

Minutes of the **Licensing Sub-Committee**  
of the **Test Valley Borough Council**  
held in the Guildhall, High Street, Andover  
on Friday 5 October 2012 at 9.30 a.m.

Attendance:

Councillor I Andersen (P) Councillor J Whiteley (P)  
Councillor A Hope (P)

Also in attendance:

PC Ricky Davis – Hampshire Police  
Ms C Wanless, Basingstoke & Andover Licensing, Hampshire  
Mr S Baker – Greene King  
Mr A Price – Greene King  
Mr M Phipps – TLT Solicitors  
Ms A Evans – Landlady  
Mr D Watkins - Landlord

1 **Appointment of Chairman**

**Resolved:**

**That Councillor Hope be appointed Chairman for the duration of the meeting.**

2 **Minutes**

**Resolved:**

**That the minutes of the meetings held on 26 July and 1 August 2012 be confirmed and signed as a correct record.**

3 **Application for Review of a Premises Licence –  
The Foresters Arms, 2 London Street, Andover SP10 2PA**

The Sub-Committee considered an application by the police requesting a Review of the Premises Licence for the premises known as The Foresters Arms, 2 London Street, Andover SP10 2PA in accordance with the provisions of Section 51 of the Licensing Act 2003.

The police had requested the Review following three incidents in the period between March and June 2012 including two glassing incidents. As a result the police proposed that a condition be added to the Licence requesting polycarbonates to be used at all times that licensable activities are taking place.

PC Davis was invited to address the Sub-Committee to explain the reasoning behind the request for the Review. He stated that following the three incidents efforts had been made with the Landlady to reach agreement to use polycarbonates after 6pm but no agreement had been reached. PC Davis had spoken to the Independent Advisory Group who had been supportive and in October had followed up his meeting with the Landlady where he ascertained that polycarbonates were still not being used.

Mr Phipps, TLT Solicitors representing Greene King, was then invited to address the Sub-Committee. He gave the background to Greene King explaining that relationship between the Premises Licence Holder and the tenant. He informed the Sub-Committee that he was opposed to the condition recommended by the police as he felt that there was no evidence to merit the conclusion to use polycarbonates and was neither fair nor proportionate.

Mr Phipps reported on the details of the three incidents and stated that Pub watch had been notified on each occasion. At no time did the police discuss with the Premises Licence Holders, Greene King, the circumstances leading up to the review and Greene King had not been afforded the opportunity to analyse the condition or work through with the Licensees. Mr Phipps had contacted the police to request further information but this had not been forthcoming.

PC Davis confirmed that Mr Phipps had contacted him requesting further information but as the disclosure procedure had not been followed he could not release the information to him. PC Davis also stated that it is the duty of the police to promote a safe environment for the public to enjoy and only requested the condition after three incidents involving glass. He had also spoken to Mr S Baker, Greene King prior to the Hearing to discuss the conditions but there had been no agreement.

The Sub-Committee were then given to opportunity to ask questions of the representatives of each of the parties and the parties of each other.

Members of the Sub-Committee enquired whether any other establishments in Andover were using polycarbonates and the Licensing Manager replied that the Danebury Hotel is the only premises in the Borough who had a condition attached to their licence to use polycarbonates in their function area although there were a few establishments that had voluntarily introduced polycarbonates at specific times.

The Chairman adjourned the meeting to enable the Sub-Committee to consider the matter.

## **DECISION**

### **Resolved**

**That the Sub-Committee having listened carefully to the evidence submitted by the police, was particularly concerned about the incident which took place in**

**June. The Sub-Committee made it clear that if a similar incident or incidents came to it for consideration in the future, it would be likely to take formal action in relation to the premises licence. However, at present the Sub-Committee did not consider that the evidence was sufficient such that formal action, and in particular a condition of the sort proposed by the police, would be an appropriate or proportionate response. In the circumstance no action would be taken on this occasion**

(Meeting terminated at 11.15 am)