

**LICENSING SUB – COMMITTEE**

Monday 17 October 2022 10:00 at Guildhall Winchester

Report of the Service Lead for Public Protection

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Application: Application for the Grant of a New Premises Licence

Premises: Old House Hotel, The Square, Wickham, Fareham,  
Hampshire, PO17 5JG

**Part A. Report**

- 1 Application**
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**Part A.****1. Application**

**Applicant:** Quob Park Estate Limited

**Premises:** Old House Hotel, The Square, Wickham, Fareham, Hampshire,  
PO17 5JG

- 1.1 This application is for the grant of a new premises licence under section 17 of the Licensing Act 2003 for Old House Hotel, The Square, Wickham, Fareham, Hampshire, PO17 5JG.
- 1.2 The premises is described on the application form as a Hotel/Restaurant and Retail Shop Premises located in an area of similar operations within Wickham Village, that will look to sell produce to the general public, including Alcohol to be sold for Consumption both On and Off the Premises, in relation to Hotel usage, Dining, Wine Tastings, Tours, Tasting Events and Tourism. Produce to include hot and cold food, and beverages (including Alcohol) both within the Premises and on its own land. No Alcohol will be allowed off the Premises other than in a sealed container for the consumption by the Purchaser at home.
- 1.3 The application proposes the supply of alcohol, for consumption on and off the premises and late night refreshment as the licensable activities. Full details of the proposed days/times for licensable activities are outlined in Section 5 of this report.
- 1.4 No representations have been received by any Responsible Authorities.
- 1.5 Representations have been received from 1 Other Persons, which is against the application. The representation is set out in Appendix 2 to this report and relate to the prevention of public nuisance.
- 1.6 Notice of the application was displayed outside of the premises for a period of 28 days until 20 September 2022, and advertised in the Hampshire Chronicle on 25 August 2022.
- 1.7 Notices of the hearing were sent to all Parties on 30 September 2022.
- 1.8 Louise Tracey Terry has been granted a Personal Licence by Winchester City Council and has provided consent to be named as the Designated Premises Supervisor.

**Designated Premises Supervisor**

Louise Tracey Terry

**Steps to promote the Licensing Objectives**

Please see Section M 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:

#### **Environmental Health**

No representations received.

#### **Hampshire Constabulary**

No representations received.

#### **Hampshire Fire and Rescue Service**

No representations received.

#### **Child Protection Team**

No representations received.

#### **Building Control**

No representations received.

#### **Head of Trading Standards**

No representations received.

#### **Public Health Manager**

No representations received.

#### **Home Office**

No representations received.

#### **Licensing Authority**

No representations received.

#### **Planning**

No representations received.

#### **South Downs National Park**

No representations received.

**3. Representations from Other Persons**

Representations have been received from 1 'Other Persons', which are against the application. The representation relates to the prevention of public nuisance.

Representations can be seen at Appendix 2.

#### **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 appropriate 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 appropriate 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. 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 appropriate to promote the Licensing Objectives.

(Licensing Policy 2.22 Part 4, A8, C4)

#### **Licensing Objectives**

##### Crime and Disorder

The Sub-Committee should consider any appropriate conditions to prevent crime and public disorder relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy 1.9, 2.9 - 2.11, 2.17, 2.19 – 2.21 and Part 4 Section A)

### Public Safety

The Sub-Committee should consider any appropriate conditions relating to public safety having regard to the relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, B2, B3)

### Public Nuisance

The Sub-Committee should consider any appropriate conditions to prevent public nuisance caused by noise pollution from the premises relating to the premises having regard to the operating schedule and the representations.

(Licensing Policy Part 4, Section C)

### Protection of Children

The Sub-Committee should consider any necessary conditions for the Protection of Children relating to the premises having regard to the operating schedule and the representations.

(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, appropriate 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.

