



## **LICENSING ACT 2003**

### **Application for a New Premises Licence**

### **Decision Record**

<b>APPLICANT:</b>	Shonica Limited
<b>PREMISES:</b>	No. 47 Union Street, Aldershot
<b>DATE OF HEARING:</b>	21st October, 2022
<b>MEMBERS SITTING:</b>	Cllrs P.J. Cullum, S. Trussler and Jacqui Vosper (Chairman)

## DECISION

To grant the licence and to modify the agreed conditions under s52(4) of the 2003 Act.

## REASONS

The Licensing Sub-Committee considered an application made under s17 of the 2003 Act and relevant representations made in response to the application.

1. The Licensing Sub-Committee has had regard to the application and the relevant representations made in writing and verbally at the hearing. The Sub-Committee also had regard to Rushmoor Borough Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under section 182 of the Act.
2. The Sub-Committee considered that it is appropriate and proportionate to grant the licence and to add an additional condition.
3. It was the view of the Sub-Committee that the Licensing Objective of the prevention of public nuisance was engaged.
4. The Sub-Committee considered the concerns raised within the written representation. Namely concerns as to; smashed glass, rubbish arising from takeaway food and noise from the premises. It was the view of the Sub-Committee that the concerns raised were relevant however the Sub-Committee would have welcomed the opportunity to explore the representations further through questions at the hearing.
5. The Sub-Committee heard from the Applicant that the premises was to be used primarily as a restaurant with space to expand the restaurant at busy times and an additional area available for events, which would be likely to occur once or twice a month. The Applicant informed the Sub-Committee that alcohol would not be taken from the premises and that food would be served to seated customers. The Applicant confirmed that the premises would not be used as a takeaway restaurant.
6. In considering the concerns as to glass and rubbish, the Sub-Committee had regard to the options available to them and the Guidance issued by the Secretary of State in particular Para. 9.44. The Sub-Committee considered the imposition of an additional condition to address the concerns to be disproportionate to the evidence before it. The Sub-Committee was convinced by the representations of the Applicant that the premises would operate as a seated restaurant and that the

Applicant would not be offering a takeaway service.

7. The Sub-Committee was encouraged by the evidence that the Applicant had engaged the services of an acoustic consultant and the extent to which the potential for noise disturbance was being considered. However, the Sub-Committee had some concern as to the potential for noise disturbance from the proposed smoking area. It was the view of the Sub-Committee that adding a condition requiring the Applicant to implement a noise complaints procedure and retain a log of any noise complaints received was appropriate and proportionate to address the concern and promote the licensing objective of the prevention of public nuisance.

### **FINAL POINTS AND APPEAL RIGHTS**

Interested Parties and Responsible Authorities should be aware of the power to apply for a review of the licence in the future should there be any concerns about the operation of the licence.

The Applicant is reminded that a failure to comply with a condition is a criminal Offence.

All Parties have a right of Appeal to the Magistrates' Court within 21 days of the date of this decision notice.

### **OTHER CONDITIONS**

**(New, amended and deleted conditions consistent with the operating schedule)**

**Add the following condition:**

- (1) (i) A suitable noise complaints procedure must be established and be in operation at the premises
- (ii) All staff must be familiar with the complaints procedure and any complaint(s) made in respect of the premises, its customers, staff and/or the activities carried on there must be investigated and remedied as soon as, and, so far as is reasonably practicable to prevent public nuisance.
- (iii) Suitable written records including the nature of any complaint(s), action(s) taken in response, the date(s) and time(s) when any complaint was made, together with the name of the person(s) who handled the complaint must be kept and made available to officers of Rushmoor Borough Council on request.