

Board/Committee:	Licensing Sub-Board
Date of meeting:	10 th June 2024
Title:	163-165 Stoke Road Gosport PO12 1SE
Author:	Sarah Mahy
Status:	For Decision – New Premises Licence Application

Purpose

This report advises the Licensing Board of an application for a new premises licence at 163 – 165 Stoke Road, Gosport, PO12 1SE, and advises Members of the relevant representations received from interested parties in respect of the application.

Recommendation

That the Sub-Board considers the contents of the report and its appendices to aid them in determining the Premises Licence application.

1.0 Background

- 1.1 On 24th April 2024, Gosport Borough Council's Licensing Team received an application for a new premises licence in respect of 163 – 165 Stoke Road, Gosport, PO12 1SE. The application seeks to authorise the sale of alcohol Monday – Thursday 08:00 – 23:00, Friday and Saturday 08:00 – 00:00 and Sunday 10:00 – 22:30. During the 28 day consultation period, the Licensing Team received two relevant representations from local residents, citing the Crime and Nuisance objectives.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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.

Human Rights Act 1998

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.

2.0 Report

2.1 This application is in respect of:-

163 – 165 Stoke Road
Gosport
PO12 1SE

The applicant is:

Mr Priyankkumar Gunvantlal Modi

This is an application for a new premises licence.

2.2 The licensable activities the application is seeking is:

Sale of Alcohol – Monday – Thursday 08:00 – 23:00
Friday and Saturday 08:00 – 00:00
Sunday 10:00 – 22:30

3 relevant representations have been received from local residents citing:

1. Prevention of crime & disorder
2. Public nuisance

2.3 A copy of the application and premises plan can be seen as Appendix B.

2.4 A map showing the locality of the premises and the residences of those interested parties that have made a representation can be seen as Appendix C.

2.5 The mandatory conditions and those proposed by the applicant can be seen as Appendix D.

2.6 We have received 3 relevant representations from local residents.

A copy of the representations can be seen as Appendix E.

3.0 Conclusion

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:	Representations attached as Appendix E
Service Improvement Plan implications:	N/A
Corporate Plan:	N/A
Risk Assessment:	N/A
Background Papers:	N/A
Appendices:	Appendix A – Procedure for Hearing of Applications under the Licensing Act 2003 Appendix B – Application form and Plan Appendix C – Map showing premises and representor’s address Appendix D – Conditions to be attached to licence should application be granted Appendix E – Copy of relevant representations
Report Author/Lead Officer:	Sarah Mahy