

Item 6 Application for Variation of a Premises Licence to specify a new Designated Premises Supervisor – Five Bells, Nether Wallop, Stockbridge SO20 8HA

1 The application

- 1.1 The application is by Wadworth & Company Limited for the premises known as the Five Bells, Nether Wallop, Stockbridge SO20 8HA. The premises hold a Premises Licence issued under the Licensing Act 2003 permitting supply of alcohol for consumption both on and off the premises, regulated entertainment and provision of late night refreshment.
- 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 Mr David Tugwell. 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 application requests Mr Tugwell be appointed as the new DPS. However, he was also a DPS for licensed premises in the Eastleigh area the time the application was submitted. This is no longer the case according to comments submitted by Mr Tugwell. However, Hampshire Constabulary has a policy that for public houses such as the Five Bells, they expect the DPS to be involved in the day to day running of the premises. The Police argue that as Area Manager, Mr Tugwell will not be present at the premises on a daily basis and thus cannot effectively manage two premises and they contend that as a result there is an increased potential for the licensing objective of the prevention of crime and disorder to be jeopardised.

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.

4.19-27 – Designated Premises Supervisors

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 has either previously been provided for Members of the Committee or will be provided at the hearing. Copies can also be obtained from the Licensing Section of the Legal and Democratic 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.

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| <u>Background Papers (Local Government Act 1972 Section 100D)</u> | | | |
| Premises Licence variation application to specify a new DPS for the Five Bells, Nether Wallop. | | | |
| <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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