

Board/Committee:	Licensing Sub-Board
Date of meeting:	18 th December 2024
Title:	Premises Licence Variation Application
Author:	Gemma Knipe
Status:	For Decision

Purpose

This report advises the Licensing Board of an application for a variation to an existing premises licence at B'eat Burger, 80 High Street, Gosport, PO12 1DS and advises Members of the relevant representations received from members of the public in respect of the application.

Recommendation

That the Sub-Board considers the contents of the report and its appendices and determines the Premises Licence Variation application.

1.0 Background

1.1 On 11th November 2024, Gosport Borough Council's Licensing Team received an application for a variation to an existing premises licence in respect of B'eat Burger, 80 High Street, Gosport, PO12 1DS. The application seeks to authorise the sale of late night refreshment Monday to Sunday 2300 – 0400. Alcohol hours are unaffected (Monday-Sunday 100-2200). During the 28 day consultation period, the Licensing Team received 3 relevant representations from local residents.

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 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, any relevant representations made by those directly affected and other submissions made at the hearing.

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. As may any other party at any hearing.

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:-

B'eat Burger
80 High Street
Gosport
PO12 1DS

The applicant is:

Generations 2019 LTD

This is an application for a variation to an existing premises licence. The premises is a convenience store.

2.2 The licensable activities the application is seeking is:

Late Night Refreshment
Monday – Sunday 2300-0400

3 relevant representations have been received from local residents citing all four of the licensing objectives.

2.3 A copy of the application 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 We have received 3 relevant representations from local residents.

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

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: Appendix A – Procedure for Hearing of Applications under the Licensing Act 2003 Appendix B/B1 – Application form and plan Appendix C – Map showing premises and representor’s addresses Appendix D – Conditions to be attached to licence should application be granted Appendix E – Copy of relevant representations	
Report Author/Lead Officer:	Gemma Knipe