

**POLICE OBJECTION TO APPLICATION TO VARY AN INDIVIDUAL AS DESIGNATED PREMISES SUPERVISOR:
THE SWAN INN, 4 HIGH STREET, TOTTON, SO40 9HN**

1. INTRODUCTION

- 1.1 The purpose of this report is to consider a Police objection to an application to vary a premises licence to specify an individual as the designated premises supervisor (DPS) under the Licensing Act 2003.

2. APPLICATION

- 2.1 Section 37 of the Licensing Act 2003 allows the Premises Licence Holder to make an application to appoint a new DPS.
- 2.2 The application must be made to the relevant Licensing Authority and served simultaneously on the Chief Officer of Police for the area in which the premises are situated.
- 2.3 The application proposes Mr Mohammad Bozlur Rahman (as the DPS).
- # 2.4 A copy of the application made by Coffin Mew Solicitors as agents for Mr Moomin Miah (Premises Licence Holder) is attached as **Appendix 1**

3. POLICE OBJECTION

- 3.1 When 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, a notice stating the reasons must be given to the Licensing Authority.
- # 3.2 A copy of the Police Objection Notice ('the notice') is attached as **Appendix 2**.

4. REQUIREMENTS FOR A HEARING

- 4.1 The Licensing Authority must hold a hearing to consider the notice unless the licensing authority, the applicant and the Chief Officer of Police who gave the notice agree it is unnecessary. Such a hearing must be held within 20 working days from the last day that the Police could have objected. The last day was 30 October 2013; as such a hearing must take place on or before 27 November 2013.
- 4.2 At any time before a hearing the Police may withdraw the notice.
- 4.3 Following the hearing the Licensing Authority must give notice of the decision to the applicant, the proposed DPS & the Chief Officers of Police.
- # 4.4 The relevant paragraphs 4.24 and 4.26 - 4.28 of the Home Office guidance issued under Section 182 of the Licensing Act 2003 relating to Police objections to a new DPS is attached as **Appendix 3**.

5. CONCLUSION

- 5.1 Members must decide if they consider that it is appropriate for the promotion of the crime prevention objective to reject the application to vary the DPS at the Swan Inn, High Street, Totton

6. RECOMMENDATION

- 6.1 That the Licensing Sub-Committee considers the objection from the Police and decide whether to grant or reject the application.

Further Information:

Paul Weston
Licensing Services
Tel: 023 8028 5505
Email: licensing@nfdc.gov.uk

Background papers:

Appendix 1 (Section 17 Application)
Appendix 2 (Police Objection Notice)
Appendix 3 (Home Office Guidance)



CoffinMew

Our Ref: CJH/HH/120130-1
Your Ref:

Kings Park House
22 Kings Park Road
Southampton SO15 2UF

023 8033 4661 T
023 8033 0956 F

38505 Southampton 3 DX

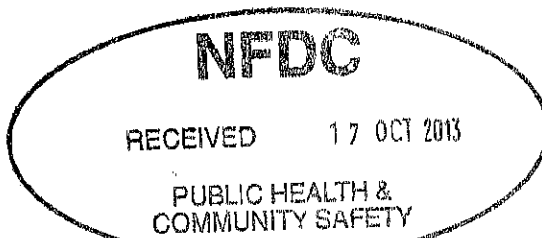
www.coffinmew.co.uk

New Forest District Council
Licensing Services
Appletree Court
Lyndhurst
Hampshire
SO43 7PA

dg: 017227 Coffin Mew LLP

BY POST AND EMAIL: melanie.stephens@nfdc.gov.uk

15 October 2013



Dear Sirs

Application to vary a Premises Licence to specify an individual as Designated Premises Supervisor Under the Licensing Act 2003

We kindly enclose the above application on behalf of Mr Moomin Miah.

We enclose in support of this application the following:-

1. Consent Form completed by the proposed premises supervisor;
2. Copy of the premises licence;
3. Application fee of £23.00.

