LICENSING SUB-COMMITTEE (ALCOHOL & ENTERTAINMENTS) 22 AUGUST 2023

LICENSING REPORT NO. OS2311

DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE 39 MEDWAY DRIVE FARNBOROUGH GU14 9LY

1.0 INTRODUCTION

- 1.1 This report concerns an application for a premises licence made under section 17 of the Licensing Act 2003 (the 'Act'). A representation has been received in respect of the application and invokes a statutory requirement to hold a hearing with members.
- 1.2 The report provides details of, and background to the application, and should be read in conjunction with the Council's licensing policy and Secretary of State's guidance. This, together with information obtained at the hearing should be used to determine the application.

2.0 BACKGROUND

2.1 An application for a premises licence was submitted on 28th June 2023 by Mr Rajanayagam Janagan in respect of a premises known as 39 Medway Drive, Farnborough, GU14 9LY. A map of the area showing the general location of the premises is given at **appendix A**.

2.2 Nature of the application

2.3 The application seeks the retail sale of alcohol on any day from 06:00am to 23:00pm. A copy of the application form is given at **appendix B**.

2.4 Advertising of the application

2.5 I can confirm that each responsible authority (as specified in the Act) has received a copy of the application. Similarly, the application was advertised by the applicant in accordance with the requirements of the legislation both at the premises and in a local newspaper. The last date for representations was given as the 26th July 2023.

3.0 REPRESENTATION(S)

3.1 Two representations were received in respect of the application from members of the public. A copy of the representations is given at **appendix C1 – C2** respectively.

3.2 Relevance of Representation(s)

3.3 To be eligible to be considered, the Act requires a(ny) representation(s) to be *'relevant'*. A *'relevant representation'* is one that has been made by a responsible authority, any other person, a body representing such persons or a Member of the relevant licensing authority (i.e. elected councillors). Similarly, representations must not be frivolous or vexatious and must be about the likely effect of the grant of the licence on the promotion of the licensing objectives.

The licensing objectives are defined in the Act and include -

- (a) the prevention of crime and disorder;
- (b) ensuring public safety;
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

Against the above criteria, the representations are considered relevant in this case, as they concern the licensing objective the prevention of crime and disorder.

4.0 OTHER DATA PROTECTION ISSUES

4.1 In accordance with data protection requirements, any personal details, addresses, contact details and/or signatures submitted on any application, representation or other relevant document etc. have been redacted.

5.0 DETERMINATION

5.1 Further to the receipt of the relevant representation and, in accordance with the Act and the Council's scheme of delegation, the Sub-Committee is asked to determine the application.

6.0 RELEVANT CONSIDERATIONS

6.1 Licensing Objectives

6.2 In considering the application the licensing authority must have regard to the promotion of the licensing objectives given at paragraph 3.3 of this report.

6.3 Licensing Policy and Secretary of States Guidance

6.4 The licensing authority must also have regard to its statement of licensing policy and any guidance issued by the Secretary of State under section 182 of the Act.

6.5 Details of the parts of the policy and guidance that may be relevant to this application are given in **appendix D** to this report.

7.0 OPTIONS

- 7.1 In determining this application, the Sub-Committee may take any of the following steps as it considers appropriate for the promotion of the licensing objectives; namely -
 - (a) to grant the licence as applied for*; or
 - (b) to exclude from the scope of the licence any of the licensable activities to which the application relates*; and/or
 - (c) to refuse to specify the named individual as the Designated Premises Supervisor; or
 - (d) to reject the whole or part of the application.
 - * Subject to any relevant mandatory conditions, amendments agreed by the applicant and/or such other conditions that are consistent with the operating schedule which, with the exception of mandatory conditions, may be modified (which may include the alteration or omission of a condition or the addition of any new condition(s)) to such extent as may be necessary to promote the licensing objectives.

8.0 RECOMMENDATION(S)

- 8.1 The Sub-Committee is asked to determine the application having regard to -
 - (a) the contents of this report;
 - (b) any additional information obtained from the hearing;
 - (c) the Council's licensing policy;
 - (d) guidance issued by the Secretary of State; and
 - (e) the promotion of the licensing objectives.

