

Item 5 Application for variation of a Premises Licence to specify a new Designated Premises Supervisor – The Piston Broke, London Street, Andover SP10 2NU

1 The application

- 1.1 The application is by Elland Promotions Limited for the premises known as The Piston Broke, 43 London Street, Andover SP10 2NU. The premises hold a Premises Licence issued under the Licensing Act 2003 permitting supply of alcohol for consumption on the premises, late night refreshment and regulated entertainment.
- 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 Tony Noakes. 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 appropriate for the promotion of the crime prevention objective to do so.

2 Background

- 2.1 The application requests Mr Noakes is appointed as the new DPS. However, Hampshire Constabulary considers that Mr Noakes is unsuitable to be appointed as the DPS by virtue of his involvement in a recent incident at the premises to which the Police were called. Full details of this and other concerns are set out in the representation submitted by the Police, a copy of which has been provided to the parties to the hearing and members of the Sub Committee. The Police 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 their report, a copy of which has been provided to the parties to the hearing and members of the Sub Committee.
- 4.2 No other responsible authorities are entitled to make representations on this application.

5 Relevant Representations – Other Persons

- 5.1 Other persons 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.

4.26-4.28 – 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 Home Office website.

- 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 appropriate 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 appropriate 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 Piston Broke, Andover and all associated papers			
<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:	Nil		
Author:	Michael White	Ext:	8013
File Ref:	PREM/10/0397		
Report to:	Licensing Sub Committee	Date:	5 June 2013