We trust all the above is satisfactory and furthermore a copy of this application has been sent to the Chief Officer of Police and in addition to the existing premises supervisor.

If you have any questions in relation to this application please do not hesitate to contact our Mrs Catherine Fisher on 023 8048 3752.

Yours faithfully

Coffin Mew LLP

Email: catherinefisher@coffinmew.co.uk

Direct dial: 023 8048 3752

Enc. Consent Form
Copy of Premises Licence
Cheque

Offices in Southampton, Portsmouth and Gosport.

We use the word 'partner' to refer to any member of the LLP, or an employee or consultant with equivalent standing and qualifications.

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A list of our members is available for inspection at our registered office: 1000 Lakeside, North Harbour, Western Road, Portsmouth PO6 3EN.

Lexcel
Practice Management Standard
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New Forest District Council

Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I / we MR MOOMIN MIAH

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

1389 / 4

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

THE SWAN INN
4 HIGH STREET
TOTTEN

Post town

SOUTHAMPTON

Post code (if known)

S040 9HN

Telephone number (if any)

Description of premises (please read guidance note 1)

PUBLIC HOUSE

Part 2

Full name of proposed designated premises supervisor
MR MOHAMMAD BOZLUR RAHMAN

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)
2006/0316/02 SPEN SOUTHAMPTON CITY COUNCIL

Full name of existing designated premises supervisor (if any)
JACQUELINE BODLEY

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature

Date

15 OCTOBER 2013

Capacity

APPLICANTS SOLICITOR

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

MRS CATHERINE FISHER
COFFIN MEW LLP
KINGS PARK HOUSE
KINGS PARK ROAD

Post town SOUTHAMPTON

Post Code S015 2UF

Telephone number (if any) 023 8048 3752

If you would prefer us to correspond with you by e-mail your e-mail address (optional) catherinefisher@coffinmew.co.uk

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Data Protection Act 1998

The information you provide will be held in accordance with the Data Protection Act 1998, and statutory requirements including the Licensing Act 2003 and the Gambling Act 2005. It will not be used for any purpose that is not compatible with the purposes for which it was collected.

Consent of individual to being specified as premises supervisor

I MR MOHAMMAD BOZLUR RAHMAN
[full name of prospective premises supervisor]

of 39 LARCH ROAD
SOUTHAMPTON
SO16 5EX

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Application to vary a Premises Licence to Specify and Individual as Designated Premises Supervisor

[type of application]

by

MR MOHAMMAD BOZLUR RAHMAN
[name of applicant]

relating to a premises licence 1389/4
[number of existing licence, if any]

for

The Swan Inn
4 High Street
Totton
Southampton
Hampshire
SO40 9HN

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

MR MOHAMMAD BOZLUR RAHMAN
[name of applicant]

concerning the supply of alcohol at

The Swan Inn
4 High Street
Totton
Southampton
Hampshire
SO40 9HN

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

2006/0316/02 SPEN
[insert personal licence number, if any]

Personal licence issuing authority

SOUTHAMPTON CITY COUNCIL, PO BOX 1344, SOUTHAMPTON,
SO15 1NQ, 023 8083 2749

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Name (please print)

MOHAMMAD BOZLUR RAHMAN

Date

15 OCTOBER 2013



Licensing Act 2003

Premises Licence

Issued under Section 24 of the above Act

| | |
|--------------------------------|--------|
| Premises Licence Number | 1389/4 |
|--------------------------------|--------|