SHELLEY BOWMAN Licensing Manager Operational Services licensing @rushmoor.gov.uk

Public Documents:

- 1) **HMSO (2003)**, The Licensing Act 2003
- 2) **Home Office (Dec 2022)**, Guidance issued under Section 182 of the Licensing Act 2003

Contact:

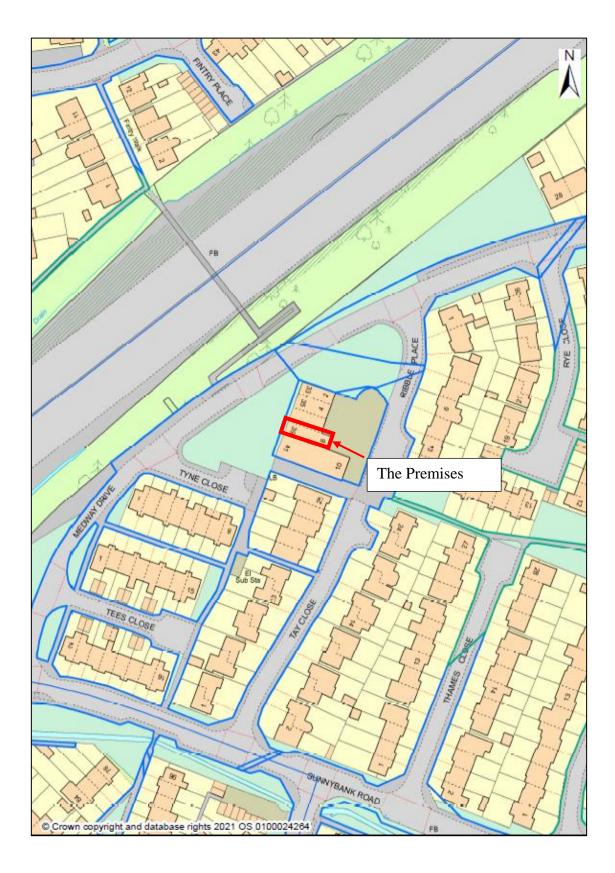
Shelley Bowman, Licensing Manager (01252 398162)

Appendices:

- Appendix A Map of the area (page 5)
- Appendix B Application for a premises licence (pages 7 26)
- Appendix C1–C2- Representations Members of the Public (pages 27 29)
- Appendix D Policy and Guidance Relevant considerations (Page 31)

APPENDIX A

MAP SHOWING LOCATION OF PREMISES 39 MEDWAY DRIVE FARNBOROUGH GU14 9LY



APPENDIX B

APPLICATION FOR A NEW PREMISES LICENCE 39 MEDWAY DRIVE FARNBOROUGH GU14 9LY

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Please read the following instructions first Before completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records. We	Before completing this form please read the guidance notes at the end of the form. If y are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records. IWe Rajanayagam Janagan (insert name(s) of applicant) application to you as the relevant licensing authority in accordance with section of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and live are making this application to you as the relevant licensing authority in accordance with section of the Licensing Act 2003 Part 1 - Premises details Postal address of premises or, if none, ordnance survey map reference or description 39 Medway Drive, Farnborough Telephone number at premises (if any) Non-domestic rateable value of £ 5,300 Part 2 - Applicant details Please tick as appropriate a) an individual or individuals * x please complete section (A b) a person other than an individual * please complete section (B i as a limited company/limited liability please complete section (B ii as a partnership iii as a nunincorporated association or please complete section (B	Before completing this form please read the guidance notes at the end of the form. If yoar are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records. <i>Ww</i> Rajanayagam Janagan <i>(Insert name(s) of applicant)</i> apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and <i>l/we</i> are making this application to you as the relevant licensing authority in accordance with section 1 of the Licensing Act 2003 Part 1 – Premises details Postal address of premises or, if none, ordnance survey map reference or description 39 Medway Drive, Farnborough Post town Hants Postoode GU14 9LY <th>Before completing this form please read the guidance notes at the end of the form. If yor are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records. <i>Ww</i> Rajanayagam Janagan (Insert name(s) of applicant) apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and <i>l/we</i> are making this application to you as the relevant licensing authority in accordance with section 10 of the Licensing Act 2003 Part 1 – Premises details Postcode GU14 9LY Postal address of premises or, if none, ordnance survey map reference or description 39 Medway Drive, Farnborough Postcode GU14 9LY Telephone number at premises (if any) </th> <th>Applie</th> <th>catio</th> <th>n for a premises licence</th> <th>to be grante</th> <th>ed un</th> <th>der the Licen</th> <th>sing Act 2003</th>	Before completing this form please read the guidance notes at the end of the form. If yor are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records. <i>Ww</i> Rajanayagam Janagan (Insert name(s) of applicant) apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and <i>l/we</i> are making this application to you as the relevant licensing authority in accordance with section 10 of the Licensing Act 2003 Part 1 – Premises details Postcode GU14 9LY Postal address of premises or, if none, ordnance survey map reference or description 39 Medway Drive, Farnborough Postcode GU14 9LY Telephone number at premises (if any)	Applie	catio	n for a premises licence	to be grante	ed un	der the Licen	sing Act 2003
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c)	a recognised club	please complete section (B)
d)	a charity	please complete section (B)
e)	the proprietor of an educational establishment	please complete section (B)
f)	a health service body	please complete section (B)
g)	a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales	please complete section (B)
ga)	a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England	please complete section (B)
h)	the chief officer of police of a police force in England and Wales	please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
- statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) individual applicants (fill in as applicable)

