

**Item 6 Application for Variation of a Premises Licence to
Specify a New Designated Premises Supervisor –
Hare & Hounds, Charlton Down, Andover SP11 0JA**

1 The application

- 1.1 The application is by Steven Mancini for the premises known as the Hare and Hounds, Hungerford Lane, Charlton Down, Andover SP11 0JA. The premises hold a Premises Licence issued under the Licensing Act 2003 permitting live music, recorded music and supply of alcohol for consumption both on and off the premises. The Licence was issued on 17 October 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 himself. 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 October 2007 when he purchased the property from the previous licence holder, Admiral Taverns. At the time of transferring the licence the applicant also applied to appoint himself as the Designated Premises Supervisor. Members are reminded that the Act requires all premises where the licence authorises supply of alcohol to have a DPS.

- 2.2 The DPS is someone who, under the Act, has overall responsibility for the sale of alcohol on the premises who can be readily identified and held to account. The Act is silent on any other requirements for the DPS. Since implementation of the Act, Hampshire Constabulary has adopted a policy that in respect of premises such as public houses, the DPS should be somebody involved in the day to day management of the premises and that they should not manage any other premises. The applicant is already the DPS at the Cricketers Inn, Longparish and intends remaining so. The fact that this would not comply with the Police's policy has been explained to the applicant and initially he advised that his wife would in due course become the DPS at the Hare and Hounds. The Police have attempted to gain an undertaking from the applicant that he would remain DPS at the Hare and Hounds until 4 January 2008. No commitment has been made by the applicant and so accordingly the Police have now submitted a representation objecting to the application appointing Mr Mancini as DPS (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 as follows: Mr Mancini is the Designated Premises Supervisor at The Cricketers Inn at Longparish. Hampshire Constabulary do not believe that he will be able to oversee the serving of alcohol at both premises, be in a position to be in proper day to day control or ensure the prevention of crime and disorder or the other three licensing objectives are adhered to.
- 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.

4.19-4.27 – Designated Premises Supervisors

10.45-10.47 - Mandatory Conditions

10.53 – Authorisation by personal licence holders

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.

Background Papers (Local Government Act 1972 Section 100D)

Premises Licence variation application to specify a new DPS for the Hare and Hounds, Charlton Down, Andover

Confidentiality

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:	None		
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