

Part A.**1. Application**

Applicant: Admiral Taverns (Osprey) Limited

Premises: Prince of Wales, High Street, Shirrell Heath

- 1.1 This application is to vary the premises licence for the Prince of Wales, under Section 34 of the Licensing Act 2003.
- 1.2 The application is to extend the hours for the sale of alcohol, regulated entertainment and late night refreshment, also to include indoor sporting events and facilities for dancing.
- 1.3 The applicant also wishes to remove all of the current conditions which are attached to the licence and replace them with new conditions.
- 1.4 The premises licence was varied on conversion from a Justices licence at a hearing of the Licensing Sub Committee on 21 September 2005.
- 1.5 The premises licence was further varied on 8 October 2007 as a result of a review of the licence, following an application from the Head of Environment.
- 1.6 That review placed further conditions on the licence relating to public safety and public nuisance. The minutes containing these conditions are shown at Appendix 3.
- 1.7 One of the conditions required an acoustic survey to be carried out and remedial works undertaken before any amplified music may be provided. At the time of writing this report, this condition had not been fulfilled.
- 1.8 Notice of the application was displayed outside of the premises for a period of 28 days until 12 February 2009, and advertised in the Hampshire Chronicle the on 22 January 2009.
- 1.9 Representations have been received from the Head of Environment and Hampshire Constabulary.
- 1.10 Hearing notices were sent to parties on 23 February 2009.

The Operating Schedule, copied at Appendix 1, proposes the Relevant Licensable Activities.

Steps to promote the Licensing Objectives

Please see Section P Appendix 1

Relevant Representations

2. Responsible Authorities

All of the Responsible Authorities have been served with a copy of the application. The representations received are as follows:

Head of Environment

A representation has been received from the Head of Environment relating to the public nuisance objective. He requires that all existing conditions remain on the licence.

Hampshire Constabulary

A representation has been received from the Chief Officer of Police for Hampshire relating to the crime and disorder, public safety and public nuisance objectives.

Hampshire Fire and Rescue Service

No representations received.

Child Protection Team

No representations received.

Head of Building Control

No representations received.

Head of Safety Standards

No representations received.

3. **Interested Parties**

No representations have been received from interested parties.

4. Observations

The Sub-Committee is obliged to determine this application with a view to promoting the Licensing Objectives:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's Licensing Policy.

The Sub-Committee must have regard to all of the representations.

The Sub-Committee must take such of the following steps it considers necessary to promote the Licensing Objectives:

1. Grant the licence subject to conditions in accordance with the operating schedule (modified to such extent as the authority considers necessary for the promotion of the licensing objectives) and the mandatory conditions;
2. exclude from the scope of the licence any of the licensable activities to which the application relates;
3. refuse to specify a person in the licence as the premises supervisor;
4. reject the application.

Terminal hours

The Sub-Committee should take account of the National Guidance and the Council's Licensing Policy with regard to terminal hours and take such steps as it considers necessary to promote the Licensing Objectives.

(Licensing Policy Part 4, A8)

Licensing Objectives.

Crime and Disorder

The Sub-Committee should consider any necessary conditions to prevent crime and public disorder relating to the premises having regard to the observations of the Police.

(Licensing Policy 1.6, 2.11, 2.17)

Public Safety

The Sub-Committee should consider any necessary conditions relating to public safety having regard to the observations of the Head of Legal Services and the Police.

(Licensing Policy Part 4, B3, B4)
Public Nuisance

The Sub-Committee should consider any necessary conditions to prevent public nuisance caused by noise from the premises having regard to the observations of the Head of Legal Services and the Police.

(Licensing Policy Part 4, Section C)

Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children having regard to the Head of Legal Services and the Police.

