



Please ask for:

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My Ref: **08/00301/LANPRE**

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Wednesday, 25 June 2008

PUBLIC NOTICE

MEETING: LICENSING SUB-BOARD

DATE: 8TH JULY 2008

TIME: 18:00hrs

VENUE: COUNCIL CHAMBER

SENIOR LICENSING OFFICER: RUSSELL BRAY

BOROUGH SOLICITOR

MEMBERS OF THE SUB-BOARD

Councillor Ms Ballard

Councillor Allen

Councillor Bradley

Councillor Mrs Cully (Sub)

FIRE PRECAUTIONS

(To be read if members of the public are present)

In the event of the fire alarm (continuous ringing) or controlled evacuation alarm (intermittent ringing) sounding, please leave the room immediately.

Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

Environmental Services Unit: David Jago – Environmental Services Manager

Switchboard Telephone Number: **(023) 9258 4242**

Britdoc Number: **DX136567 Gosport 2** Website: **www.gosport.gov.uk**

AGENDA

1. APOLOGIES FOR NON-ATTENDANCE

2. DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.

3. TO CONSIDER APPLICATIONS RECEIVED (copies attached)

Application: Premises Licence
Premises: Brockhurst Food And Wine
Address: 31 Brockhurst Road
Gosport
Hampshire
PO12 3AP
Reference: 08/00301/LANPRE

IMPORTANT NOTICE:

- The Summons, Agenda and accompanying Reports can be provided in large print, in Braille or in other languages on request
- If you are in a wheelchair or have difficulty in walking and require access to the venue on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request.

If you require any of the services detailed above please ring Gaynor Williams on 023 9254 5503.

GOSPORT BOROUGH COUNCIL

REPORT TO THE:	LICENSING SUB-BOARD
MEETING DATE:	8TH JULY 2008
REPORT OF:	ENVIRONMENTAL SERVICES MANAGER
APPLICATION:	APPLICATION FOR A PREMISES LICENCE. BROCKHURST FOOD AND WINE, 31 BROCKHURST ROAD, GOSPORT, PO12 3AP APPLICATION REFERENCE NUMBER 08/00301/LANPRE

1.0 APPLICATION

- 1.1 The application is for the grant of a premises licence for the retail sale of alcohol at the above premises. The full extent of the application is detailed in the application form which is attached as Appendix 1, plan Appendix 4 and table 1 of this report, which identifies the proposed activities and trading hours.

2.0 BACKGROUND INFORMATION.

- 2.1 The premises are presently unoccupied. The applicant proposes to operate them as a convenience store including off sales of alcohol for which a premises licence is required.
- 2.2 The premises have not previously operated under a Justices Licence under the Licensing Act 1964 or a premises licence under the Licensing Act 2003 for alcohol sales off of the premises.

3.0 PROMOTION OF LICENSING OBJECTIVES

- 3.1 The applicant has included in the operating Schedule that forms part of the application the measures he proposes to take to address the four licensing objectives.
- 3.2 These amendments to the operating schedule would be incorporated as conditions in any licence the Sub Board deemed to grant.

4.0 RESPONSIBLE AUTHORITIES

- 4.1 A representation has been received from the Police in relation to the application which is attached as Appendix 2.

5.0 INTERESTED PARTIES

- 5.1 Representations have been received from local residents as interested parties; these comprise of ten letters and one email received within the statutory timescale. The representations cite concerns relating to all of the Licensing Objectives, with particular concerns regarding alcohol related crime & disorder and nuisance. The representations are attached at Appendix 3.

6.0 POLICY CONSIDERATIONS

- 6.1 The following provisions of the Licensing Act 2003 apply to this application:

Part 1, Section 1 Licensable Activities.

Part 3 Premises Licences. Section 11, 13, 14, 16, 17, 18 & 19.

Part 9 Miscellaneous and Supplementary. Section 176

- 6.2 The following provisions of the Secretary of State's guidance apply to this application:

Chapter 1, Introduction.

Chapter 2, The Licensing Objectives, para 2.1 – 2.18 Crime and disorder.

Chapter 8, Applications for premises licences.