(Mr)	Mrs	Miss	Ms	Other Title (for example, Rev)	
Surname	Janagan		First na	ames Rajanayagar	n
Date of b	irth	I am 18 ye	ars old or ove	r Please tick	yes X
Nationali	ty 🗾				
Current re address if from prem address	different				
Post town				Postcode	
Daytime on number	contact telep	hone			
E-mail ad (optional					
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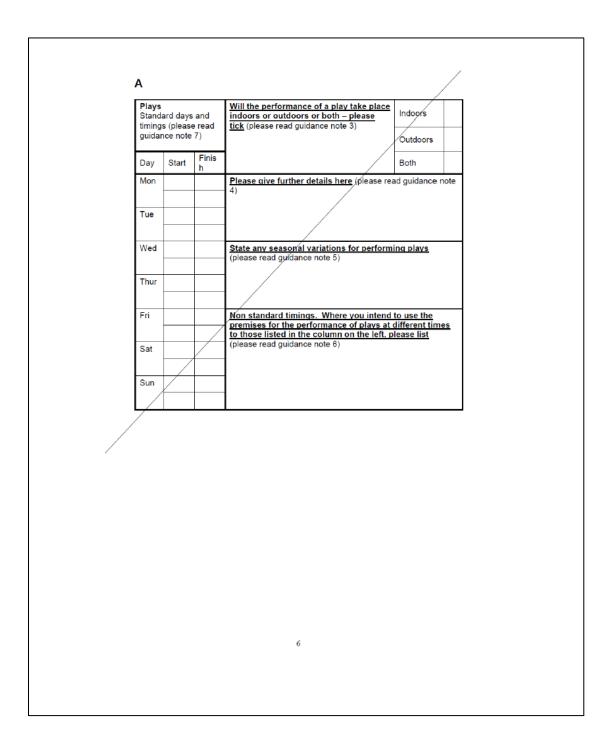
Mr	Mrs	Miss	Ms		her Title r example, v)	
Surname			Fi	rst name	s	
Date of bi or over	rth		lam 18 ye	ears old	Plea	se tick yes
Nationalit	y					
Current re address if from prem address	different					
Post town		1			Postcode	
Daytime on number	contact tele	phone				
E-mail ad (optional)						
work chec	king service		code' pro			ce online right to by that service
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 c) indoor sporting events (if ticking yes, fill in box C) d) boxing or wrestling entertainment (if ticking yes, fill in box D) 	 c) indoor sporting events (if ticking yes, fill in box C) d) boxing or wrestling entertainment (if ticking yes, fill in box D) 	at a Wha (plea Pro	ny one time, please state the number expected to attend. t licensable activities do you intend to carry on from the pre- use see sections 1 and 14 and Schedules 1 and 2 to the Lice	censing Act 2003) ote Please tick all
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		at a Wha (plea Pro 2) a)	ny one time, please state the number expected to attend. t licensable activities do you intend to carry on from the pre- use see sections 1 and 14 and Schedules 1 and 2 to the Li- vision of regulated entertainment (please read guidance no plays (if ticking yes, fill in box A)	censing Act 2003) ote Please tick all
4	4	at a Wha (plea 2) a) b)	ny one time, please state the number expected to attend. t licensable activities do you intend to carry on from the pre- se see sections 1 and 14 and Schedules 1 and 2 to the Lie vision of regulated entertainment (please read guidance no plays (if ticking yes, fill in box A) films (if ticking yes, fill in box B)	censing Act 2003) ote Please tick all
		at a Wha (plea 2) a) b) c)	ny one time, please state the number expected to attend. t licensable activities do you intend to carry on from the pre- se see sections 1 and 14 and Schedules 1 and 2 to the Li- vision of regulated entertainment (please read guidance no plays (if ticking yes, fill in box A) films (if ticking yes, fill in box B) indoor sporting events (if ticking yes, fill in box C)	oensing Act 2003) ote Please tick all that apply