(Licensing Policy Part 4, D6, D7)

Human Rights

It is considered that Articles 6 (right to a fair trial) 8 (right to respect for private and family life) and Article 1 of the First Protocol (right to peaceable enjoyment of possessions) may be relevant. As there is a right of appeal to the Magistrates' Court, it is considered that there would be no infringement of Article 6. Article 8 is relevant, insofar as the nearby residents could claim that this right would be infringed by disturbance from customers. This should be balanced against the applicants' right to use of their premises under Article 1 of the First Protocol. Interference with these rights is permitted, where this interference is lawful, necessary in a democratic society, and proportionate. Likewise, the residents may argue that their rights under Article 1 of the First Protocol would be infringed. If conditions are imposed, there should be no interference with any convention rights. To the extent that any interference may occur, it would be justifiable in a democratic society, and proportionate.

5. Conditions

Mandatory Conditions

Under the Licensing Act 2003, the following conditions must be imposed on the Premises Licence in any event:-

1. No supply of alcohol may be made under the Premises Licence (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence, or (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
3. Where individuals are required on premises to carry out security activities, they must be licensed by the Security Industry Authority.

Possible Conditions

If the application is granted, the Sub-Committee may wish to consider the following conditions to replace the existing conditions:

Operating Hours

1. The hours the premises may be used for regulated entertainment shall be:

Indoor sporting events, live music, recorded music, facilities for dancing

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|-------|-----------------------------------|--------------------------------------|
| (i) | <i>Sunday to Thursday</i> | <i>1000 to 0000</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1000 to 0100</i> |
| (iii) | <i>New Year's Eve</i> | <i>1000 to 1000 1 January</i> |

2. The hours the premises may be used the provision of late night refreshment shall be:

- | | | |
|-------|-----------------------------------|--------------------------------------|
| (i) | <i>Sunday to Thursday</i> | <i>2300 to 0000</i> |
| (ii) | <i>Friday and Saturday</i> | <i>2300 to 0100</i> |
| (iii) | <i>New Year's Eve</i> | <i>2300 to 0500 1 January</i> |

3. The hours the premises may be used for the sale of alcohol shall be:

- | | | |
|-------|-----------------------------------|--------------------------------------|
| (i) | <i>Sunday to Thursday</i> | <i>1000 to 0000</i> |
| (ii) | <i>Friday and Saturday</i> | <i>1000 to 0100</i> |
| (iii) | <i>New Year's Eve</i> | <i>1000 to 1000 1 January</i> |

All Licensing Objectives

[Dealt with in relevant sections below].

Crime and Disorder

1. A CCTV system shall be installed to the satisfaction of the Police with recording facilities, maintained to an acceptable standard. The recordings shall be retained for a period of 31 days and be made available upon request by the Police.
2. No irresponsible drinks promotions shall be promoted or carried out on the premises.
3. The licence holder shall give consideration to the use of SIA qualified door staff as and when the style of event may indicate an increased level of potential disorder.

Public Safety

None

Public Nuisance

1. Whilst music is being played as part of regulated entertainment, the designated premises supervisor or appointed member of staff shall check periodically that noise levels are acceptable. Such monitoring shall be carried out at the boundary of the premises to ensure that local residents are not likely to be disturbed.
2. Prominent, clear notices shall be displayed at all exits requesting customers to respect the needs of local residents, to leave the premises and the area quietly.
3. Staff shall be given appropriate instructions and training to encourage customers to leave the premises quietly and not to loiter in the vicinity of the premises so as to minimize disturbance to local residents.
4. Regulated entertainment shall be restricted to the inside of the premises.

Protection of Children

1. The premises shall adopt and implement the Hampshire Constabulary's Challenge 21 Scheme or other accredited proof of age scheme.

6. Other Considerations

Corporate Strategy (Relevance To:)

This report covers issues which affect the principles of “safer and more inclusive communities” and “safeguarding our high quality environment for the future.”

Resource Implications

A licence fee of £190 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

Appendices

1. Application by Osprey Pubs Limited
2. Representations by Responsible Authorities
3. a. Minutes of the Licensing Sub Committee 8 October 2007.
b. Map of premises location.