LICENSING SUB-COMMITTEE (ALCOHOL & ENTERTAINMENTS) 12 DECEMBER 2024

LICENSING REPORT NO. OS2415

DETERMINATION OF AN APPLICATION FOR A PREMISES LICENCE NISA LOCAL, 63 SAVOY PLACE, 281 FARNBOROUGH ROAD, FARNBOROUGH, GU14 7HN

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 25th September 2024 by K27 Ltd in respect of a premises known as 63 Savoy Place, 281 Farnborough Road, Farnborough GU14 7HN. 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 for consumption off the premises, Mondays to Saturdays from 07:00am to 23:00pm and Sundays 07:00am to 22:00pm. A copy of the application form and some additional information submitted by the applicant 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 24th October 2024.

3.0 REPRESENTATION(S)

3.1 Two representations were received in respect of the application from members of the public. A copy of each representation is given at **appendix C1 and 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 objectives the prevention of crime and disorder, public safety and the protection of children from harm.

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 representations 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.

AIMEE VOSSER Licensing Officer Operational Services licensing @rushmoor.gov.uk

Public Documents:

- 1) **HMSO (2003)**, The Licensing Act 2003
- 2) **Home Office (Dec 2023)**, Guidance issued under Section 182 of the Licensing Act 2003

Contact:

Aimee Vosser, Licensing Officer (01252 398131)

Appendices:

Appendix A	- Map of the area (page 5)
Appendix B	- Application for a premises licence (pages 7 - 28)
Appendix C	- Representations - (page 29 - 31)
Appendix D	- Policy and Guidance – Relevant considerations (page 33)

APPENDIX A

MAP SHOWING LOCATION OF PREMISES 63 SAVOY PLACE, 281 FARNBOROUGH ROAD, FARNBOROUGH, GU14 7HN



APPENDIX B

APPLICATION FOR A NEW PREMISES LICENCE 63 SAVOY PLACE, 281 FARNBOROUGH ROAD, FARNBOROUGH, GU14 7HN

		Please read th	he following i	instrue	ctions first	
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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			First	names	
Date of bi	rth	I am I	8 years old or ov	er Please tick y	yes
Nationalit	У				
Current re address if from prem address	different				
Post town				Postcode	
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E-mail ad (optional)					
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Mr	Mrs	Miss	Ms	Other Title (for example,	
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	1589 6570		
	cription of applicant (for example, partnership, company, uninco octation etc.) DIRECTOE - LIMITOD Comp		
Tele	sphone number (if any)		
E-m	ail address (optional) INFO & K274. Uk		
Part	3 Operating Schedule		
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	wish the licence to be valid only for a limited period, DD n do you want it to end?	MM YYYY	
Plea	ase give a general description of the premises (please read guid	ance note 1)	1
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	NISA- GROCERY) OFF-Lience Daily needs, Drinks, Coffee,	Alcorus.	
at ar What	000 or more people are expected to attend the premises ny one time, please state the number expected to attend.		
	vision of regulated entertainment (please read guidance note	Please tick all	1
2)	plays (if ticking yes, fill in box A)	that apply	
	films (if ticking yes, fill in box 8)		
· ·	indoor sporting events (if ticking yes, fill in box C)		
c)	boxing or wrestling entertainment (if ticking yes, fill in box D)		
	4		,

e)	live music (if ticking yes, fill in box E)	
f)	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)	

Provision of late night refreshment (if ticking yes, fill in box I)	
Supply of alcohol (if ticking yes, fill in box J)	YES

5

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)		e read	Will the performance of a play take place indoors or outdoors or both - please <u>tick</u> (please read guidance note 3)	Indoors Outdoors	
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Wed			State any seasonal variations for perform (please read guidance note 5)	ing plays	
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State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name ANNEET WAD	1141
Date of birth	
Address	
Postcode	
Personal licence number (if known)	H06571

Hausslaw

enter	tainment	t or matt	adult entertainment or services, activities, other ers ancillary to the use of the premises that may give rise of children (please read guidance note 9).
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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

b) The prevention of crime and disorder

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c) Public safety

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d) The prevention of public nuisance

e) The protection of children from harm

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ADDITIONAL INFORMATION SUBMITTED BY THE APPLICANT 63 SAVOY PLACE, 281 FARNBOROUGH ROAD, FARNBOROUGH GU14 7HN

rom:	Avneet Wadhwa <info@k27.uk></info@k27.uk>
ient:	13 November 2024 08:48
o:	Aimee Vosser
Subject: Attachments:	Fw: Savoy Place viewing numbers- both agentsxlsx
	Hermig Harmbers - ooth agerteanian
AUTION: This email originate	ed from outside of Rushmoor Borough Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.
li Aimee,	
v removed the names and	emails, nothing needs to be removed from the spreadsheet.
hank you	
Avneet Wadhwa	
Director 27 Developments Ltd	
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. mo@k27.uk	
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o: aimee.vosser@rushmo Subject: Fw: Savoy Place	or.gov.uk <aimee.vosser@rushmoor.gov.uk></aimee.vosser@rushmoor.gov.uk>
li Amiee,	
Below is the email from the riewings to back up develo	e developer regarding the occupation at Savoy place, 281 Farnborough road, also iv attached data from the local agents with the number of th pers email.
Agents: Mackenzie Smith	
/ictoria Road, Camberley	
Gascoigne & Pees 3 Park St, Camberley GU1	5 3PQ
Please can you remove the	developers name, email address and telephone numbers.
hank you	
Avneet Wadhwa	
Director	
27 Developments Ltd	
info@k27.uk	
rom:	
ient: Monday, November : fo: subject: Savoy Place	11, 2024 1:07:07 pm
Dear Avneet	
write to confirm that the Dwnership units.	residential properties at 1-62 Savoy Place, 281 Farnborough Road are being rented privately or will be owner-occupied in the case of the Share
	narketed for private rental by local agents, including Gascoigne Pees and Seymours & Mackenzie Smith.
he properties are being m	outside council occupying all the units, this is not the case. The apartments have already begun to be occupied by private tenants.
Despite recent rumours of	quiry. If you need anything further please do not hesitate to contact me.
Despite recent rumours of	quiry. If you need anything further please do not hesitate to contact me.
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APPENDIX C1

