

Application for a new Premises Licence – Headlands Farm Coffee Shop, Romsey Road, West Wellow, Romsey SO51 6BG

1 The application

- 1.1 The application is by Headlands Farm Coffee Shop for a Premises Licence in respect of premises at Headlands Farm, Romsey Road, West Wellow, Romsey SO51 6BG. The application as originally submitted sought provision of plays, films, live music, recorded music, performances of dance and supply of alcohol for consumption on the premises from 0830 to 1630 hours Monday, Tuesday, Thursday, Saturday and Sunday and from 0830 to 1800 hours Wednesday and Friday with a request that in summer months these finishing times would be extended until 2300 hours.
- 1.2 The application has attracted representations objecting to the application which necessitates it being determined at a hearing. A copy of the application is attached as Annex 1 to this report. Following closure of the 28-day period for receipt of representations the applicants submitted further information revising aspects of their application and volunteering some conditions to be attached to a licence if granted which are set out in Annex 2 to this report. They also submitted a business plan setting out details of the events they wish to hold at the premises and this is attached as Annex 3 to the report.

2 Background

- 2.1 The premises are described in the application as “a community based coffee shop in West Wellow. We are surrounded by fields with residential neighbours the other side of the fields. To the right-hand side of the coffee shop there is a community tennis courts and a football field which we own and rent out. We offer a handmade food menu and a locally sourced hot drink menu. We would also like to offer an alcoholic beverage with our food. We have been approached to hold small functions and we would like to offer an alcohol option in the package”.

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. These comments are taken directly as entered in the application:
 - a) General – I will implement a ‘sensible drinking’ policy and abide by the British Beer & Pub Association (BBPA) code on irresponsible promotions to prevent crime and disorder; I will undertake ongoing risk assessments and adhere to the BBPA guidance on fire precautions and safety in pubs to address public safety concerns; I will take steps to be pro-active and considerate as advised by the BBPA’s notes on Licenced Property Noise

Control to help prevent public nuisance; I will put into operation measures recommended by the Portman Group as well as complying with the council's limitations as to when children are allowed on the premises to protect children from harm; All guidance and regulation will around alcohol will be clearly communicated to staff and added to the employee handbook.

- b) The prevention of crime and disorder - I will display "Challenge 25" notices to remind customers they may be asked to show proof of age (passport, driving license). A notice also will be displayed stating that drug use and violent/anti-social behaviour will not be tolerated on the premises; Information will be displayed on the premises explaining what a unit of alcohol is and how it translates in practical terms to the drinks sold, together with information about the risks of drink driving and chronic drinking; Wherever possible toughened glassware will be used. Customers who appear to be intoxicated will not be served and told to leave; An incident book also will be kept to log any refusals on the basis of no proof of age, intoxication or anti-social behaviour. All of the above will be communicated to staff members during training, the notes for which will be left behind the bar for reference; The premise is monitored by CCTV and we are able to record any incidents; We will employ specific measures to discourage binge drinking, for instance by not playing amplified music, by providing chairs for all of my customers and by selling primarily individual bottles of prosecco, wines, ales, gins. There will not be a 'happy hour' or similar drinks promotions. Through the above measure we expect alcohol to be sold to discerning, mature customers who are sensible about drinking. We are happy to take further guidance from the local police in this matter and to take part in any campaigns promoting safe, sensible and social drinking.
- c) Public safety - We are aware of the need to conduct ongoing Health & Safety risk assessments to identify and deal with hazards that might put the public in harm's way. We are very aware of the customer journey throughout the shop and ensure we have measures in place to reduce any associated risks. The premises is open with no fixed seating and a fire exits are clearly labelled at the front, rear and both sides of the building.

The serving counter is central to the coffee shop and so tables are monitored centrally, and regular checks will be made to all customers. All seating areas are monitored using CCTV.

There are smoke alarms in place which are linked to the main electrical circuit as well as being battery operated. These are checked regularly to ensure they're working properly. A logbook will be maintained to show that regular checks have been carried out to ensure smoke alarms and electrical appliances are all working properly. There is a calor gas supply to the coffee shop and this is monitored by external valves outside the kitchen, which is checked daily.

- d) The prevention of public nuisance – I am requesting hours to sell alcohol up until 18.00 hrs Wednesday and Friday and until 16.30 hrs Monday, Tuesday, Thursday, Saturday and Sunday and so not exceeding the normal trading hours of local bars and pubs.

Noise will be kept to a minimum: we play music through Spotify which serves only as ambient background music. There are no loud extractor fans and all deliveries take place during daytime hours. Staff will be made aware of the above policies during training, the notes for which will be left behind the coffee bar for reference and put into their employee handbooks.

- e) The protection of children from harm - Few activities will take place on the premises which might give concern to children's safety (e.g. no adult entertainment or gambling) and a Challenge 25 policy will be in place. I will not sell ready-to-drink bottles of alco-pops. I believe the 'sensible drinking' approach will help ensure that children are not exposed to incidences of violence or disorder.

The measures to promote the licensing objectives are of relevance when considering the representations received. As mentioned in paragraph 1.2 above the applicants have subsequently submitted revised information and this includes revisions to some of the above comments. These are set out in Annex 2 to the report.

4 Relevant Representations – Responsible Authorities

- 4.1 **Hampshire Fire and Rescue Service** – does not wish to make any representations.
- 4.2 **TVBC Housing and Environmental Health** – the Environmental Protection Team has no objections on the basis that live and recorded music is incidental to other events and provided in accordance with the applicants' proposed conditions.
- 4.3 **TVBC Planning and Building Service** – has no comments to make on the application; planning permission 21/02547/FULLS applies.

5 Relevant Representations – Other Persons

- 5.1 A total of 19 representations were originally received from other persons objecting to the application. Six of these objections were withdrawn following the submission of the additional information from the applicants leaving a total of 13 objections which appear in Annex 4 to this report.
- 5.2 It should be noted that some objections refer to the impact upon wildlife and animals. These comments should be disregarded as public nuisance is an act that is illegal because it interferes with the rights of the public generally; as local wildlife cannot be classed as the public any comments relating to the impact on flora and fauna are not relevant and should not be considered. Some objectors also question the need for additional licensed premises which again is not relevant to the licensing objectives and so should not be considered.

5.3 It should be noted that eight objections were rejected in their entirety as they were not relevant to the licensing objectives.

5.4 In addition, one representation was received in support of the application.

6 Policy Considerations

6.1 The representations raise concerns relating to aspects of all four licensing objectives. It is therefore considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (April 2018 edition) are relevant.

2.1-2.6 – Crime and disorder

2.7-2.9 – Public safety

2.15-2.21 – Public nuisance

8.41-8.49 – Steps to promote the licensing objectives

9.1, 9.3, 9.11-9.12, 9.31-9.44 – Determining applications

10.1-10.10, 10.13-10.15, 10.61-10.66 – 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 GOV.UK 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 B: Public Safety

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 (for example by allowing only 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

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Premises Licence application for Headlands Farm Coffee Shop, Romsey Road, West Wellow, Romsey			
<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:	4		
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