

**ITEM Review of Premises Licence following a closure order
 – White Horse Hotel, Market Place, Romsey SO51 8ZJ**

1 The application

- 1.1 This hearing is to Review the Premises Licence for the premises known as The White Horse Hotel, Market Place, Romsey SO51 8ZJ. The Review is as a result of a Police closure order being placed on the premises on 31 December 2005 in accordance with the provisions of section 161 of the Licensing Act 2003.
- 1.2 The premises benefits from a Premises Licence permitting regulated entertainment and sale of alcohol by retail for consumption on and off the premises. The Premises Licence was issued on 17 November 2005 to be effective from 24 November 2005. Prior to this date the Premises benefited from a Justices On-Licence issued under the Licensing Act 1964 permitting sale of alcohol and also a Public Entertainment Licence issued under the Local Government (Miscellaneous Provisions) Act 1982 permitting entertainment. A copy of the Premises Licence and Summary is attached as Annex 1 to this report.

2 Background

- 2.1 The premises are an established hotel with 26 bedrooms, bar and function room selling alcohol for consumption both on and off the premises. There is an external area adjacent to the premises which are used for the consumption of alcohol purchased at the premises. The Premises Licence holder made application under section 34 of the Licensing Act 2003 to vary the Premises Licence. Representations were received and thus the application was due to be determined at a hearing to be held on 30 September 2005. However, the applicant withdrew this variation application and thus the Premises Licence was granted with the same permissions and conditions as applied to the previous licences.

3 Grounds for the Review

The closure order was placed on the Premises by Inspector Funnell of Hampshire Constabulary using powers under section 161 of the Licensing Act. The premises were closed from 1750 hours on 31 December 2005 until 1100 hours on 1 January 2006. No extension to the closure order was sought by the Police. In accordance with section 164 of the Act, New Forest Magistrates Court held a hearing on 6 January to consider the closure order. At the

hearing the Court decided in accordance with section 165 of the Act that the premises be ordered to remain closed until such time as the Licensing Authority determines the matter. In accordance with section 167 of the Act the Licensing Authority must review the Premises Licence and that is the purpose of this hearing. A copy of the Court order and any other relevant documentation will be made available to parties at the hearing.

4 Relevant Representations – Responsible Authorities

- 4.1 There were no representations from Responsible Authorities at the time this report was written.

5 Relevant Representations – Interested Parties

- 5.1 There were no representations from Interested Parties at the time this report was written.

6 Policy Considerations

- 6.1 It is considered that the following extracts from the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 are relevant.

4.18 – Designated Premises Supervisor

5.99 – Reviews

5.107 – Powers of a licensing authority on the determination of a review

7.20 – Crime and disorder

7.47 – The protection of children from harm

11.1 – Police Powers to Close Premises

11.2 – General

11.13 – Closure orders for identified premises

11.14 – Conduct of the premises licence holder

11.17 – Voluntary co-operation

11.27 – “Likely disorder”

11.29 – Enforcing a closure order

11.34 – Length of police closure order

11.36 – The “manager” of the premises

11.39 – Service of closure orders generally

11.40 – Relationship with local licensees and managers

A copy of the Secretary of State’s Guidance will be provided at the meeting for Members of the Committee. Additional copies can be obtained from the website of the Department of Culture Media and Sport.

- 6.2 It is considered that the following extracts from the Licensing Authority's own Statement of Licensing Policy are relevant to this application:

Section A: Prevention of Crime and Disorder

The Statement of Licensing Policy is enclosed with a copy of this report for Members of the Committee. Additional copies will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Administration Service or downloaded from the Council's website.

7 Observations

- 7.1 The Committee is obliged to determine this application with a view to promoting the four licensing objectives of prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. In making its decision, the Committee is also obliged to have regard to the national Guidance and the Council's own Statement of Licensing Policy. The Committee must also have regard to all of the representations made and the evidence it hears. The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- a) Modify the conditions of the Premises Licence, by altering or omitting or adding to them.
- b) Exclude a licensable activity from the scope of the licence.
- c) Remove the Designated Premises Supervisor.
- d) Suspend the licence for a period not exceeding three months.
- e) Revoke the licence.

The Committee is asked to note that it may not undertake any of the above steps merely because it considers it desirable to do so. It must actually be necessary in order to promote one or more of the licensing objectives:-

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

The Committee may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent the Committee issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that the licensing authority will regard such a warning as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the Police have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, the Committee should not merely repeat that approach.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Premises Licence number 240 for the White Horse Hotel, Market Place, Romsey and all associated paperwork			
No of Annexes:	1		
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File Ref:	MW/EH.13/4 (E)		
Report to:	Licensing Sub Committee	Date:	26 th January 2006

Brief Description
To determine a Review of the Premises Licence for the White Horse Hotel, Market Place, Romsey

<u>Have you taken the following into consideration?</u>	Yes/No
Policy Framework/Council's Strategic Priorities	N/A
Key Decisions	N/A
Community Safety Issues	N/A
Equality Issues	N/A

Risk Analysis	N/A
Environmental Health/Sustainability	N/A
Property/Accommodation Implications	N/A
Is this report confidential?	No

<u>OFFICER CONSULTATIONS</u>		<u>COMMENTS</u>
Chief Executive		
Corporate Director (BS)		
Corporate Director (CC)		
Finance	X	
Legal		
Personnel		
Other Heads of Service		
Corporate Services Portfolio Holder		
Economic Portfolio Holder		
Environment & Development Portfolio Holder		
Leisure Portfolio Holder		
Social Well Being Portfolio Holder		
UNION		
FINAL APPROVED VERSION	X	

Statutory Authority

Licensing Act 2003