



NOTICE OF MEETING

Meeting:	Licensing Hearing
Date and Time:	Monday, 20 January 2020 at 10am
Place:	Council Chamber, Civic Offices, Fleet
Telephone Enquiries to:	Gill Chapman 01252 774141 Gill.Chapman@hart.gov.uk
Members:	Butler, Farmer, Wildsmith Reserve: Delaney

Joint Chief Executive

**CIVIC OFFICES, HARLINGTON WAY
FLEET, HAMPSHIRE GU51 4AE**

AGENDA

Copies of this Agenda are available In Large Print or Braille on request

- 1 APPOINTMENT OF CHAIRMAN**
- 2 DECLARATIONS OF INTEREST**
- 3 PREMISES LICENCE REVIEW APPLICATION - ROYAL SWAN PUBLIC HOUSE, LONDON ROAD, BLACKWATER**

To enable members to consider and determine a premises licence review application served by the Police Licensing Officer relating to the Royal Swan Public House, 20 London Road, Blackwater GU17 9AA. **Paper A**

OFFICER RECOMMENDATION

It is for the sub-committee to consider the review application and evidence within the papers and given at the hearing then determine the steps it considers appropriate to promote the licensing objectives (set out under section 52(4) of the Licensing Act 2003) which may include one or more of the following options.

(4) The steps are—

- (a) *to modify the conditions of the licence;*
- (b) *to exclude a licensable activity from the scope of the licence;*
- (c) *to remove the designated premises supervisor;*
- (d) *to suspend the licence for a period not exceeding three months;*
- (e) *to revoke the licence;*

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The following supporting documents are attached:

- Appendix 1 – Premises Licence Review Application Form
- Appendix 2 – Royal Swan Premises Licence
- Appendix 3 – Council Licensing Officer Representation
- Appendix 4 – Other Party Representation
- Appendix 5 – Relevant Extracts from Hart District Council's Statement of Licensing Policy
- Appendix 6 – Relevant Extracts from the Section 182 Guidance

4 IF NECESSARY, TO CONSIDER PASSING THE FOLLOWING RESOLUTION:

That, pursuant to Section 100 (A) of the Local Government Act 1972, the public be excluded from the remainder of the meeting on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing it, and therefore that exempt information is likely to be disclosed, as defined in paragraph 1 of Schedule 12A of the Act.

The Human Rights Act 1998 (the Act) has incorporated part of the European Convention on Human Rights into English law. Any recommendation either to take or not to take enforcement action has been assessed to make sure that the decision is compatible with the Act. If there is a potential conflict, this will be highlighted in the individual report on the relevant item.

Date of Despatch: 7 January 2020

LICENSING SUB-COMMITTEE

DATE OF MEETING: 20 JANUARY 2020

TITLE OF REPORT: PREMISES LICENCES REVIEW APPLICATION - PRIVATE

Report of: Head of Regulatory Services

Cabinet member: Councillor Sara Kinnell, Regulatory

I PURPOSE OF REPORT

- 1.1 To enable members to consider and determine a premises licence review application served by the Police Licensing Officer relating to the Royal Swan Public House in London Road, Blackwater.

2 OFFICER RECOMMENDATION

- 2.1 It is for the sub-committee to consider the review application and evidence within the papers and given at the hearing then determine the steps it considers appropriate to promote the licensing objectives (set out under section 52(4) of the Licensing Act 2003) which may include one or more of the following options.

(4) The steps are—

(a) to modify the conditions of the licence;

(b) to exclude a licensable activity from the scope of the licence;

(c) to remove the designated premises supervisor;

(d) to suspend the licence for a period not exceeding three months;

(e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

3 MAIN CONSIDERATIONS

- 3.1 A review application relating to the premises licence for the Royal Swan was submitted to the Council Licensing Team 22 November 2019 by the Police Licensing Officer (PLO) acting in their capacity of a responsible authority under the Licensing Act 2003.
- 3.2 The grounds for the review application relate to the following licensing objectives.

- The prevention of crime and disorder,
- public safety, and
- the protection of children from harm

- 3.3 The PLO review application and supporting annexes are attached at Appendix 1 (annexes A-E). The review focuses on two serious Anti-Social Behaviour (ASB) incidents in May and November 2019, one involving a minor being 'glassed' and suffering physical and mental impacts, the second involving violent disorder where a male was knocked unconscious.
- 3.4 The PLO and Council Licensing have liaised with the person responsible for running the premises (PLH/DPS) regarding licensing matters and requirements. The application summarises communications between the premises licence holder and authorities.
- 3.5 The PLO is of the opinion more serious incidents of crime and disorder will occur if the premises continues to be run as it has been. The PLO is not confident the PLH is able to responsibly run the premises and refers to the premises licence not being fit for purpose recommending the premises close at 2200h, or the DPS be removed and additional conditions be imposed on the premises licence to promote the objectives.

