



LICENSING ACT 2003

Application for the variation of a premises licence Decision Record

APPLICANT: Punch Taverns PLC

PREMISES: Funky End, Station Road, Aldershot, Hampshire

DATE OF HEARING: 2nd November, 2016

MEMBERS SITTING: Cllrs Liz Corps (Chairman), B. Jones and J.E. Woolley

DECISION

To grant the variation of the licence, as amended (in part) by agreement with Hampshire Constabulary, subject to:

- The mandatory conditions imposed by the Licensing Act, 2003; and
- Conditions consistent with the premises licence operating schedule, including the new conditions, as amended at the meeting, listed below under 'Other Conditions'.

The Sub-Committee was of the view that these steps were, on the balance of probabilities, appropriate in order to promote the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

The variation shall take effect from 3rd November, 2016.

REASONS

In coming to its decision, the Sub-Committee has taken into account:

- The Licensing Act 2003, Section 35, which states that, having regard to relevant representations that are made, the Sub-Committee must take such steps it considers appropriate for the promotion of the licensing objectives;
- The Secretary of State's Guidance issued under section 182 of the Licensing Act 2003, particularly paragraph 2.1 which states that the licensing authority should look to the police as the main source of advice on crime and disorder and paragraphs 9.41 – 9.43 which contain guidance on how to determine what actions would be appropriate for the promotion of the licensing objectives. Decisions should be based on evidence and proportionate to what it is intended to achieve;
- The Council's Statement of Licensing Policy 2010 – 2011. The Sub-Committee has taken into account the fact that the Council's Licensing Policy has yet to be revised following changes in the legislation and, where that applies, has departed from the policy; and
- Written and oral evidence presented by all the parties.

The Sub-Committee noted the absence of representations on behalf of the police, who have signified their agreement to the imposition of conditions.

The Sub-Committee heard evidence of the impact that the additional hour would have, not only on the existing customers but on the attractiveness of the venue for potential customers late at night.

The Sub-Committee heard that there have been no complaints regarding noise coming from the premises.

The applicant has agreed to the imposition of conditions, as discussed at the hearing.

The Sub-Committee noted the letters received from the only objector who, unfortunately, did not attend. In relation to an incident cited by the objector, the applicant agreed that the premises were open late that night (18th September, 2016) but reported that the police had attended the incident, which the Funky End's door staff had assisted with, and it transpired that the people involved had not come from the premises and were passing by. In fact, the premises had been commended for their help in dealing with the incident.

There was no other evidence of trouble linked to the premises.

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

Annex 3, Condition 6 amended to:

- (6) With the exception of bona fide employees and staff and residents of the premises, no individuals shall be permitted to enter or re-enter the premises at any time between 00:30 and the end of specified opening hours on a Thursday, Friday or Saturday.

Annex 3, Condition 8 amended to:

- (8) On any day where the premises are open after midnight, no drinks shall be served in pint or half pint glass vessels after 21:00 and all pint and half pint glass vessels to be cleared by 22:00.

New:

On any day where the premises are open after midnight, the duty manager shall be available to supervise the whole premises and not be restricted to service behind the bar.