

Board/Committee:	Licensing Board
Date of meeting:	24 th May 2022
Title:	Application for a new premises licence – Restaurant Haslar
Author:	Ian Rickman – Head of Environmental Health
Status:	For decision

Purpose

This report advises the Licensing Board of an application for a new premises licence at Restaurant Haslar, Haslar Marina, Haslar Road, Gosport, PO12 1NU and advises Members of the relevant representations received from interested parties in respect of the application.

1.0	Background
1.1	The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met, or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.
1.2	The decision-making Licensing Sub-Board, in considering an application, must have regard to the adopted Statement of Licensing Policy, Section 182 Guidance issued by the Secretary of State and any relevant representations made by those directly affected.
1.3	An applicant applying for a premises licence, whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court.
1.4	In considering this application the Sub-Board will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005 and amending secondary legislation and the rules of natural justice. The practical effect of this is that the Sub-Board must make its decision based on evidence submitted in accordance with the legislation and give adequate reasons for reaching its decision. The Sub-Board must also have regard to:- Crime and Disorder Act 1998 Section 17 of the Crime and Disorder Act 1998 places a Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

	<p>Human Rights Act 1998</p> <p>The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon other persons Human Rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.</p>
2.0	Report
2.1	<p>This application is in respect of: Restaurant Haslar Haslar Marina Haslar Road Gosport PO12 1NU</p> <p>The applicant is: Coastline Bars Limited</p> <p>This is an application for a new premises licence at a new restaurant based at Haslar Marina.</p> <p>The application can be seen at Appendix A1 – A3.</p> <p>Prior to the full application being submitted on 31st March 2022, on 23rd March 2022, the agents for the applicant had made the Licensing Authority aware by way of an email, of their intentions to submit the application. The application form, plan and proposed operating schedule/conditions were all attached to the email. A copy of this communication can be seen at Appendix B. The applicant has also provided a concept presentation, this can be seen as Appendix F.</p>
2.2	<p>The licensable activities sought by the application initially were:</p> <p>Sale of Alcohol – 10:00 – 23:30 Monday – Saturday & 12:00 – 22:30 Sunday Late Night Refreshment – 23:00 – 00:00 Monday – Sunday Opening Hours: 07:00 – 00:00 Monday – Sunday</p> <p>However, following discussions with the Planning Team, the application was amended to:</p> <p>Sale of Alcohol – 10:00 – 22:45 Monday – Saturday & 12:00 – 22:30 Sunday Late Night Refreshment – Withdrawn Opening Hours: 07:00 – 23:00 Monday – Sunday</p>
2.3	During the 28 day consultation period, 5 relevant representations were

	<p>received from residents who live in close proximity to the premises, mainly citing the Nuisance objective but also making mention of the protection of children from harm/public safety (specifically regarding children being near the water's edge).</p> <p>Following mediation between the agent to the applicant and the residents, one of the representations was withdrawn. Three of the representees raised further concern.</p> <p>The remaining 4 representations, and subsequent correspondence, can be seen as Appendix C1 – C5 to this report.</p> <p>No representations were made by the responsible authorities. The police licensing team response can be seen as Appendix D.</p>
2.4	A map showing the locality of the premises and the representees can be seen at Appendix E1 and the planning application map, (which has been included for clarity) can be seen as Appendix E2. A site location map has been provided by the applicant, this can be seen as Appendix E3/E4.
3.0	Conclusion
3.1	The Sub-Board members are asked to review the information in this report and any additional evidence presented to them at the Hearing and determine the application.

Financial Services comments:	N/A
Legal Services comments:	N/A
Equality and Diversity:	N/A
Climate Change implications:	N/A
Crime and Disorder:	N/A
Service Improvement Plan implications:	N/A
Corporate Plan:	N/A
Risk Assessment:	N/A
Background Papers:	N/A
Appendices:	A1 – A3 – Application B – Pre-Application correspondence C1 – C5 – Representations D – Email from Police Licensing E1 – E4 – Locality Map F – Shoreside Concept Presentation
Report Author/Lead Officer:	Pearl Gillies – Licensing Officer