

**NEW FOREST DISTRICT COUNCIL
LICENSING ACT 2003**

APPLICATION: Police Objection to an Application to Transfer a Premises Licence and Vary an Individual as Designated Premises Supervisor - Best One, New Milton

Decision of the Licensing Sub-Committee hearing held at Appletree Court, Lyndhurst on Monday, 7 January 2013 at 10.00am

1. Members of the Licensing Sub-Committee

Councillor W H Dow - Chairman
Councillor J Heron
Councillor M Wade

2. Parties and their Representatives attending the Hearing

Mr K Toor – Applicant
Mr P Sherratt – Applicant’s Legal Representative
PC Wood, Hampshire Constabulary - Objector

3. Other Persons attending the Hearing

None.

4. Parties not attending the Hearing

None.

5. Officers attending to assist the Sub-Committee

Amanda Fairclough – Legal Advisor
Melanie Stephens - Clerk

6. Decision of the Sub-Committee

The application to vary the Designated Premises Supervisor for Best One, New Milton is granted.

The application for the transfer of the premises licence was not considered by the Sub-Committee in light of the fact that a new application had been submitted which named a new proposed premises licence holder and this new application superseded the application before the Sub-Committee.

7. Reasons for the Decision

The matter before the Sub-Committee was to consider the Police recommendation that the application to vary the Designated Premises Supervisor for Best One, New Milton to Mr Toor be refused on the grounds that the crime prevention objective would be undermined.

The Sub-Committee carefully considered the Police representations, both written and oral, in relation to their objection to the variation of the Designated Premises Supervisor. The Sub-Committee also considered the evidence provided by the Applicant during the hearing regarding the circumstances leading up to and surrounding the offence which formed the basis of the Police objection.

The Sub-Committee were not satisfied that it had been demonstrated that there were exceptional circumstances surrounding the case and in any event the Sub-Committee concluded that the crime and disorder licensing objective would not be prejudiced by granting the application.

The Sub-Committee noted that the offence which the Police made reference to was not a relevant offence under the Licensing Act 2003.

The Sub-Committee were satisfied that the Applicant had provided sufficient evidence at the hearing to demonstrate that this was an isolated offence which would not affect his ability to act as a responsible Designated Premises Supervisor. The Sub-Committee, in particular, took into account the mitigation for the offence which the Applicant provided at the hearing, the steps he had taken to contact the police following the offence and the fact that he had pleaded guilty to the offence.

The Sub-Committee were therefore minded to grant the application for the variation of the Designated Premises Supervisor.

The Sub-Committee would, however, like to stress the importance of Designated Premises Supervisors having an open and honest relationship with the Police and other statutory authorities to ensure the licensing objectives are upheld.

The Sub-Committee would like to remind all parties that should there be any concerns in the future regarding the operation of Best One, New Milton, the Licensing Act 2003 provides a statutory mechanism for any person to call the licence in for review.

Date: 7 January 2013

Licensing Sub-Committee Chairman: Cllr W H Dow

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Decision notified to interested parties on 11 January 2013