4 BACKGROUND

- 4.1 The Royal Swan is a wet led public house located close to the railway station in London Road, Blackwater. The premises licence authorises the sale of alcohol (for consumption on and off the premises), regulated entertainment and the provision of late night refreshment. Full details of licensing authorisations are detailed on the current premises licence which is attached at Appendix 2.
- 4.2 The premises licence took effect in October 2005. The current DPS has been in place since April 2009 and became the PLH in 2012 when the premises licence was transferred from The Ei Group Plc. The licensed activities and conditions have been in place since the present DPS has operated the Royal Swan.

5 REPRESENTATIONS

- 5.1 Within the 28 day consultation period, representations were received from the Council Licensing Officer and Gosschalks Solicitors on behalf of The Ei Group Plc who are the freehold owner of the Royal Swan Public House, and who the PLH is a tenant of. The representations are attached at Appendices 3 and 4.
- 5.2 Gosschalks representation states operational responsibility for the premises lies with their tenant. The Ei Group Plc set out their intention to terminate their agreement with and remove the present tenant from the premises. The Ei Group Plc submit this addresses the mischief and that they would look to discuss appropriate conditions with the PLO after transferring the premises licence into their name.
- 5.3 The CLO representation supports the PLO review application and summarises compliance visits and arising follow up actions. The CLO set out their

expectations of persons running licensed premises and that there is low confidence in the present licence holder being able to run the premises compliantly.

6 CONSIDERATIONS

6.1 A licensing authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives which are as follows:

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

6.2 The licensing sub-committee must consider the evidence within the report papers and made at the hearing and have regard to the Councils statement of licensing policy and the guidance issued under section 182 of the Licensing Act 2003.

6.3 When determining the application, the sub-committee must take the steps they consider appropriate to promote the licensing objectives.

6.4 Having determined the application, the licensing authority must notify its decision and its reasons for that decision to the applicant, any party who has made representation and the Chief Officer of Police in which the premises is situated.

7 OPTIONS ANALYSIS

7.1 The options available to this committee are those detailed within paragraph 2.1 of this report. A licensing authority must carry out its functions under the Licensing Act 2003 with a view to promoting the four licensing objectives (listed within paragraph 6.1).

7.2 An appeal against the decision made in determining this application may be made to the Magistrates Court within 21 days of all parties being notified of the local authority's decision. Appeal rights must be included within the decision notice.

7.3 Members must determine the application in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

8 POLICY IMPLICATIONS

8.1 In carrying out its licensing functions, a licensing authority must have regard to its 'Statement of Licensing Policy' and the guidance issued under section 182 of the Act. Relevant extracts of both documents are attached at Appendices 5 and 6. Members should note this does not preclude them from considering the remainder of the guidance and policy.

9 FINANCIAL IMPLICATIONS

9.1 There are no financial implications arising from this report.

10 MANAGEMENT OF RISK

- 10.1 Members must consider the risks identified by the applicant for the review and other parties within their written representations and stated orally at the hearing in respect of the impact on the promotion of the relevant licensing objectives that may occur as a result of the matters confined to the review application. Members must pay appropriate weight to all evidence when considering appropriate actions to promote the licensing objectives.
- 10.2 There are no HR issues arising from this report.
- 10.3 Equalities/Human rights - Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the licensee and those making the review application and representations when making their decision. The sub-committee has a duty under section 17 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.
- 10.4 Legal Implications - The decision made by this sub-committee is subject to appeal rights to the Magistrates Court. Appeal rights must be included within the decision notice. Where a decision is made that is contrary to the statement of Licensing Policy or is contrary to statutory guidance members must clearly state their grounds for departing from those documents within the decision notice. The duties to take steps appropriate to promote the licensing objectives are referred to throughout this report.

11 CONCLUSION

- 11.1 The sub-committee must consider the application on its own individual merits and take into account all relevant matters then determine the application by taking the steps it considers appropriate and proportionate to promote the licensing objectives. The options available to the committee are detailed within paragraph 2.1 of this report.

Contact Details:

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APPENDICES

- Appendix 1 – Premises licence Review Application Form
- Appendix 2 – Royal Swan Premises Licence
- Appendix 3 – Council Licensing Officer Representation
- Appendix 4 – Other Party Representation
- Appendix 5 – Relevant Extracts from Hart District Councils Statement of Licensing Policy
- Appendix 6 – Relevant Extracts from the section 182 guidance

BACKGROUND PAPERS:

The Licensing Act 2003

Hart District Council – Statement of Licensing Policy

Guidance issued under section 182 of the Licensing Act 2003