

**Item 5 Application for Variation of a Premises Licence to
specify a new Designated Premises Supervisor –
Dukes Head, Greatbridge Road, Romsey SO51 0HB**

1 The application

- 1.1 The application is by Susan Russell for the premises known as the Dukes Head, Greatbridge Road, Romsey SO51 0HB. The premises hold a Premises Licence issued under the Licensing Act 2003 permitting supply of alcohol for consumption both on and off the premises from 1000 to 0000 hours. The Licence was issued on 17 November 2005 to become effective on 24 November 2005, the date of final implementation of the Licensing Act 2003. Prior to this the premises benefited from a Justices On-Licence issued under the Licensing Act 1964.
- 1.2 The applicant has now applied under section 37 of the Act to vary this Licence by specifying a new Designated Premises Supervisor (DPS), namely Edward Blanchard. This application has attracted a representation from Hampshire Constabulary, the only persons able to object to such an application thus needing the matter to be determined by a hearing.
- 1.3 The Licensing Act 2003 states that in the case of this type of application, if the chief officer of Police is “satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective, he must give the relevant licensing authority a notice stating the reasons why he is so satisfied”. The Act further states that where such a notice is given the licensing authority must hold a hearing (unless all parties agree a hearing is unnecessary) and having regard to the notice, reject the application if it considers it necessary for the promotion of the crime prevention objective to do so.

2 Background

- 2.1 The Premises Licence was transferred to the current licence holder in March 2006. Prior to the submission of the application, solicitors acting on behalf of the new licence holder advised the licensing authority that the previous owner of the property had agreed to stay on and act as DPS until such time as the new owner’s employees obtained Personal Licences and one of them could then be appointed as DPS. Unfortunately this did not happen and it was only when the licensing authority contacted the licence holder on another unrelated matter that it became apparent no application to change the DPS had been made and the previous DPS, David Harris, was still named as such. The new licence holder remedied this matter by submitting an application to change the DPS to a Mr Andrew Cottingham.

- 2.2 That application attracted an objection from Hampshire Constabulary and the matter was determined at the Licensing Sub Committee held on 20 March 2007 where the decision was made to reject the application. Consequently the Premises Licence holder has now submitted another application for change of DPS to a Mr Edward Blanchard and this application too has attracted a Police representation (see paragraph 4 below).

3 Promotion of the Licensing Objectives

- 3.1 In this type of application only the licensing objective of prevention of crime and disorder can be considered. The applicant is not required to make any comments in relation to the steps taken to promote this licensing objective. The ability of the applicant to achieve the licensing objective of the prevention of crime and disorder must be considered in light of the representation from the Police (see 4 below).

4 Relevant Representations – Responsible Authorities

- 4.1 **Hampshire Constabulary** – The Police are lodging an outright objection to the application. The Police objection is detailed in Annex 1 to this report.
- 4.2 No other responsible authorities are entitled to make representations on this application.

5 Relevant Representations – Interested Parties

- 5.1 Interested parties are unable to make representations on this application.

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.

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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: The 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 licensing objective of prevention of crime and disorder. 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 the representation 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 objective:

- a) Grant the application.
- b) Reject the application.

The Committee is asked to note that it may not reject the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objective of the prevention of crime and disorder.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Premises Licence variation application to specify a new DPS for the Dukes Head, Greatbridge Road, Romsey			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	One		
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