

Minutes of the **Licensing Sub-Committee**
of the **Test Valley Borough Council**
held in Council Chamber, Guildhall, High Street, Andover
on Wednesday 5 June 2013 at 9.30 a.m.

Attendance:

Councillor M Cooper	(P)	Councillor A Hope	(P)
Councillor I Richards	(P)		

Also in attendance:

Mr T Noakes
P C Marett, Hampshire Constabulary
Ms C Wanless, Hampshire Constabulary
Councillor I Andersen
Councillor N Long

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Minutes

Resolved:

That the minutes of the meeting held on 5 October 2012 be confirmed and signed as a correct record.

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

The Sub-Committee considered an application for a variation of a premises licence to specify a new Designated Premises Supervisor for The Piston Broke, London Street, Andover by Elland Promotions Limited. The premise 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.

The applicant had applied under section 37 of the Act to vary this Licence by specifying a new Designated Premises Supervisor (DPS), namely Mr Tony Noakes. The application had attracted representations from Hampshire Constabulary, the only persons able to object to such an application thus needing the matter to be determined by a hearing.

The Licensing Manager reminded the Sub Committee that 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.

PC Marett presented the case for the Hampshire Constabulary outlining the reasons for the objection to the application to specify Mr T Noakes as the Designated Premises Supervisor. Mr Noakes was considered 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 were set out in the representation submitted by the Police, a copy of which had been provided to the parties to the hearing and members of the Sub Committee. The Police contended that Mr Noakes did not have the necessary knowledge and experience to deal with such a problem premise. As a result there was an increased potential for the licensing objective of the prevention of crime and disorder to be jeopardised.

The Chairman invited Mr Noakes to address the Sub-Committee. He outlined the reasons for the application and assured the committee that he would undertake training and had instigated a mentoring programme by experienced licensees. He explained that he did not believe that the licensing objective for the prevention of crime and disorder had been compromised and he would do his best to continue to uphold it.

The Sub Committee was given the opportunity to ask questions of the parties and then adjourned 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

Resolved:

That the variation to the Premises Licence for the premises known as the Piston Broke, London Street, Andover be refused.

The Sub Committee was concerned that the applicant did not have sufficient experience and was not adequately prepared to assume the role of Designated Premises Supervisor in relation to a licenced premises with an acknowledged history of disorder over a significant period.

(Meeting terminated at 10.51 am)