

Item 6 Application for Review of a Premises Licence – Co-op, 1-2 Nursling Street, Nursling SO16 0XH

1 The application

- 1.1 The application is by Hampshire Constabulary requesting a Review of the Premises Licence for the premises known as the Co-op, 1-2 Nursling Street, Nursling, Southampton SO16 0XH. The application is requested in accordance with the provisions of Section 51 of the Licensing Act 2003.
- 1.2 The premises benefits from a Premises Licence permitting supply of alcohol for consumption off the premises. The current Premises Licence was issued in October 2005 to be effective when the Licensing Act 2003 came into force in November 2005 and permits the supply of alcohol from 0800 to 2300 hours Monday to Saturday, from 1000 to 2230 hours Sundays, from 0800 to 2230 hours Good Friday and from 1200 to 1500 hours and then from 1900 to 2230 hours Christmas Day. A copy of the existing licence is attached as Annex 1 to this report.
- 1.3 The application requesting a Review relates to all four licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The application for a Review requires the matter to be determined at a hearing. A copy of the application and supporting documents are attached as Annexes to this report and referred to below.

2 Background

- 2.1 The premises are an established convenience store located in a small parade of retail premises on Nursling Street in Nursling. The premises have traded as such for a number of years and prior to 2005 held a Justices Off Licence. The licensed premises comprise the ground floor.
- 2.2 The Review application attached as Annex 2 to this report outlines the position regarding the premises and summarises incidents leading to the calling of a Review. The Review application indicates that two failed under age test purchase operations in July and November 2011 and a high level of incidents linked to the premises has lead to the Review. The Police have proposed that a number of conditions, set out on pages two to four of their application, be added to the licence in an effort to address the problems associated with the premises.

3 Grounds for the Review

The applicant states the grounds for the review in their application. In addition the Police have provided a range of supporting documentation in support of their application which they have set out as their annexes A to R. As there are a number of these they have not been included with this report but will be provided separately to the parties to the hearing.

4 Relevant Representations – Responsible Authorities

- 4.1 **Hampshire County Council Trading Standards Service** – wishes to support the application for Review and has submitted a representation attached as Annex 3 to this report.
- 4.2 **Test Valley Borough Council Environmental Health Unit** – the Environmental Protection Team have no representation to make in respect of the licensing objective of the prevention of public nuisance. In respect of the licensing objective of public safety, the Commercial Team ask that the licence holder ensure they have a suitable risk assessment which covers the potential of threatening behaviour and verbal and physical assault on staff members.
- 4.3 **Hampshire Fire and Rescue Service** – does not wish to make a representation.
- 4.4 **Hampshire County Council Safeguarding Unit** – does not wish to make any representation.

5 Relevant Representations – Interested Parties

- 5.1 There are no representations from interested parties.

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.

- 2.1-2.18 – Crime and disorder
- 2.38-2.40 – Public nuisance
- 2.51 – Protection of children from harm
- 9.19-9.28 – Hearings
- 10.1-10.18 - Conditions
- 11.1-11.22 – Reviews

A copy of the Secretary of State's Guidance will be provided at the meeting for Members of the 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 A: Prevention of Crime and Disorder

The Statement of Licensing Policy has been provided to Members of the Committee. Additional copies 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) Modify the conditions of the Premises Licence, by altering or omitting or adding to them.
- b) Exclude a licensable activity from the scope of the licence.
- c) Remove the Designated Premises Supervisor.
- d) Suspend the licence for a period not exceeding three months.
- e) Revoke the licence.

The Committee is asked to note that it may not undertake any of the above steps merely because it considers it desirable to do so. It must actually be necessary in order to promote one or more of the licensing objectives:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent the Committee issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that the licensing authority will regard such a warning as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the Police have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, the Committee should not merely repeat that approach.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Application for a Review of Premises Licence number PREM/05/0089 for Co-op, 1-2 Nursling Street, Nursling, Southampton 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:	3		
Author:	Michael White	Ext:	8013
File Ref:	PREM/05/0089		
Report to:	Licensing Sub Committee	Date:	2 May 2012