

Application for the Review of a Premises Licence – Rockhouse, 41 London Street, Andover SP10 2NU

Recommended:

That the Committee consider the information referred to in this report and determine what action should be taken.

1 The application

- 1.1 The application is by Hampshire and Isle of Wight Constabulary asking for the Review of the existing Premises Licence in respect of the premises known as Rockhouse and located at 41 London Street, Andover SP10 2NU. The application has asked for the Review on the basis that the Police consider the licensing objectives of the prevention of crime and disorder and public safety are being breached; specifically they seek the removal of the current Designated Premises Supervisor (DPS). A copy of the Review application is attached as Annex 1 to this report. The application for a Review requires the matter to be determined at a hearing. Unlike other Licensing Act applications there is no provision to cancel a hearing for a Review application, it must take place.

2 Background

- 2.1 The Premises Licence is issued in respect of a bar and live music venue located in Andover town centre. The premises are near two other late night alcohol licensed venues. The original licence was granted in 2014 but has been subject to several variations since then to extend hours, add use of the rear courtyard and add off sales. An application in 2020 to vary the licence to amend the last permitted entry time and increase the number of occasions of late opening (from 12 to 24 per year) was refused by a Licensing Sub Committee. The Premises Licence permits the provision of live music, recorded music, late night refreshment and the sale of alcohol for consumption both on and off the premises; a copy of the current Licence is attached as Annex 2 to this report.

3 Grounds for the Review and the Licensing Objectives

- 3.1 The application for Review sets out details of the specific concerns relating to this Premises Licence and the reasons for submission of the Review application. The Police request that the current DPS be removed.

4 Relevant Representations – Responsible Authorities

- 4.1 **Home Office Immigration Enforcement** – does not wish to make a representation.

- 4.2 **Test Valley Borough Council Environmental Health Service** – the Environmental Protection Team has made the following representation: I note that the Police have had concerns in relation to the DPS, Mr Noakes, at this premises. Our experience of this DPS has not been in the same vein and in the few dealings we have had with the premises we have found Mr Noakes to be approachable and helpful. Our last direct involvement with Mr Noakes was March 2019 when we were investigating complaints of late-night glass recycling/bottle disposal. Mr Noakes made time to meet with us when his premises is usually closed and to review his CCTV to assist us.

We have no current complaints about this premises, nor any notable history of complaints.

5 Relevant Representations – Other Persons

- 5.1 There are no representations from other 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 (July 2023 edition) are relevant.

2.1-2.6	Crime and disorder
2.7-2.14	Public Safety
8.41–8.49	Steps to promote the licensing objectives
9.31-9.44	Hearings
11.1-11.11 & 11.16-11.28	Reviews

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

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) 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
- f) Reject the application and do nothing.

The Committee is asked to note that it may not modify the conditions or revoke 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

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 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.

Background Papers (Local Government Act 1972 Section 100D)

None

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:	2		
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