

ITEM 5 Application for a new Premises Licence – Hatherden Barn, Hatherden Farm, Hatherden, Andover SP11 0HT

1 The application

- 1.1 The application is by J Dunning for the premises known as Hatherden Barn, Hatherden Farm, Hatherden, Andover SP11 0HT. The premises do not currently hold any form of licence under the terms of the Licensing Act 2003. The applicant originally applied for a Premises Licence which would permit the provision of live music, recorded music, late night refreshment and sale by retail of alcohol for consumption both on and off the premises from 0900 to 0000 hours Sunday to Thursday and from 0900 to 0030 hours Friday and Saturday. The Police raised a concern that there was a potential issue where the sale of alcohol ceases at the same time the premises closes. Following discussion between the Police and the applicant it was agreed that the sale of alcohol would be brought forward 30 minutes but the premises closing times would remain the same as above which will allow customers to finish their drinks. This application has attracted representations necessitating the application to be determined at a hearing. A copy of the application is attached as Annex 1 to this report.

2 Background

- 2.1 The premises are a converted former dairy barn which includes a function area, full commercial kitchen, toilets and a bar. The premises have previously held functions utilising Temporary Events Notices but as they wish to hold more than 12 functions a year a permanent Premises Licence is now sought.

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 – Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to i) no selling of alcohol to underage people ii) no drunk and disorderly behaviour on the premises iii) vigilance in preventing the use and sale of illegal drugs at the retail area iv) no violent and anti-social behaviour v) no harm to children.
 - b) The prevention of crime and disorder – CCTV system installed to monitor entrances and exits and other parts of the premises in order to address the prevention of crime objective. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed. Not selling alcohol to drunk or intoxicated customers. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Prevention and vigilance in illegal drug use at the retail unit area. Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit (ex. canned or bottled beer).

- c) Public safety – internal and external lighting fixed to promote the public safety objective. Well trained staff adherence to environmental health requirements. Training and implementation of underage ID checks. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made, those required to be made by statute and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation. All parts of the premises and fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.
- d) The prevention of public nuisance – Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and area quietly. Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents. The licensee will ensure that staff who arrive early morning or who depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents. Customers will be asked not to stand around loudly talking in the street outside of the premises. Customers will not be admitted to premises above opening hours. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises. Any lighting on or outside of the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents. Adequate waste receptacles for use by customers will be provided in the local vicinity.
- e) The protection of children from harm – “Challenge 25” sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving licence or a passport) if they wish to buy alcohol. Staff well trained about requirements for person’s identification, establishment of age, etc. All the details provided in the Training Record Book available at the retail unit. Log Book will be kept upon the premises all the time.

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

4 Relevant Representations – Responsible Authorities

- 4.1 **Housing and Environmental Health Service** – The Environmental Protection Team raises an objection to the application which is set out in Annex 2 attached to this report.
- 4.2 **Hampshire Constabulary** – The applicant has agreed to the licence conditions set out in Annex 3 attached to this report as recommended by the Police who thus have no objection. Please also see paragraph 1.1 above.
- 4.3 **Hampshire County Council Safeguarding Unit** – Does not have any conditions or representations for this application.
- 4.4 **Hampshire Fire and Rescue Service** – Having examined the application the Fire and Rescue Service does not wish to make any representation.

5 Relevant Representations – Other Persons

- 5.1 K Lucas – Objection to the application on the grounds that the licensing objective of prevention of public nuisance will not be achieved. See Annex 4 to this report.
- 5.2 A Aldis – Objection to the application on the grounds that the licensing objective of prevention of public nuisance will not be achieved. See Annex 5 to this report.
- 5.3 E Hiscocks – Objection to the application on the grounds that the licensing objective of prevention of public nuisance will not be achieved. See Annex 6 to this report.
- 5.4 In addition, two letters of support were received but were received after the 28 day period for receipt of comments and so cannot be considered.

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 (June 2013 edition) are relevant.

2.18-2.24 – Public nuisance

8.33-8.41 – Steps to promote the licensing objectives

9.1, 9.3, 9.27-9.40 – Determining applications

10.1-10.13 – 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 appropriate 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 appropriate 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 reference PREM/14/ for Hatherden Barn, Andover.

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

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Report to:

Licensing Sub-Committee

Date:

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