REPRESENTATION 63 SAVOY PLACE, 281 FARNBOROUGH ROAD, FARNBOROUGH GU14 7HN

From:

Sent: Sunday, October 20, 2024 1:58 PM To: Rushmoor Council Licensing <Licensing@rushmoor.gov.uk> Subject: Licence Application 24/00747/lapre

You don't often get email from Learn why this is important

CAUTION: This email originated from outside of Rushmoor Borough Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

20 October 24

Application for a licence to sell alcohol at the nisa Shop 63 Savoy Place. 24/00747/lapre.

I object the issue of a licence for the following reason :-

I note the Designated Premises Supervisor lives in Feltham so not readily available. Open 7 am to 11 PM seven days a week

There is a 'loading bay' on the Farnborough road side but there is no signage showing restrictions so anybody can park their. All surrounding roads have double yellow lines.

All Union Street parking is residents only. There is only one chargeable car park at the top of Union Street.

There are four pedestrian crossing around the gyratory. Any additional traffic will increase the risk to pedestrians.

The whole is a very busy with railway travellers, buses and the two Colleges in the area.

Unless the customers are residents of Savoy Place customers have to cross busy roads and many will not use designated crossing if they have to walk further or are in a hurry.

There will be additional noise from deliver lorries. As the layby in front of the shop is the route into the car park of Savoy Place that cannot be used so all deliveries lorries can only use one of the three places mentioned above.

The applications comments on a rear deliver door. There is no opening deliver door due to the slope of the land preventing the door from opening. Any alteration would prevent the doors from being fully secured.

The levels of noise and pollution will increase as could anti-social behaviour and litter.

In my opinion the entire development should never have been given planning permission. I appreciate that RBC did not agree to the development and if you refuse the licence the developer will again go to the D of E.

Yours Faithfully,

From:

Sent: Saturday, November 2, 2024 4:10 PM To: Aimee Vosser <aimee.vosser@rushmoor.gov.uk> Subject: Re: New Agenda Alert – Licensing Sub-Committee – 15th November 2024 (10am)

CAUTION: This email originated from outside of Rushmoor Borough Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Afternoon.

Thank you I have received the paperwork. I would like to attend the hearing .

Not sure if I can add an additional comments?

All the notices for the application faced Farnborough Road none on the Union Street frontage or on street furniture. Almost as a deliberate action to obscure the application notices.

The shutter doors have now been added to the shop front. Due to the slope of the land and the straight bottom edge of the shutter they do not fit securely to the ground. This is clear to see and almost invites a break in.

Thank you

APPENDIX C2

REPRESENTATION 63 SAVOY PLACE, 281 FARNBOROUGH ROAD, FARNBOROUGH, GU14 7HN

From:

Sent: Wednesday, October 16, 2024 5:00 PM To: Shelley Bowman <<u>shelley.bowman@rushmoor.gov.uk</u>> Cc: Subject: LICENSING APPLICATION-SAVOY PLACE

I wish that the licensing application for the above location be refused for the following reasons:

When the planning application was agreed on appeal the assumption was that the tenants would be upwardly mobile professionals. However, it now seems likely that a London Borough (Newham) wishes to house some of its homeless and vulnerable families in the building.

I consider that this new intention will compromise the Licensing Objectives in the following ways:

- a. Up to 80% of the residents could have limited resources and thus the opportunity to buy alcohol on the premises will divert their purchases from necessities to optional purchases, overuse of which could lead to anti-social behaviour among the residents.
- b. Children could be caught up in any disruption caused by residents' overuse of alcohol and could lead to domestic violence.

If it is not possible to reject the application outright, I propose that a condition is added such that alcohol is not allowed to be sold on the premises until it is confirmed who will be living in Savoy Place.

RELEVANT CONSIDERATIONS 63 SAVOY PLACE, 281 FARNBOROUGH ROAD, FARNBOROUGH, GU14 7HN

1.0 Guidance issued under S182 of the Licensing Act 2003 (Dec 2023)

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 Ref.	Paragraph(s)		Subject Matter	Pag	Page(s)					
		From	То	Subject Matter	From	То					
2	-	2.1	2.38	The licensing objectives	6	13					
2	-	2.1	2.7	Crime and Disorder	6	7					
2	-	2.8	2.20	Public Safety	7	9					
2		2.28	2.38	Protection of Children from Harm	11	13					
8	-	8.1	8.110	Applications for a premises licence	55	73					
9	-	9.1	9.45	Determining applications	74	82					
9	-	9.3	9.3	Where representations are made	74	74					
9	-	9.31	9.41	Hearings	79	81					
10	-	10.1	10.66	Conditions attached to premises licences and club premises certificates	83	95					
10	-	10.8	10.9	Imposed conditions	84	84					
13	-	13.1	13.13	Appeals	111	113					
13	-	13.10	13.11	Giving reasons for decision	112	112					

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.

TABLE 2 - SECTIONS OF THE COUNCIL'S LICENSING POLICY WHICH MAY BE RELEVANT TO THIS APPLICATION											
Section	Other	Paragraph(s)		Subject Metter	Page(s)						
	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.