### **Public Sector Equality Duty**

The Public Sector equality duty must be taken in to consideration with all decision making. The duty is stated in section 149 of The Equality Act 2010. This application raises no considerations under this Act.

## 5. Conditions

### Mandatory Conditions

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.

### **The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014**

**– effective from 1 October 2014**

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
 (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a times limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carried a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must



ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25ml or 35ml; and
- (iii) still wine in a glass: 125ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

**Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014**  
**– effective from 28 May 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1-
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) “permitted price” is the price found by applying the formula-  $P = D + (D \times V)$  where-
    - (i) **P** is the permitted price,
    - (ii) **D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence-
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
  4. (1) Sub-paragraph 2 applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.  
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Possible Conditions**

#### All licensing objectives

- A1: The premises licence holder shall ensure an outside daily cleaning schedule be in place.

#### The Prevention of Crime and Disorder

- CD1: The premises licence holder shall ensure a CCTV system is operational in all areas where licensable activities take place.
- CD2: The premises licence holder shall ensure that all CCTV footage is available to the Police upon request.
- CD3: The premises licence holder shall ensure that CCTV recorded footage can be exported to a removeable means (USB) and have its own software to enable playback/review.
- CD4: The premises licence holder shall ensure a member of staff trained to use the CCTV will be available on the premises at all times when the premises is open to the public.
- CD5: The premises licence holder shall ensure the CCTV system is displaying the correct date and time on any recording.

#### Public Safety

- PS1: The premises licence holder shall ensure adequate levels of staff and security levels be maintained and disclosed on request to Licensing and the Police.
- PS2: The premises licence holder shall ensure all key members of staff be first aid trained.

- PS3: The premises licence holder shall ensure drinking water be available to visitors and staff.
- PS4: The premises licence holder shall ensure a list showing alcohol content of all beverages sold are on the drinks menu.
- PS5: The premises licence holder shall ensure all food containing allergy specific information be easily identifiable on menus.

### Public Nuisance

- PN1: The premises licence holder shall ensure signage is displayed at the exit of the premises requesting customers leaving the premises do so in a considerate way so as not to disturb nearby residents.
- PN2: The premises licence holder shall ensure waste disposal and collection be undertaken during work hours to avoid possible noise disturbance to nearby residents.

### The Protection of Children from Harm

- PC1: The premises licence holder shall ensure a Challenge 25 age verification policy is in operation.
- PC2: The premises licence holder shall ensure all staff are trained using a written proof of age policy and sign to confirm they have done so.

### Operating Hours

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

<b>(i) Sunday to Thursday</b>	<b>10:00 to 00:30</b>
<b>(ii) Friday and Saturday</b>	<b>10:00 to 00:30</b>
<b>(iii) New Year's Eve</b>	<b>10:00 to 01:00 2 January</b>
<b>(iv) Christmas Eve, Christmas Day, Boxing Day, New Year's Day and on Bank Holiday Weekends the Friday, Saturday, Sunday and Monday</b>	<b>10:00 to 01:00</b>
<b>(v) Residents of the Hotel only</b>	<b>00:00 to 00:00 (24 hrs)</b>
  
2. The hours the premises may open for other than Licensable Activities shall be:
 

<b>(i) Sunday to Thursday</b>	<b>07:00 to 00:30</b>
<b>(ii) Friday and Saturday</b>	<b>07:00 to 01:00</b>

## **6. Other Considerations**

### **Council Strategy Outcome (Relevance To:)**

This report relates to the fourth Strategic Outcome; 'Improving the quality of the District's environment' by working with partners and using powers available to us to make Winchester a safe and pleasant place to live, work and visit.

### **Resource Implications**

A statutory licence fee of £315.00 has been received. It is anticipated that an appropriate level of officer attendance will be provided within the existing budget.

### **Appendices**

1. Application by Quob Park Estate Limited
  - 1a Plan
2. Representations by Other Persons
3. Map of Premises Location
4. Map of Representations