Part 1 - Premises Details

| Postal address of premises, or if none, ordnance survey map reference or description | |
|--|---|
| The Swan Inn 4 High Street Totton Southampton Hampshire SO40 9HN | Map Ref (E): 436345.036518068 Map Ref (N): 113089.760194936 UPRN: 10007449649 |
| Telephone Number: 02380 862185 | |

| Where the licence is time limited the dates |
|---|
| This licence is NOT time limited |

| Licensable activities authorised by the licence |
|--|
| E) Performance of Live Music F) Playing of Recorded Music J) Supply of Alcohol |

| The times the licence authorises the carrying out of licensable activities | | | |
|--|---|--------|---|
| E - Performance of Live Music | Performance of live music may take place: | | Indoors Y |
| | | | Outdoors |
| | | | Both |
| Day | Start | Finish | |
| Mon | 11:00 | 23:00 | Further details: Amplified and/or unamplified live music performed by no more than two entertainers |
| Tues | 11:00 | 23:00 | |
| Wed | 11:00 | 23:00 | Seasonal variations: |
| Thur | 11:00 | 23:00 | |
| Fri | 11:00 | 00:00 | Non standard timings: Live music will be permitted for a further additional hour on the following days: Each Friday, Saturday and Sunday of the May, Spring/Whitsun and August Bank Holiday weekends Each Thursday, Friday, Saturday and Sunday of the Easter Bank Holiday weekend. Christmas Eve. |
| Sat | 11:00 | 00:00 | |
| Sun | 12:00 | 22:30 | |
| | | | |



| I - Playing of Recorded Music | | | Playing of recorded music may take place: | Indoors | Y |
|--------------------------------------|-------|--------|--|----------|---|
| | | | | Outdoors | |
| | | | | Both | |
| Day | Start | Finish | | | |
| Mon | 11:00 | 23:00 | Further details: Amplified recorded music ancillary to the sale of alcohol Seasonal variations: Non standard timings: Recorded music will be permitted for a further additional hour on the following days Each Friday, Saturday, Sunday of the May, Spring/Whitsun and August Bank Holiday weekends Each Thursday, Friday, Saturday and Sunday of the Easter Bank Holiday weekend Christmas Eve | | |
| Tues | 11:00 | 23:00 | | | |
| Wed | 11:00 | 23:00 | | | |
| Thur | 11:00 | 23:00 | | | |
| Fri | 11:00 | 00:00 | | | |
| Sat | 11:00 | 00:00 | | | |
| Sun | 12:00 | 22:30 | | | |

| J - Sale or Supply of Alcohol - On and Off the Premises | | | | | |
|--|-------|--------|--|--|--|
| Day | Start | Finish | | | |
| Mon | 11:00 | 23:00 | Further details: Karaoke Seasonal variations: Non standard timings: Live music will be permitted for a further additional hour on the following days. Each Friday, Saturday and Sunday of the May, Spring/Whitsun and August Bank Holiday weekends Each Thursday, Friday, Saturday and Sunday of the Easter Bank Holiday weekend Christmas Eve | | |
| Tues | 11:00 | 23:00 | | | |
| Wed | 11:00 | 23:00 | | | |
| Thur | 11:00 | 23:00 | | | |
| Fri | 11:00 | 00:00 | | | |
| Sat | 11:00 | 00:00 | | | |
| Sun | 12:00 | 22:30 | | | |

| The opening hours of the premises | | | | | |
|--|-------|--------|---|--|--|
| L - Opening Hours | | | | | |
| Day | Start | Finish | | | |
| Mon | 11:00 | 23:30 | Seasonal variations: Non standard timings: The premises will be permitted to be open to the public for a further additional hour on the following days in line with the non-standard timings detailed above: Opening hours will be permitted for a further additional hour on the following days: Each Friday, Saturday and Sunday of the May, Spring/Whitsun and August Bank Holiday weekends Each Thursday, Friday, Saturday and Sunday of the Easter Bank Holiday weekends Christmas Eve | | |
| Tues | 11:00 | 23:30 | | | |
| Wed | 11:00 | 23:30 | | | |
| Thur | 11:00 | 23:30 | | | |
| Fri | 11:00 | 00:30 | | | |
| Sat | 11:00 | 00:30 | | | |
| Sun | 12:00 | 23:00 | | | |

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:
Alcohol is supplied for consumption both ON and OFF the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Moomin Miah
The Swan Inn
4 High Street
Totton
Southampton
SO40 9HN

Telephone:

Email:

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Jacqueline Bodley
2 Tedder Way
Totton
Southampton
Hampshire
SO40 3GA

Telephone:

Email:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

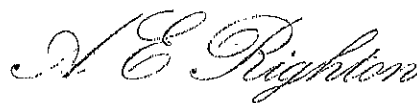
1146
New Forest District Council

The licence is granted by New Forest District Council, as licensing authority pursuant to the Licensing Act 2003 and regulations made thereunder.

