

LICENSING SUB-COMMITTEE

Tuesday, 20 April 2021

Attendance:

Councillors

Green (Chairperson)

Bentote

Ruffell

Officers in attendance:

Briony Appletree – Licensing Officer
Carol Stefanczuk – Licensing Manager
Nathan Mountney – Litigation Solicitor

[Full audio recording](#)

1. **NEW PREMISES LICENCE - PARTY AT THE MILL, STATION MILL, STATION ROAD, ALRESFORD, HAMPSHIRE, SO24 9JQ (LR539)**

(Due to technical issues, the Chairperson announced that the start time of this meeting was adjourned to 10.20am)

The Chairperson welcomed all those present to the meeting:

Applicant

- Kirby Sinclair - Company Director
- Rachel Everitt-Sharpe – Café Manager

Representations by 'Other Persons'

- Alan Wallis
- Carolyn Torkington
- Carolyn Torkington (on behalf of Mr & Mrs Cannings)
- Joanne Rodgers (on behalf of Elisabeth Blackbourn)
- Roger Lockyer
- Chris Tiltman (on behalf of Shelly Tiltman)

The Licensing Officer introduced the report which set out an application for a New Premises Licence under Section 17 of the Licensing Act 2003 for Party at the Mill, Station Mill, Station Road, Alresford. The premises was described as a coffee shop offering retail products in addition to a brunch and evening menu.

The application was seeking the supply of alcohol (for consumption on and off the premises) as the only licensable activity, between the hours of 0800 and 2300 Monday to Sunday and between the hours of 0800 and 0130 on Christmas Eve and New Year's Eve with the proposed premises' opening hours as 0800 to 2330 Monday to Saturday, 0800 to 2230 on Sunday and 0800 to 0200 on Christmas and New Year's Eve, as set out in appendix 1 to the report.

The Sub Committee were advised that no representations had been received by Responsible Authorities. However, 15 representations had been received from 'Other Persons', all against the application and primarily relating to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. These representations were set out in full in appendix 2.

In conclusion, the Licensing Officer advised the Sub-Committee that, if minded to approve the application, there were conditions to consider, as set out in section 5 of the report, which the Sub-Committee could amend as appropriate to promote the licensing objectives.

In response to questions from the Sub-Committee, the Licensing Officer clarified that the opening hours on an application were not enforceable but were there for information purposes and that the proposed licensable activities were the matter for consideration.

Furthermore, it was clarified that there were a number of circumstances where the provision of live and recorded music activities was deregulated and did not require a licence, one of these instances was a premises that was licensed for the sale of alcohol on the premises, as was the case in this particular application, thereby allowing the applicant to have live (amplified) music and recorded music between 0800 hours and 2300 hours Monday to Sunday if the application was granted.

At the invitation of the Chairperson, the applicant, Mr Sinclair and the proposed designated premises supervisor, Ms Everitt-Sharpe, addressed the Sub-Committee and responded to questions.

Mr Sinclair set out the application and clarified that 'Party@' was not a party venue or stand around bar and predominantly served speciality coffee with several other premises in London. He stated that the plans for this premises were to offer a fine food and drink experience, young chef tasting menu events by invitation (Mon-Weds), pizza evenings three nights a week (Thurs-Sat) and breakfasts. He clarified that the premises were currently open as a coffee shop as the kitchen was not yet operational.

Ms Everitt-Sharpe clarified that it was not proposed that alcohol would be served at 0800 hours for long hours each day and that the proposal for a 0800 starting hour was largely to do with the retail sector of the business. The intention was to serve an alcoholic beverage during lunch or evening service with food in a relaxed atmosphere. In addition, the applicant clarified that to help address the concerns of residents there was intention to reduce the hours proposed by not opening on a Sunday evening past 1800 hours (with the stopping of alcohol sales at 1700 hours) and that prior to 1100 hours alcohol would only be sold on

the premises with the serving of food (ie champagne breakfast) and off sales of alcohol permitted in the retail area.

In response to questions from the Sub Committee, Mr Sinclair clarified that the premises would offer table service with tables outside and inside when permitted, that deliveries were received daily via the car park area and that they opened in the Summer 2020 and could cater for a maximum of 40 patrons inside and 40 patrons outside.

The Chairperson then invited 'Other Persons' who had made relevant written representations against the application to address the Committee. All the points raised were answered by the Licensing Officer and the applicant accordingly.

Alan Wallis addressed the Sub-Committee and referred Members to his representation shown on page 37 of the report. He stated that he resided adjacent to the public car park area and considered that the long late hours applied for would impact on their happiness, entitlement to peace and quiet and health and wellbeing and would be a source of noise and possibly anti-social behaviour with the sale of alcohol potentially every day of the year until late in the evening.

Carolyn Torkington addressed the Sub-Committee on behalf of Mr and Mrs Cannings and herself and referred Members to the representations shown on pages 42 and 48 respectively of the report and read the written representation as it had been submitted by Mr and Mrs Cannings.