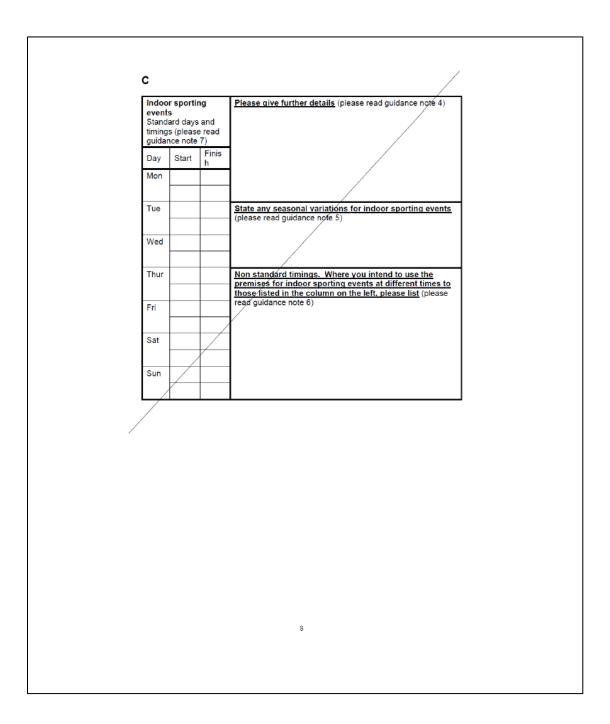
_		
)	recorded music (if ticking yes, fill in box F)	
g)	performances of dance (if ticking yes, fill in box G)	
h)	anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)	
Prov	vision of late night refreshment (if ticking yes, fill in box I)	

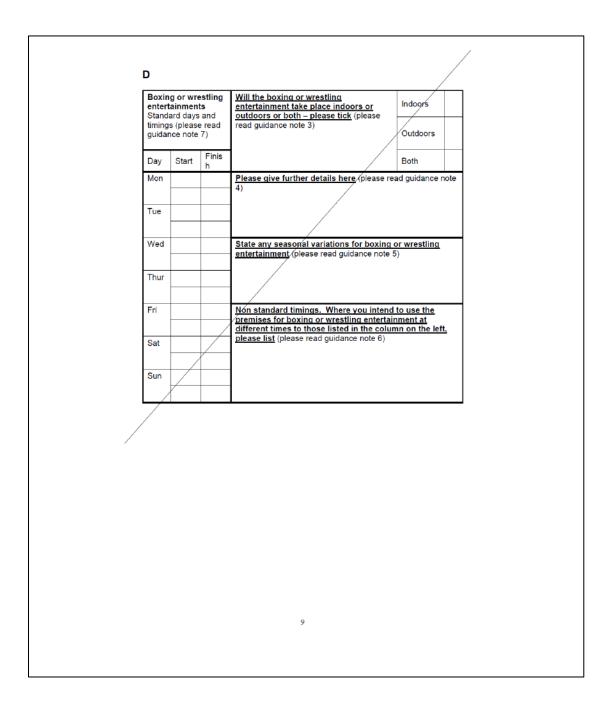
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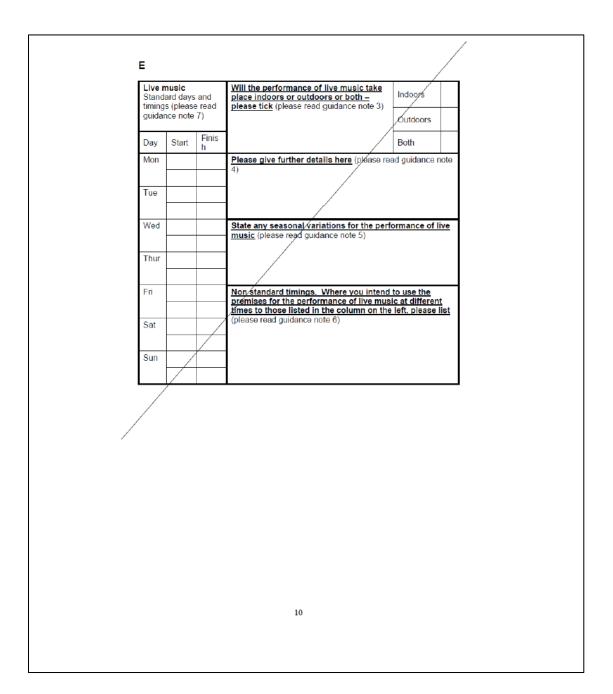
In all cases complete boxes K, L and M

