

- 5.1 N Lownie – 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.
- 5.2 A Lownie – 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

Background Papers (Local Government Act 1972 Section 100D)

Variation of Premises Licence reference PREM/05/0357 application for the Three Cups, High Street, Stockbridge 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:

6

Author:

Michael White

Ext:

8013

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Report to:

Licensing Sub-Committee

Date:

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