Ms Torkington stated that her concerns were that the new license would create the possibility of public nuisance late into the evening from cars and people leaving the premises that had been drinking alcohol. In addition, she stated that had visited the café of a number of occasions which she had enjoyed and welcomed the business and would be supportive of the application if the premises was to close at 8pm.

Joanne Rodgers addressed the Sub-Committee on behalf of Elisabeth Blackbourn and referred Members to the representation shown on page 40 of the report and stated that the basis of the objection was the prevention of public nuisance due to the noise aspects from patrons and music that had been played at the premises already which has previously been reported to Environmental Health and concerns that if this continues into the late evening it would be an unacceptable breach of the peace.

Roger Lockyer addressed the Sub-Committee and referred Members to the representation shown on page 44 of the report and stated that he was happy to have a restaurant serving wine until a reasonable hour in the evening but considered 11.30pm in the evening to be excessive and stated that he agreed with all the points that had previously been raised.

Chris Tiltman addressed the Sub-Committee on behalf of Shelly Tiltman and referred Members to the representation shown on page 43 of the report and stated that his wife's main concern was noise nuisance and that the alcohol

licence proposed was too late into the evening and would cause disturbance in the local community.

In response to the representations made and in summing up, Ms Everitt-Sharpe stated that as a result of the concerns raised they wished to amend their hours proposed for Christmas Eve and New Year's Eve to 1800 hours and that the sale of alcohol for consumption outside would cease at 9pm and any alcohol sold after this time would need to be consumed inside the premises with the doors closed. In respect of the concerns regarding music, it was agreed that this had been played outside as this was the only place that service could only take place during the Covid-19 pandemic and that the speaker would be moved going forward and music kept at an ambient level.

In conclusion, the Licensing Officer clarified that the amendments to the conditions offered by the applicant for the Sub-Committee to consider as options were suggested as follows:

1. Alcohol to now be supplied for consumption in the external area past the 2100 hours each day with the doors to the external areas closed at 2100 hours each day, except for emergency purposes.
2. In respect of the retail business, any alcohol supplied for consumption off the premises would be sealed from 1100 hours each day.
3. Alcohol to be served with food before 1100 hours for special occasional events only and only on a maximum of 12 occasions per year but no more than one per month.

In respect to the reference in a written representation to a noise complaint submitted by a resident to Environmental Health, the Licensing Manager clarified that any continued noise disturbance that was considered above an acceptable level should continue to be reported in this way and advised that the Licensing Act 2003 also contained a review process that, if the Sub-Committee were minded to grant the licence, would include conditions that the applicant would have to comply with and any breaches of this could result in a review of the licence taking place.

The Sub-Committee retired to deliberate in private.

In his closing remarks, the Chairperson stated that the Sub-Committee had carefully considered the application, the representations made by Other Persons and the Applicant's evidence received. It had taken into account the Council's Statement of Licensing Policy, the Home Office Guidance issued under section 182 of the Licensing Act 2003, the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

The Sub-Committee concluded that the application should be granted with the additional conditions set out in section 5 of the report, with the following amendments highlighted in bold and the additional condition, as set out below:

Operating Hours

1. The hours the premises may be used for the sale by retail of alcohol (for consumption on and off the premises) shall be:
 - (i) Monday to Sunday 0800 to 2300
 - (ii) Christmas Eve 0800 to **2300**
 - (iii) New Year's Eve 0800 to **2300**

2. The hours the premises may open for other than Licensable Activities shall be:
 - (i) Monday to **Sunday** 0800 to 2330
 - (ii) Christmas Eve 0800 to **2330**
 - (iii) New Year's Eve 0800 to **2330**

An additional condition that the premises licence holder shall ensure that no alcohol be supplied for consumption in the external areas of the premises after 2100 hours each day.

The premises licence holder shall ensure that the doors to the external area of the premises remain closed after 2100 hours each day, with the exception of use for emergency access/exit, for the reasons set out below.

The Chairperson thanked all those present for attending the meeting and explained to all parties that they would be formally notified of the decision in writing in due course and of their right to appeal to the Magistrates' Court within 21 days from the date of notification of the decision.

RESOLVED:

1. That the application should be granted, subject to the conditions set out in section 5 of the report, with the following amendments highlighted in bold and the additional condition, as set out above, for the following reasons:

REASON

In order to promote the licensing objectives the prevention of public nuisance and prevention of crime and disorder.

The National Guidance states that section 2.17 "Any conditions should be tailored to the type, nature and characteristics of the specified premises and its licensable activities".

There is a very similar provision in relation to proportionality at section 10.10.

The Council's statement of licensing policy at C2 mentions stricter conditions in areas with low level noise and licensable activities being held outdoors.

The Sub-Committee believed these measures would mitigate the public nuisance and potential for crime and disorder.

The meeting commenced at 10.20 am and concluded at 12.45 pm

Chairperson