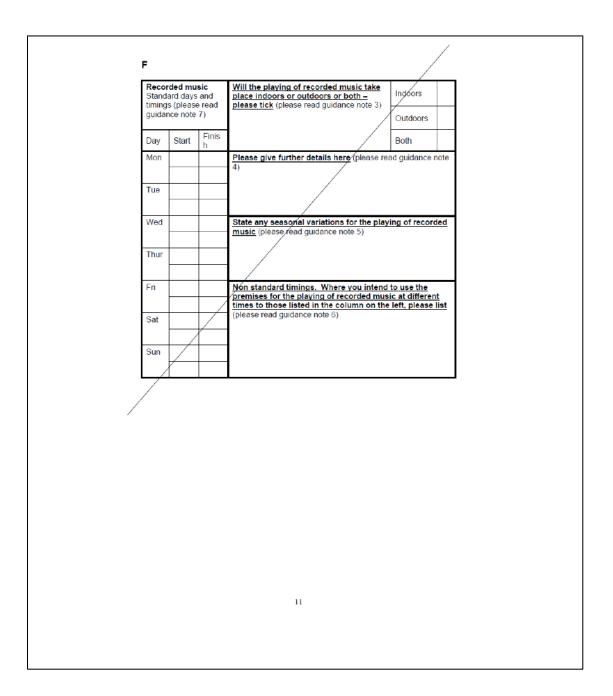


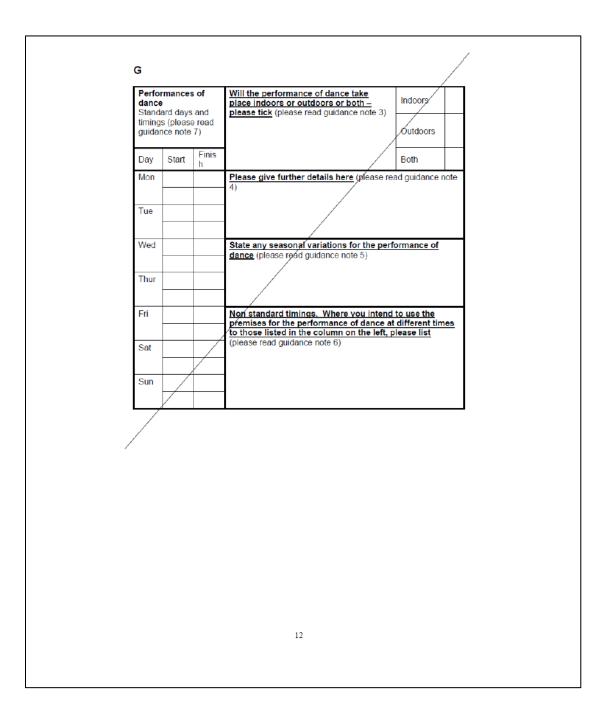
<form></form>	Films			Will the exhibition of films take place	Indoors	
Day Start h Dott Mon Please give further details here (please read guidance note Tue 4 Wed State any seasonal variations for the exhibition of films (please read guidance note 6) Thur Mon standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6) Sat Premises for the exhibition of films at different times to those listed in the column on the left, please list (please Sat Sat	timing	s (please	read	tick (please read guidance note 3)	/	
Tue State anv seasofial variations for the exhibition of films (please read gdidance note 5) Thur Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6) Sat Sat Sun Sat	Day	Start			Both	
Wed State any seasonal variations for the exhibition of films (please read guidance note 5) Thur Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6) Sun Sun	Mon			Please give further details here (please rea	id guidance n	ote
Thur Image: provide the second se	Tue					
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Sat Sun Sun Sun Sun Sun Sun Sun Sun Sun Sun	Thur					
Sun	Fri			premises for the exhibition of films at diffe those listed in the column on the left, plea	erent times to	o e
	Sat		\square	read guidance note 6)		
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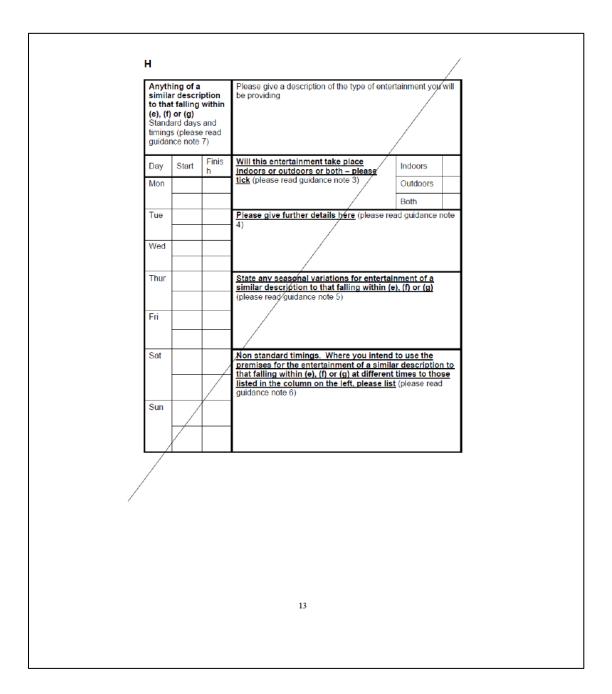