Date licence issued: 04/09/2013

Date licence commences: 04/09/2013

Date first licence came into force: 24/11/2005



Head of Public Health & Community Safety
(Authorised Officer)

Annex 1 - Mandatory conditions

Where licence authorises supply of alcohol:

- (1) No supply of alcohol may be made under the premises licence:
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

where licence authorises door supervision:

(1) Each individual at the premises to carry out a security activity must:

Be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001;

or

Be entitled to carry out that activity by virtue of section 4 of that Act.

(Additional Conditions with effect from 6 April 2010)

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

(Additional Condition with effect from 1 October 2010)

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

- (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating schedule

Q) Proposals by the applicant in order to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Following an assessment of the premises and its surrounding area the following is proposed:

30 minute drinking up time will allow appropriate dispersal, use of lavatories etc.

In order to further the licensing objectives the licensee reserves the right to move the fire appliances, AWP machines, cigarette machines and or any other similar objects temporarily in a fixed location which may impact on the ability of individuals on the premises to use exits or escape routes without impediment.

b) The prevention of crime and disorder

Most customers are local.
Exterior is well lit.
Premises is a member of Pubwatch Scheme

c) Public Safety

Fire alarm is installed at the premises.
Fire fighting equipment is available.
Emergency lighting is installed at the premises.
Health and hygiene certificate is held.
Smoking charter is in force.

d) The prevention of public nuisance

Fabric of the building retained sound.
Managed customer departure.
No adjoining local residents.
No other pubs in the near vicinity.
Lockable windows are installed at the premises.

e) The protection of children from harm

No unaccompanied children allowed at the premises.
Children in designated area only away from the AWP and cigarette machine.
Children must be off the site by 21:00hrs.
No striptease, nudity or restricted film exhibition to take place at the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority

General condition:

1. Unaccompanied children are not permitted on the premises at any time and in any event no children are permitted on the premises after 21:00hrs.
2. The licensee or his/her nominated representative shall receive and respond to complaints throughout the duration of regulated entertainment.
3. All external doors and windows shall be kept closed, other than for access and egress, when events involving live and/or amplified music (including speech) are taking place.

After 23:00hrs music and noise emanating from the premises shall be inaudible at the boundary of all noise sensitive premises *.

5. Prior to 23:00hrs, music and noise emanating from the premises, if audible, shall be at such a level that distinct tunes, lyrics, musical instruments and any base beat cannot be recognised at the boundary of all noise sensitive premises*.

* For the purposes of conditions 4 and 5 above, noise sensitive premises shall include premises used for residential purposes, hospitals or similar institutions, educational establishments (when in use), places of worship (during recognised times and days of worship) and any other premises used for any other purpose likely to be affected by the music noise.

Annex 4 - Plans

This licence permits the licensable activities stated at the premises addressed above in accordance with the plan(s) attached.

| | |
|------------------|-----------|
| Plan of Premises | |
| Plan/Drawing No: | 001 |
| Date of Plan: | July 2005 |
| | |



RESTRICTED

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Page 1 of 3

**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

Before completing this form, please refer to FPP 07001 (Licensing (Licensing Act 2003))