Chapter 9, Determining applications.

Chapter 10, Conditions attached to premises licences and club premises certificates.

Chapter 12, Appeals

- 6.3 The following paragraphs of this authority's statement of licensing policy apply to this application:

2.1 Introduction

2.20 Licensing hours

2.30 Objections/Review hearings

2.37 Appeals

3.18-3.21 Premises licences

4.1 – 4.1.8 Prevention of crime and disorder

Appendix B Prevention of Crime and Disorder.

7.0 OFFICERS' OBSERVATIONS

- 7.1 The Sub-Board has to determine this application made under the Licensing Act 2003

- 7.2 The Sub-Board has to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder

- Public Safety
- The prevention of public nuisance
- Protection of children from harm

7.3 In making its decision the Sub-Board is also obliged to have regard to the national guidance and this Authority's Statement of Licensing Policy. The Sub-Board must have regard to the representations received.

7.4 The Sub-Board must take such of the following steps it considers necessary to promote the licensing objectives:

- Grant the application as submitted; or
- Modify the conditions of the licence by proportionate and relevant alteration or addition; or
- Reject the whole or part of the application.

Decisions made under ii or iii above might actually be necessary to promote the licensing objectives.

8.0 LICENCE CONDITIONS

8.1 Mandatory Conditions

8.1.1 Section 19 - Where licence authorises supply of alcohol

(I) No supply of alcohol may be made under the premises licence –

at any time when there is no designated premises supervisor in respect of the premises licence. or

at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(ii) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

8.2 New Licence conditions.

8.3 Controls identified in the operating schedule that forms part of this application would be incorporated as conditions on any licence the Sub Board is minded to grant. These controls would be subject to any further modification deemed relevant by the Sub board in relation to the licensing objectives.

9.0 OTHER CONSIDERATIONS

9.1 The Crime and Disorder Act 1998 places a duty on the Authority to exercise its functions with due regard to the likely effect of the exercise of its functions,

and the need to do all it reasonably can to prevent crime and disorder in its area. The prevention of crime and disorder is one of the licensing objectives and is a matter that the Authority must take into account when making its decision on the license application.

- 9.2 The Human Rights Act 1998 applies. This guarantees the right to a fair hearing for all parties in the determination of their civil rights. The hearing procedure satisfies this requirement and in addition there are rights of appeal given to applicants and those making representations against the Licensing Authority's decision to the Magistrates Court. The licence is deemed to be a possession and therefore Article 1 of the First Protocol is engaged and this provides that no-one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law.
- 9.3 Article 8 of the Convention states that there is a right to a respect of family life and that a public authority should not interfere with this except in accordance with the law, in the interests of national security, economic well being, prevention of crime and disorder, protection of health or morals or for protection of the rights and freedom of others. The concerns of neighbouring premises should therefore be considered.

10.0 ASSOCIATED PAPERS

The Sub-Board's attention is drawn to the following associated papers that are attached

10.1 APPENDICES

1. Application
2. Police Representation
3. Representations from Local Residents.
4. Plan of premises/location.

Table 1 digest of licensing activities and hours

Contact/Lead Officer

For further information please contact
or email gaynor.williams@gosport.gov.uk

G Williams 02392 545503

TABLE 1 – PROPOSED LICENSING ACTIVITIES AND HOURS

Licensing/Activities	Description	Hours
M Sale of Alcohol	Off Licence	Every day 07:00 – 02:00
Non-Standard Timings. These are times of operating outside of the times outlined in the Operating Schedule.	None	
Regulated Entertainment:	N/A	
A Plays	N/A	
B Films	N/A	
C Indoor Sporting Activities (excluding boxing/wrestling)	N/A	
D Boxing or Wrestling		
E Live Music	N/A	
F Recorded Music	N/A	
G Performances of Dance	N/A	
H Anything similar to live or recorded music	N/A	
I Making Music	N/A	
J Dancing	N/A	
K Provisions similar to I or J	N/A	
L Provision of late night refreshment	N/A	
O Hours open to the public. NB not necessarily for licensable activities		Every day 07:00 – 02:00