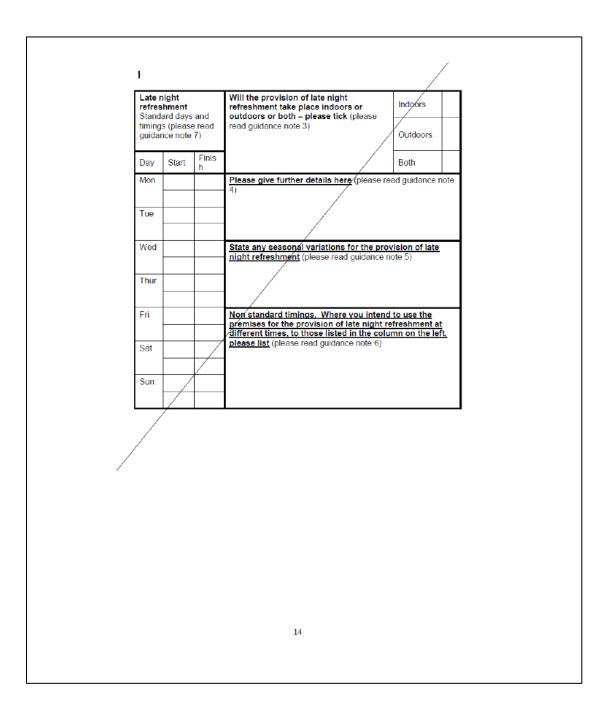




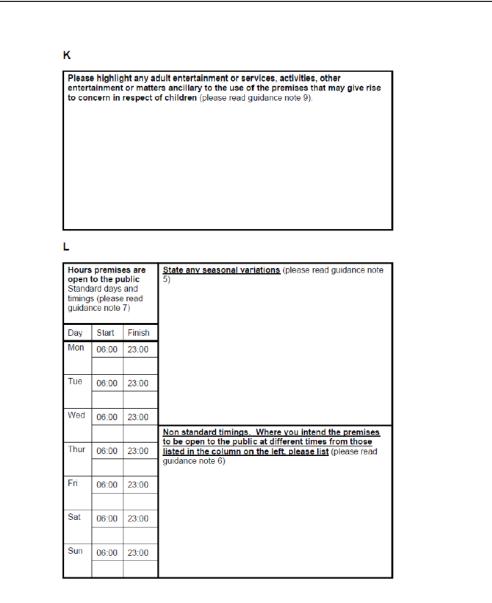








Stand timing	ly of alco ard days is (please	and read	Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	
guida	nce note	<i>'</i>)		Off the premises	x
Day	Start	Finish		Both	
Mon	06:00	23:00	State any seasonal variations for the sup (please read guidance note 5)	oply of alcoh	<u>10 </u>
Tue	06:00	23:00			
Wed	06:00	23:00			
-				l en an el a	
Thur	06:00	23:00	Non standard timings. Where you intend premises for the supply of alcohol at diff	ferent times	to
5.4			those listed in the column on the left, pla read guidance note 6)	<u>ease list</u> (ple	ase
Fri	06:00	23:00			
Sat	06:00	23:00			
out	00.00	23.00			
Sun	06:00	23:00			
			nils of the individual whom you wish to sp		
icence ntitler Name Date Addro	e as desi ment to v o Rá of birth ess	gnated p work in th	nils of the individual whom you wish to sp remises supervisor (Please see declaratio ne checklist at the end of the form): am Janagan		
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Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d and e) (please read guidance note

We have undertaken our own risk assessment to propose the following steps:

The steps which we have identified in relation to the four licensing objectives are listed below.

b) The prevention of crime and disorder

No further risks have been identified which need to be addressed, save as below:

- The premises shall operate a proof of age scheme and will require photographic identification from any person who appears to be under the age of 21 years.
 The management of the premises will liaise with police on issues of local consent
- or disorder
- CCTV will be installed with recordings facilities such that recordings shall be retained for a minimum period of 31 (thirty-one) days and be made available for review by the Police upon request (subject to the requirements of the Data Protection legislation in force at the time). 3.

c) Public safety

No further risks have been identified which need to be addressed, save as below:

- To comply with the reasonable requirements of the fire officer from time to time. 1.
- 2. The premises will have adequate safety and firefighting equipment and such equipment will be maintained in good operational order
- 3. Staff will be trained on matters of safety, evacuation and use of emergency equipment as required. 4. Fire exists and means of escape shall be kept clear and in good operational
- condition.

d) The prevention of public nuisance

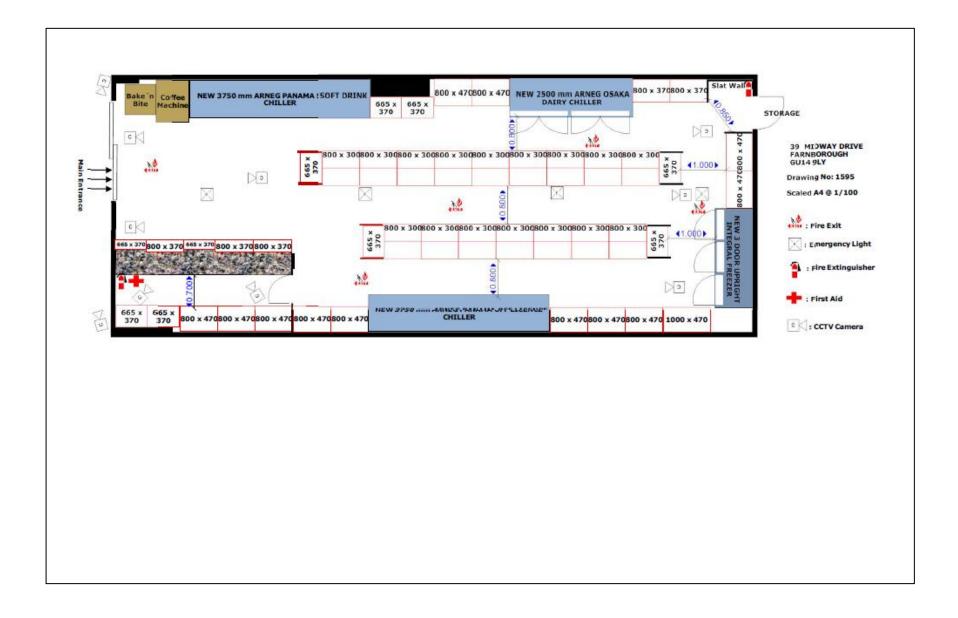
No further risks have been identified which need to be addressed, save as below:

1. Noise shall not emanate from the premises so as to cause a nuisance to nearby properties.

17

1	further risks have been identified which need to be addressed, save as below:	
1	The premises licence holder must ensure that an age verification policy is ado in respect of the premises in relation to the sale or supply of alcohol. The designated premises supervisor in relation to the premises licence must en	sure
	that the supply of alcohol at the premises is carried on in accordance with the verification policy. The policy must require individuals who appear to the responsible person to under 18 years of age (or such older age as may be specified in the policy produce on request, before being served alcohol, identification bearing photograph, date of birth and either— a. a holographic mark, or	ob y)t
	b. an ultraviolet feature.	
Cheo	klist: Please tick to indicate agreen	nen
		x
•	I have made or enclosed payment of the fee.	
•	I have enclosed the plan of the premises.	x
•	I have sent copies of this application and the plan to responsible authorities and others where applicable.	x
•	I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.	x
•	I understand that I must now advertise my application. I understand that if I do not comply with the above requirements my	x
•	application will be rejected. [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).	x
or is a ey re ibje e Ir	In offence, under Section 158 of the Licensing Act 2003, to make a false staten in connection with this application. Those who make a false statement may be immary conviction to a fine of any amount. In offence under Section 24b of the Immigration Act 1971 for a person to work know, or have reasonable cause to believe, that they are disqualified from doin ason of their immigration status. Those who employ an adult without leave or w act to conditions as to employment will be liable to a civil penalty under section minigration, Asylum and Nationality Act 2006 and pursuant to Section 21 of the eract, will be committing an offence where they do so in the knowledge, or with unable cause to believe, that the employee is disqualified.	liabl whe g sc /ho i 15 o
Part	4 - Signatures (please read guidance note 11)	
	ature of applicant or applicant's solicitor or other duly authorised agent (ince note 12). If signing on behalf of the applicant, please state in what city.	see