Hampshire Constabulary is a responsible authority and wish to make a representation regarding under the Licensing Act 2003, regarding the:

| | | |
|-------------------------------------|---|-------------------------|
| <input type="checkbox"/> | 1: Grant for a personal licence | (Object within 14 days) |
| <input type="checkbox"/> | 2: Grant for a temporary event notice (TEN) | (Object within 2 days) |
| <input type="checkbox"/> | 3: Transfer of a premises licence | (Object within 14 days) |
| <input checked="" type="checkbox"/> | 4: Variation of designated premises supervisor | (Object within 14 days) |
| <input type="checkbox"/> | 5: Grant/Variation of a premises licence/club prem' certificate | (Object within 28 days) |

| | |
|-----------------------|---------------------------|
| Name of Applicant: | Mr Moomin MIAH |
| Name of Proposed DPS: | Mr Mohammad Bozlar RAHMAN |

| |
|--|
| Details of relevant conviction (Personal Licence Applications ONLY) |
| |

| | |
|-----------------------------|---|
| Postal address of premises: | The Swan Inn, 4 High Street, Totton, Southampton, Hampshire |
| Postcode: | SO40 9HN |

Details of responsible authority applicant

| | |
|--|---|
| Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other title / Rank: | Sergeant |
| Surname: PLASCOTT | First Names: |
| Current postal address : | Southampton Central Police Station, Southern Road, Southampton, Hants |
| Postcode: | SO15 1AN |
| Daytime telephone number: | 02380 674768 |
| E-mail address: (optional) | western.licensing@hampshire.pnn.police.uk |

Hampshire Constabulary is a responsible authority and the applicant has the delegated authority of the Chief Officer of Police in respect of his responsibilities under the Licensing Act 2003

RESTRICTED



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**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

This application to object relates to the following licensing objective(s)

- 1) The prevention of crime and disorder
- 2) Public safety
- 3) The prevention of public nuisance
- 4) The protection of children from harm

Please select one or more boxes

Please state the ground(s) for representation:

Hampshire Constabulary object to this application to vary the Designated Premises Supervisor (DPS) TO Mohammad Bozlor RAHMAN.

The objection is based on the prevention of crime and disorder objective under the Licensing Act 2003.

Mr Rahman is currently the Designated Premises Supervisor at 2 other premises, these being The Baraka Tandorri Restaurant, St Marys Street, Southampton and the Bina Tandorri in Cxford Drove, Southampton.

The Bakara Tandorri is situated within the city centre and night time economy area therefore a area of high fall. The Bina Tandorri, although not within the city centre, is situated in a densely populated residential area which experiences a high volume of anti-social behaviour. It is therefore believed that these two venues will demand much of the applicant's time.

The police do not believe that Mr Rahman is in a position to be in day to day control of the proposed premises and therefore not in a position to oversee the serving of alcohol given that he holds the same responsibilities at the two other licensed premises. The police do not believe that he will be able to promote the licensing objectives.

It is an offence, under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this representation

Police recommendations (including any conditions)

Signature of Officer Completing

Name REEVES

Collar Number: 11185

Signature: _____

Date: 16/10/13

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Page 3 of 3

**New grant or variation of premises licence
Or club premises certificate
Form for representations from Hampshire Constabulary**

Signature of Authorising Officer

Name PLASCOTT

Collar Number: 18

Signature: _____

Date: 16/10/13

RESTRICTED

Home Office**AMENDED GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003**

October 2012

POLICE OBJECTIONS TO NEW DESIGNATED PREMISES SUPERVISORS

- 4.24 Only one DPS may be specified in a single premises licence, but a DPS may supervise two or more premises as long as the DPS is able to ensure that the licensing objectives are properly promoted and that each premises complies with licensing law and licence conditions.
- 4.26 The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking.
- 4.27 Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.
- 4.28 The portability of personal licences between premises is an important concept under the 2003 Act. It is expected that police objections would arise in only genuinely exceptional circumstances. If a licensing authority believes that the police are routinely objecting to the designation of new premises supervisors on grounds which are not exceptional, they should raise the matter with the chief officer of police as a matter of urgency.