

Subject:	Application for a review of a Premise Licence at the Blue Ginger Restaurant.
Status:	Routine Matter for Decision
Report ref:	
Ward(s):	Whitchurch
Key Decision:	No
Key Decision/Ref:	
Report of:	Head of Environmental Services
Contact officer:	Sophy Brough, Interim Licensing Team Leader, sophy.brough@basingstoke.gov.uk
Appendices:	Appendix 1 – Premises Licence Review Application Appendix 2 – Council Licensing Officer Representation Appendix 3 – Immigration Officer Representation Appendix 4 – Extracts from s182 LA2003 Guidance Appendix 5 – Extracts from the BDBC Statement of Licensing Policy
Papers relied on to produce this report:	None.

1 Executive Summary

- 1.1 This report is to enable members to consider and determine an application for a review of the current premises licence at the Blue Ginger, Bell Street, Whitchurch, Hampshire, RG28 7AE made under section 51 of the Licensing Act 2003.

2 Recommendation

It is recommended that:

- 2.1 The sub-committee consider the evidence of all parties involved at the hearing and then determine the steps it considers appropriate to promote the licensing objectives.
- 2.2 Members must determine the application in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 2.3 After considering the above matters and evidence, the options available to the committee to determine the review are contained under section 52(4) of the LA2003 which are as follows:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

PRIORITIES, IMPACTS AND RISKS

Contribution to Council Priorities

This report accords with the council's Policy and Budget Framework and supports the development of an effective and efficient council.

GLOSSARY OF TERMS

Term	Definition
BG	Blue Ginger
DPS	Designated Premises Supervisor
PLO	Police Licensing Officer
HOIE	Home Office Immigration Enforcement
CLO	Council Licensing Officer
PLH	Premises Licence Holder
HFRS	Hampshire Fire and Rescue Service
EH	Environmental Health

MAIN CONSIDERATIONS

3 The Proposal

- 3.1 An application for the review of the premises licence for the Blue Ginger (BG) was submitted on 10 December 2018 by the Police Licensing Officer (PLO) acting as a responsible authority under the Licensing Act 2003.
- 3.2 The grounds for the review application relate to the following licensing objective.
 - The prevention of Crime and Disorder
- 3.3 The review application is attached at Appendix 1. This details a chronological account of incidents, communications and actions between the responsible persons and premises licence holder of the BG, the PLO and the Council Licensing Officer (CLO). The Police have called for the removal of the current

DPS, addition of conditions and a suspension of the premises licence for one month to allow the work to be carried out.

- 3.4 The current Designated Premises Supervisor (DPS) has acted as DPS and Premises Licence Holder (PLH) since 24 December 2005 when the original premises licence was applied for. A copy of the premises licence is available in the CLO representation at KMH/01.
- 3.5 The review application lists a history of matters and incidents relevant to the licensing objectives which include a range of non-compliance and poor practice issues.

4 Licensing Representation

- 4.1 The CLO submitted a representation in support of the review application which is attached with appendices at Appendix 2. The CLO representation includes an account of CLO liaisons and actions with the premises including non-compliance issues.
- 4.2 The CLO representation also includes concerns raised by other agencies, including Hampshire Fire and Rescue Service (HFRS) and Environmental Health (EH), regarding the management and running of the BG.

5 Home Office Representation

- 5.1 The Home Office Immigration Enforcement (HOIE) have also submitted a representation, this is detailed at Appendix 3. This HOIE representation details a visit to the BG on 6 July 2018 which resulted in the detention of an immigration offender with no right to work in the UK. A Civil Penalty Notice was served on the BG during the visit, however the outcome of this CPN is currently unknown.

6 Options Analysis

- 6.1 The options available to this committee are those detailed within paragraph 2.3 of this report. A licensing authority must carry out its functions under the Licensing Act 2003 with a view to promoting the licensing objectives (listed within paragraph 3.2).
- 6.2 In carrying out its licensing functions, a licensing authority must have regard to the guidance issued under section 182 of the Act and its 'Statement of Licensing Policy'. Relevant extracts of those documents are attached at Appendices 4 and 5. Members should note this does not preclude them from considering the remainder of the guidance and policy.
- 6.3 Having made a determination, the licensing authority must notify its decision notice including reasons for their decision to the review applicant, the CLO, the IO, the PLH and the Chief Officer of Police in which the premises is situated.
- 6.4 An appeal against the decision made in determining this application may be made to the Magistrates Court within 21 days of all parties being notified of the local authority's decision.

7 Corporate Implications

7.1 Financial Implications

7.1.1 There are no financial implications arising from this report.

7.2 Risk Issues

7.2.1 Members must consider the risks identified by the applicant for the review and the Responsible Authorities and other parties within their written representations and stated orally at the hearing in respect of the impact on the promotion of the relevant licensing objective that may occur as a result of the matters confined to the review application.

7.3 HR Issues

7.3.1 There are no HR issues arising from this report.

7.4 Equalities

7.4.1 Under the Human Rights Act 1998, the sub-committee needs to consider the balance between the rights of the licensee and those making representations when making their decision. The sub-committee has a duty under section 17 of the Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the Borough.

7.5 Legal Implications

7.5.1 The decision made by this sub-committee is subject to appeal rights to the Magistrates Court. Appeal rights must be included within the decision notice. Where a decision is made that is contrary to the statement of Licensing Policy or is contrary to statutory guidance, members must clearly state their grounds for departing from those documents within the decision notice.

7.6 Any Other Implications

7.6.1 The duties to take steps appropriate to promote the licensing objectives are referred to throughout this report.

8 Comment from Portfolio Holder

8.1 None

9 Communication and Consultation

9.1 This review application was subject to a statutory consultation period and was advertised in accordance with the Licensing Act 2003 Regulations.

10 Conclusion

10.1 The sub-committee must consider the application on its own individual merits and take into account all relevant matters then determine the application by taking the steps it considers appropriate and proportionate to promote the licensing objectives. The options available to the committee are detailed within paragraph 2.3 of this report.