

Item 6 Application for Review of a Premises Licence – The George Inn, Middle Wallop, Stockbridge SO20 8EG

1 The application

- 1.1 The application is by Hampshire Constabulary requesting a Review of the Premises Licence for the premises known as The George Inn, The Crossroads, Middle Wallop, Stockbridge SO20 8EG. The application is requested in accordance with the provisions of Section 51 of the Licensing Act 2003.
- 1.2 The premises benefits from a Premises Licence permitting regulated entertainment (by way of films, indoor sporting events, live music, recorded music, performances of dance supply, anything of a similar description to live or recorded music or performances of dance and provision of entertainment facilities for making music or dancing or entertainment of a similar description), provision of late night refreshment and supply of alcohol for consumption both on and off the premises. The Premises Licence was first issued on 14 October 2005 (to be effective from 24 November 2005) allowing the sale of alcohol from 0700 to 0000 hours Monday to Thursday, 0700 to 0100 hours the following morning Friday and Saturday and from 0700 to 2330 hours Sunday. A copy of the existing licence is attached as Annex 1 to this report. The application for a Review requires the matter to be determined at a hearing.
- 1.3 The application requesting a Review relates to all four following licensing objectives:
- a) The prevention of crime and disorder
 - b) Public safety
 - c) The prevention of public nuisance
 - d) The protection of children from harm.

A copy of the application and supporting document is attached as Annexes to this report and referred to below.

2 Background

- 2.1 The premises are an established large open plan country public house set in the village of Middle Wallop. The premises comprise a bar, kitchen, games area and dining area. On the first floor are letting bedrooms and the licence holder's private accommodation. There is a large garden with patio and two car parks. The premises are adjacent the A343 Andover to Salisbury Road. The premises benefits from a Premises Licence as described in paragraph 1.2 above. Prior to November 2005 the premises benefited form a Justices On Licence permitting sale of alcohol.

- 2.2 It is understood that the freehold of the premises is held by Enterprise Inns Plc although the Premises Licence has always been held by their tenant(s). At the time of writing this report the Premises Licence is held by Corinne Whitlock who is also the named Designated Premises Supervisor (DPS). Miss Whitlock has held the Licence and been DPS since July 2007.
- 2.3 The Review application attached as Annex 2 to this report outlines the position regarding the premises and summarises incidents leading to the Police requesting a Review. The Review application indicates that it was only following the transfer of the Licence to Miss Whitlock that the Police began to receive complaints about the premises. This situation continued culminating with an incident on the evening of 26 and 27 July 2008 when Police were called to a serious incident of disorder at the premises.
- 2.4 The Police application states that they “believe that the DPS has no effective management control of the premises despite support and guidance from the Police. There is clear evidence of breaches of licensing legislation; customers being served whilst drunk, violence occurring both within the premises and being committed by customers outside the pub and in the locality. Alcohol has been served to underage children and outside permitted hours culminating in several incidents of serious disorder”.
- 2.5 No changes or revisions to the licence have taken place since its original issue other than the transfer to a new licence holder and consequent change of DPS.

3 Grounds for the Review

The applicant states the grounds for the review in their application. In addition the Police have provided the following additional documentation in support of their application:

Summary of occurrences from premises – Annex 3

Analytical report regarding incidents linked to premises – Annex 4

Register of pub visits (typed transcript) – Annex 5

Statements – Annex 6

4 Relevant Representations – Responsible Authorities

- 4.1 **Hampshire County Council Trading Standards Service** – Does not wish to make a representation.
- 4.2 **Test Valley Borough Council Planning Service** – no comments.

- 4.3 **Test Valley Borough Council** Environment and Health Service – the Commercial Team have no comments to make in respect of the licensing objective of public safety. The Pollution team make the following comments in respect of the licensing objective of prevention of public nuisance: On 03.07.2007 we received a noise complaint about an event involving music. As the noise in question was not witnessed by an officer from this Service, we are unable to comment further about whether the music level was excessive or not. No complaints have been received since this time about noise.
- 4.4 **Hampshire Fire and Rescue Service** – upon being advised of the Review application, a Fire Officer attempted to visit the premises and undertake a fire safety audit. Despite agreeing a date and time with Ms Whitlock the officer was unable to gain entrance to the premises. It is hoped that an inspection can be undertaken at a future date.

5 Relevant Representations – Interested Parties

- 5.1 Enterprise Inns Plc – At the time the Review application was submitted, the Premises Licence was held by Ms Whitlock, a tenant of Enterprise Inns Plc the freeholders of the premises. Accordingly, Gosschalks solicitors acting on behalf of Enterprise Inns submitted a representation asking that they be acknowledged as an interested party under the Act and thus be entitled to submit a representation regarding the application. Please see Annex 7 attached to this report.
- 5.2 P Grob – supports the application for Review. The grounds are set out in Annex 8 attached to this report. Members should note that the comments made in points two and five relating to the need for extended times and suitability as a ‘family pub’ are not directly relevant to the licensing objectives and thus should be disregarded. The other comments do relate to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

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.

2.1-2.18 – Crime and disorder

2.19-2.29 – Public safety

2.32-2.39 – Public nuisance

2.41-2.49 – The protection of children from harm

2.51 – Offences relating to the sale and supply of alcohol to children

11.1-11.21 – Reviews

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

Section B: Public Safety

Section C: Public nuisance

Section D: Protection of children from harm

The Statement of Licensing Policy has been provided to 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>			
Application for a Review of Premises Licence number 089 for The George Inn, Middle Wallop and all associated paperwork			
<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:	8		
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