

ITEM 5 Application for a new Premises Licence – Andover Stores, 1 Shakespeare Avenue, Andover SP10 3DR

1 The application

- 1.1 The application is by Mr K Jose and Mrs V Smithamol for the premises known as Andover Stores, 1 Shakespeare Avenue, Andover SP11 3DR. The premises do not currently hold any form of licence under the terms of the Licensing Act 2003. The applicants have applied for a Premises Licence for the sale by retail of alcohol for consumption off the premises from 0700 to 2300 hours Monday to Saturday and from 0800 to 2200 hours Sunday. This application has attracted a representation 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 former beauty salon located in a small parade of shops in an established residential area of Andover. Adjacent premises include a chip shop, launderette, chemist and hairdressers. The premises have now opened as a 500 square foot general convenience store trading under the 'Premier' brand and wishes to sale alcohol for consumption off the premises. The shop will open for hours to suit the needs of local residents and will also provide an on-line shopping and delivery 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 – This is a small community based traditional grocer (due to open 25 August) offering [a] full range of normal domestic products, newspapers, tobacco and alcohol. The size of the property and layout (plan enclosed) will allow full control of access. The business will fully embrace the local community's needs by offering delivery of shopping and on line sales.
 - b) The prevention of crime and disorder – Full CCTV system will be installed, with seven days recall, covering all potential vulnerable areas including the main doors and external front and side areas.
 - c) Public safety – The nature of this business will present few safety issues.
 - d) The prevention of public nuisance – Customers will be encourage[d] after 8.00pm in particular to not congregate around the external [area] of the store potentially causing a local noise nuisance. The only music being played will be very low key background music within the shop only.

- e) The protection of children from harm – We are very aware of the risks concerning the sale of alcohol to children (and other age restricted products). All staff (including delivery drivers) will be fully trained in the sale of alcohol to minors, this training will be recorded and updated six monthly (training records enc.). The age recognition policy will be strictly “Challenge 25” [and] we only accept photo driving licences and passports as ID.

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

4 Relevant Representations – Responsible Authorities

- 4.1 **TVBC Housing and Environmental Health Service** – The Environmental Protection Team raises no objection to the application.
- 4.2 **Hampshire County Council Trading Standards Service** – The applicant has agreed to the licence conditions set out in Annex 2 attached to this report as recommended by Trading Standards who thus have no objection.
- 4.3 **Hampshire County Council Safeguarding Unit** – Does not have any conditions or representations for this application.
- 4.4 **TVBC Planning & Building Service** – Having examined the application the Service has no comments to make.

5 Relevant Representations – Other Persons

- 5.1 D M Grist – Objection to the application on the grounds that the licensing objectives of prevention of crime and disorder and prevention of public nuisance will not be achieved. See Annex 3 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 (June 2013 edition) are relevant.

2.1-2.7 – Crime and disorder

2.18-2.24 – Public nuisance

3.7-3.9 – Mobile, remote, internet and other delivery sales

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 A Prevention of Crime and Disorder

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 Andover Stores, 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:

3

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Report to:

Licensing Sub-Committee

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