

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in The Annexe, Crosfield Hall, Broadwater Road, Romsey
on Thursday 29 October 2015 at 9:30 am

Attendance:

Councillor J Budzynski	(P)	Councillor A Johnston	(P)
Councillor A Tupper	(P)		

Also in attendance:

Christopher Grunert - Solicitor
Alison Bird, Applicant
Nick Warner, Landlord
PC Sharon Conway, Hampshire Constabulary, Licensing Team

1

Appointment of Chairman

Resolved:

That Councillor Budzynski be appointed Chairman for the duration of the meeting.

2

Police Objection to Temporary Event Notices
The Olive Tree, 11 Latimer Street, Romsey SO51 8DF

The Sub-Committee considered Police objections to four Temporary Event Notices (TENs) from Alison Bird submitted on her behalf by John Gaunt & Partners, Solicitors. The TENs were to allow for the sale of alcohol, provision of regulated entertainment and provision of late night refreshment at The Olive Tree public house. The first two TENs had automatically been rejected as a result of Police objections and were outside the scope of the hearing. The two remaining TENs had attracted a Police objection necessitating the TENs to be considered at a hearing. The TENs cover the periods from 3 to 8 November and 10 to 13 November 2015. Copies of the TENs were attached at Annexes 1 and 2 to the agenda report. The Police objections were attached at Annexes 3 and 4 to the agenda report.

The premises were an established public house in Romsey town centre. The premises had, for many years, the benefit of a Premises Licence issued under the Licensing Act 2003. A copy of the Licence was attached at Annex 5 to the agenda report.

On 13 October 2015 the licensing authority was made aware that the Premises Licence holder, Bella & Sparky Trading Limited, had been placed into voluntary liquidation on 10 August 2015. This had the effect of causing the Licence to lapse unless within a period of 28 days an application was made for either an interim authority notice or the transfer of the Licence. No such application was received and so the licence had lapsed. The licensing authority served a notice on the premises on Tuesday 13 October advising of this fact and thus that the premises was unable to offer any licensable activity. On Wednesday 14 October four Temporary Event Notices were received covering the majority of the period from 22 October to 13 November to allow the premises to trade whilst an application for a new Premises Licence was pending.

The Applicant's Solicitor was invited to address the Sub-Committee. He apologised on behalf of the Applicant and Landlord for the oversight in allowing the Licence to lapse and gave character references for both parties. He also explained that he thought the Police objection was based on an isolated incident and offered the following solutions to prevent such an incident taking place in the future:

- Security Industry Authority (SIA) Door Supervisors to be appointed
- Comprehensive CCTV to be installed inside and outside the premises
- Training to be organised for the Designated Premises Supervisor (DPS)

PC Sharon Conway was invited to make representation on behalf of Hampshire Constabulary. She re-iterated the points raised in Annex 3 to the agenda report.

The Sub-Committee were given the opportunity to raise questions of both parties.

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

Upon return, the Chairman informed the meeting that the Sub-Committee, in reaching its determination upon the matter, had had regard to the National Licensing Guidance issued under Section 182 of the Licensing Act 2003, Test Valley Borough Council's own Licensing Policy, together with the representations made at the Hearing and in writing.

DECISION

In reaching its decision on this application, the Sub-Committee had had due regard to the National Guidance issued by the Secretary of State under s182 of the Licensing Act 2003, to the Council's own Statement of Licensing Policy, and together also to the written representations duly made prior to today's hearing, and to the oral representations made here today.

That the Sub-Committee considered that the objections raised by Hampshire Constabulary were entirely correct and of substance.

The Sub-Committee acknowledged the steps proposed by the Applicant to secure the Licensing objectives, particularly the employment of SIA door supervisors and to comprehensive operation of CCTV both inside and outside the premises.

The Sub-Committee observed that whilst it could not formally accept or approve the undertaking, such proposals would appear consistent with Licensing objectives.

In addition the Sub-Committee wished the applicant to be aware that they are still within the consultation period for their Premises Licence Application.

Accordingly, the Sub-Committee would allow the TENs for the period 3 to 8 November 2015 to stand

Resolved:

That the Sub-Committee would allow the TENs for the period of 3 to 8 November and 10 to 13 November 2015 to stand.

(The meeting ended at 11:09 am)