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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| 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 | | | | |
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| 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) | | | | | | |
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| olease giv | vide name a e any regis ther than a | stered numbe | er. In the | case of | a partnersh | /here appropria ip or other joi address of ead |

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| E-mail address (optional) Part 3 Operating Schedule When do you want the premises licence to start? DD MM YYYY 2 6 0 7 2 0 2 2 2 If you wish the licence to be valid only for a limited period, when do you want it to end? DD MM YYYY MM YYYY Please give a general description of the premises (please read guidance note 1) Newsagents and Convenience Store known as Six O'clock News located at 39 Medway Drive, Farnborough, Hants, GU14 9LU If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. Mhat licensable activities do you intend to carry on from the premises? please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003) Provision of regulated entertainment (please read guidance note 2) Please tick all that apply a) plays (if ticking yes, fill in box A) Induct the tick all that apply b) films (if ticking yes, fill in box B) Induct ticking yes, fill in box D) | E-mail address (optional) Part 3 Operating Schedule When do you want the premises licence to start? DD MM YYYY 2 6 0 7 2 2 2 If you wish the licence to be valid only for a limited period, when do you want it to end? DD MM YYYY MM YYYY Please give a general description of the premises (please read guidance note 1) Newsagents and Convenience Store known as Six O'clock News located at 39 Medway Drive, Farnborough, Hants, GU14 9LU If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend. Mhat licensable activities do you intend to carry on from the premises? please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003) Provision of regulated entertainment (please read guidance note 2) a) plays (if ticking yes, fill in box A) Please tick all that apply a) plays (if ticking yes, fill in box B) indoor sporting events (if ticking yes, fill in box C) d) boxing or wrestling entertainment (if ticking yes, fill in box D) Image: Act 2003 | | | unincorporated |
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| 2) that apply a) plays (if ticking yes, fill in box A) b) films (if ticking yes, fill in box B) c) indoor sporting events (if ticking yes, fill in box C) d) boxing or wrestling entertainment (if ticking yes, fill in box D) | 2) that apply a) plays (if ticking yes, fill in box A) b) films (if ticking yes, fill in box B) 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 | ny one time, please state the number expected to attend. | emises? |
| b) films (if ticking yes, fill in box B) c) indoor sporting events (if ticking yes, fill in box C) d) boxing or wrestling entertainment (if ticking yes, fill in box D) | b) films (if ticking yes, fill in box B) 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 | ny one time, please state the number expected to attend. t licensable activities do you intend to carry on from the pre | |
| 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 |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | d) boxing or wrestling entertainment (if ticking yes, fill in box D) | at a Wha (plea Pro 2) | 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 | censing Act 2003) ote Please tick all |
| | | 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) | |

5

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 | | | | | |
| Fri 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 | Wed | | | State any seasonal variations for the exhil (please read guidance note 5) | bition of film | <u>s</u> |
| 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) | | |
| 7 | Sun | \square | | | | |
| 7 | \square | | | | | |
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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 | | |
| Cence Intitler Name Date Addre | e as desi ment to v o Ra of birth ess | gnated p work in tl ajanayaga | remises supervisor (Please see declaratione checklist at the end of the form): | | |
| Name Date Addre | e as desi ment to v o Ra of birth ess | gnated p work in th ajanayaga ajanayaga ajanayaga ajanayaga ajanayaga | remises supervisor (Please see declaration the checklist at the end of the form): im 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.

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| 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 | | | |
| 28 Merton H | | | | |
| 28 Merton H Post town | London | | Postcode | SW19 1DN |
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| 28 Merton H Post town Telephone nu If you would p | London imber (if any) prefer us to correspond | with you by e-mail, you | | |



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.