	the UK (and i from doing w seen a copy o conducted an online right to	ned in this application s not subject to condition ork relating to a license of his or her proof of er online right to work do work checking service se see note 15)	ons preventir able activity) a ntitlement to v neck using the	g him or her and I have vork, or have Home Office
Signature	E-signature – Lohitha	iyini Loganathan		
Date	28.06.2023			
Capacity	Applicant's Solicitors			
Signature Date				
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associated w	e (where not previously th this application (plea DN SOLICITORS			pondence
28 Merton H	igh Street			
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APPENDIX C1

REPRESENTATIONS 39 MEDWAY DRIVE FARNBOROUGH GU14 9LY



APPENDIX C2

REPRESENTATIONS 39 MEDWAY DRIVE FARNBOROUGH GU14 9LY

20-07-23 Dear Sir / Madam, It is with dismay that I discover that the "Six o' clock News" 39 medway Drive, Cove is applying for a licence to self alcohol from bam => 11pm every day ! The premises is soon to be under new management 7 realise. 39 Medway Drive has existed as a Newspaper shop/card shop/ social hub/ with a few extra items but has never sold alcohol. It has been this way for many years and 2 hope it stays that way for many years. There are many elderly people, families, children on the manor

estate and it is a popular venue I fear that the area would probably deteriorate and other businesses may not be so successful if the application for alcohol gets granted. There has already been trouble with drugs in that little area where the shop is. I think we may find broken glass and unwelcome, undesirable behaviaer could happen. The Co-op at the junction of Sandy. Lane and Fernhell Road sells alcohol as does another little shop close to the coop, (but they do not sell as late as 11pm). So if people wish to purchase alcohol they don't have far to go and it is on a main road; not tucked away on a housing estate. Please do not grant the licence. 2 think 2 speak for many who live here! Thank you for taking the time to read this.

RELEVANT CONSIDERATIONS 39 MEDWAY DRIVE FARNBOROUGH GU14 9LY

1.0 Guidance issued under S182 of the Licensing Act 2003 (Dec 2022)

1.1. The sections of the Secretary of State's guidance identified in **Table 1** below may be relevant to the consideration of this application

	TABLE 1 - SECTIONS OF THE SECRETARY OF STATE'S GUIDANCE WHICH MAY BE RELEVANT TO THIS APPLICATION											
Section	Other	Paragi	raph(s)	Subject Matter	Pag	e(s)						
Section	Ref.	From	То		From	То						
2	-	2.1	2.32	The licensing objectives	6	12						
2	-	2.1	2.6	Crime and Disorder	6	7						
8	-	8.1	8.110	Applications for a premises licence	49	67						
9	-	9.1	9.45	Determining applications	68	76						
9	-	9.3	9.3	Where representations are made	68	68						
9	-	9.31	9.41	Hearings	73	75						
10	-	10.1	10.66	Conditions attached to premises licences and club premises certificates	77	88						
10	-	10.8	10.9	Imposed conditions	78	78						
13	-	13.1	13.13	Appeals	103	105						
13	-	13.10	13.11	Giving reasons for decision	104	104						

2.0 The Council's Licensing Policy

2.1. The sections of the Council's Licensing policy identified in **Table 2** below may be relevant to the consideration of this application.

				TIONS OF THE COUNCIL'S LICENSING POLICY AY BE RELEVANT TO THIS APPLICATION		
Section	Other	Parage	raph(s)	Subject Motter	Pag	e(s)
Section	Ref.	From	То	Subject Matter	From	То
3	Part C	3.1	3.43	Licensing principals, objectives & General considerations	13	17
3	Part C	3.10	3.12	General licensing principals	14	14
6	Part F	6.1	6.53	Premises Licences	26	34
18	Part R	18.1	18.55	Representations, Responsible authorities & Interested Parties	69	74
18	Part R	18.45	18.48	The weight attached to relevant representations	73	74
19	Part S	19.1	19.27	Conditions and restrictions	76	79
19	Part S	19.10	19.15	General principles of transposition and imposition of conditions	76	77

NB: Matters in **bold** indicate main section headings.