

Item 6 Police Objection to Transfer of a Premises Licence – Abbey Hotel, 11 Church Street, Romsey SO51 8BT

1 The application

- 1.1 The application to transfer the Premises Licence for the premises known as The Abbey Hotel, 11 Church Street, Romsey SO51 8BT has attracted an objection from Hampshire Constabulary. The application to transfer is in accordance with the provisions of Section 42 of the Licensing Act 2003.
- 1.2 The premises benefits from a Premises Licence permitting supply of alcohol for consumption on and off the premises, regulated entertainment by way of recorded music and late night refreshment. The current Premises Licence was issued in November 2005 when the Licensing Act 2003 came into force and permits the licensable activities to take place from 1000 to 0000 hours Monday to Saturday and from 1200 to 2330 hours Sundays. A copy of the existing licence is attached as Annex 1 to this report.
- 1.3 The objection from the Police relates to the licensing objective of the prevention of crime and disorder and this is the only objective which is relevant for this type of application. The objection requires the matter to be determined at a hearing. A copy of the objection and supporting documentation is attached as Annex 2 to this report and referred to below.
- 1.4 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 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. Details of the Police objection notice are set out in paragraph 4.1 below.

2 Background

- 2.1 The premises are an established town centre public house opposite Romsey Abbey. The premises have traded as such for a number of years and prior to 2005 held a Justices Licence.
- 2.2 The Licensing Authority has discretion whether or not to grant the transfer application only if an objection is received from the Police. The Police can only object if they are satisfied that granting the licence would undermine the crime prevention objective and reasons why this would be the case must be given.

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 achievement of the licensing objective of the prevention of crime and disorder must be considered in light of the representation from the Police (see paragraph 4.1 below).

4 Relevant Representations – Responsible Authorities

- 4.1 **Hampshire Constabulary** – the Police objection is set out in Annex 2 to this report. Although the objection also asks for the imposition of conditions to the Premises Licence the Police have been advise and accept that conditions cannot be added as a result of their objection and instead this request could only be actioned by way of a variation or Review application.
- 4.2 No other responsible authorities are entitled to make representations on this application.

5 Relevant Representations – Other Persons

- 5.1 Persons other than the Police are unable to make representations on this type of application.

6 Policy Considerations

- 6.1 It is considered that the following extracts from the amended guidance issued in April 2012 by the Secretary of State under section 182 of the Licensing Act 2003 are relevant:

8.97-8.100 – Transfers of Premises Licences

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 there is no directly relevant part of the Licensing Authority’s own Statement of Licensing Policy which is relevant to this application. However, some of the matters in the following part of the Policy may indirectly be of relevance:

Section A: Prevention of Crime and Disorder

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 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 the 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 all of the representations 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. The Committee should note that paragraph 8.100 of the Secretary of State's Guidance in referring to Police objections states: 'Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the Police are using this mechanism to vet transfer applications routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the Chief Officer of Police.'

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Application for a transfer of the Premises Licence number PREM/05/0008 for The Abbey Hotel, 11 Church Street, Romsey 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:	2		
Author:	Michael White	Ext:	8013
File Ref:	PREM/05/0008		
Report to:	Licensing Sub Committee	Date:	26 July 2012