



LICENSING ACT 2003

Application for a New Premises Licence

Decision Record

APPLICANT: SK PVT Limited

PREMISES: No. 58 Station Road, Aldershot

DATE OF HEARING: 13th March, 2019

MEMBERS SITTING: Cllrs Liz Corps, B. Jones (Chairman) and
Jacqui Vosper

DECISION

The Sub-Committee's decision was to grant the licence for the supply of alcohol for the hours sought and was satisfied, on a balance of probabilities, that the steps below were appropriate for the promotion of the licensing objectives.

The licence was granted, subject to:

- The mandatory conditions imposed by the Licensing Act, 2003; and
- Conditions consistent with the premises licence operating schedule, relating to CCTV, the provision of an incident log and notices requesting customers to leave quietly and the conditions listed below under 'Other Conditions'.

The latter conditions have been imposed following consideration of the evidence and the submissions made to the Sub-Committee, to promote the licensing objectives of prevention of public nuisance, prevention of crime and disorder, public safety and the protection of children from harm.

The premises licence shall take effect from 13th March, 2019.

REASONS

Before the hearing, the Responsible Authority (Licensing Authority), following discussions with the applicant, proposed certain conditions which had been agreed by all parties, although the Responsible Authority maintained its representation. Furthermore, the applicant had amended its application to amend the name of the proposed Designated Premises Supervisor (DPS) from that of MR D. LIMBU to that of PRABIN CHEMJONG LIMBU. This was explained by the Licensing Officer in presenting their report to the Sub-Committee.

The issue for determination was the application for the supply of alcohol on the premises during the days and hours requested in light of the new information provided.

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

- The Licensing Act Section 18, 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 Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018), which advises that conditions should be proportionate, justifiable and

capable of being met. The Licensing Officer drew Members' attention to para 9.42 of the guidance, that actions taken must be proportionate to the promotion of the licensing objectives;

- The Council's Statement of Licensing Policy 2018;
- The written report, including all written representations; and
- Oral evidence presented at the hearing by the Licensing Authority as Responsible Authority and representations on behalf of the applicant.

The Sub-Committee noted the serious nature of the failure of the applicant to seek a licence, following the lapse of their previous licence in August, 2018 and the fact that the restaurant continued to serve alcohol without a licence. This notwithstanding, the Sub-Committee, having heard from the applicant's representative and the information about the agreed conditions, was satisfied that the applicant now clearly understood the requirements of the legislation, in particular in relation to the suitability of the DPS and the necessity for training and refresher training. The new proposed DPS was very experienced and had held a personal licence with Rushmoor Borough Council for the past four years and this offered reassurance that the premises would be run properly in accordance with the licence. Whilst PRABIN CHEMJONG LIMBU would continue to work at another premises in Aldershot, his main focus would be on the restaurant at No. 58 Station Road, Aldershot. The Sub-Committee noted that it was a criminal offence to fail to comply with the licence conditions and further noted that if there were any issues arising about the running of the premises in the future, the licence may be subject to a review.

OTHER CONDITIONS

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

NEW CONDITIONS: Training, refusals log, proof of age, Challenge 25, all sales of alcohol to be authorised by the personal licence holder, involvement in the Pub Watch scheme and hourly checking of the toilets, as agreed between the applicant and the Responsible Authority.