

LICENSING SUB-COMMITTEE**24 March 2009****Attendance:**

Councillors:

Wright (Chairman) (P)

Howell (P)

Weston (P)

Officers in Attendance:

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Property and Licensing Solicitor)

1. **APPLICATION FOR A VARIATION TO A DESIGNATED PREMISES SUPERVISOR – OLD MARKET INN**
(Report LR[294](#) refers)

The Sub-Committee met to consider an application to vary the Designated Premises Supervisor for the Old Market Inn, made under Section 37 of the Licensing Act 2003.

Present at the meeting were Mr Colin Clark, of Colin's Pub Company Limited (Applicant), Mr Jake Randall (Employee of Colin's Pub Company Limited) and PC Gary Miller (Hampshire Constabulary).

Mr Myall presented the application, as set out in the Report, and explained the application to vary the Designated Premises Supervisor (DPS) at the Old Market Inn, Winchester had been received on 20 February 2009. Additionally (on the same date) an application had been received to transfer the premises licence from the previous licence holder, Dolphin (Romsey) Limited, to Colin's Pub Company Limited, to take effect from 24 February 2009. The Chief Officer of Police for Hampshire had objected to the variation due to the suggested DPS, Colin Clark, already supervising two public houses within Winchester – Alfies and The Exchange. Whilst the Department of Culture, Media and Sport (which has issued guidance on the Licensing Act) allows a DPS to manage more than one premises, the four licensing objectives must always be sufficiently promoted. Mr Myall added that, following publication of his Report, an incident which required Police attendance had occurred at the Old Market Inn on 21 March 2009.

Mr Myall explained that the Sub-Committee was obligated to either refuse or grant the application, but could not vary any of the conditions attached. If the variation was refused, the DPS would automatically revert to the previous DPS, Mr Salvatore La Gumina. Mr La Gumina retained the leasehold for the

venue, but Mr Clark currently held the premises licence and interim authority to act as DPS. He was currently responsible for all licensable activities.

PC Miller spoke as a representative of Hampshire Constabulary. He reminded the Sub-Committee that Colin Clark had run The Exchange for many years and had taken over the management of Alfies in September 2008. Whilst the Police had no issues with the running of either premises, it was noted that, since September 2008, nine reports had been received relating to criminal damage, drunkenness and drug-related crimes at Alfies. However, this venue had door staff in place from Thursday to Saturday evenings, in addition to being a member of the PubWatch scheme. PC Miller explained the Police objection had been issued as numerous problems had been noted at the Old Market Inn. The premises had no outside garden area and, following the smoking ban, customers frequently congregated at the front of the premises, resulting in noise complaints. The locality in which the premises was situated was considered by the Police to be a "hot spot" and as a result, was patrolled more regularly by Police on their rounds. Due to there being no nominated door staff, the venue's bar workers, and neighbouring venue's door staff, were frequently required to control outside drinkers and Police intervention was often necessary.

PC Miller also expanded on the incident Mr Myall had noted on 21 March 2009. Following a report of alcohol related crime and disorder, an underage drinker had been arrested and the Police had found only a lone female employee, and an elderly male glass collector, working at the premises. There were concerns that the new DPS would not be able to responsibly manage this difficult venue, alongside his current ownership of Alfies and The Exchange.

In response to Member's questions, PC Miller confirmed the majority of incidents at the Old Market Inn occurred at weekends. Due to the lack of trained door staff, this venue tended to attract clientele who had been refused entry at other public houses.

Mr Clark addressed the Sub-Committee and explained that, due to the previous DPS, Salvatore La Gumina, still owning the Old Market Inn he had found it very difficult to take control of the venue, as reflected by the incident on 21 March 2009. He explained that The Exchange experienced very few crime and disorder related problems and that any issues occurring at Alfies were dealt with by vigilant and well-trained bar and door staff.

Mr Clark then outlined his intentions for the Old Market Inn. To reduce the occurrences of disorder outside the venue, he would seek to enforce a ban on drinking outside the front of the premises and would consider adding door staff if necessary. Mr Clark referred to his experience of similar alterations implemented at Alfies when he took over the venue last year. It was explained that Mr Randall, an experienced Personal Licence Holder, would manage the general running of the venue and he was introduced to the Sub-Committee.

Members queried how Mr Clark would manage his three premises in the event of serious incidents requiring his attention at each venue on one night. Mr Clark was confident that his managers would assist him in such events. Although acknowledging that his role appeared reactive, he had seven personal licence holders working for him, and six others who had also

completed the necessary licensing qualification and all were adequately experienced. In addition, they were aware that he was always available when needed. As such, he was confident in the ability of his staff to diffuse problems should he be unable to attend. Further to questions regarding Mr Clark's day to day working hours, he explained that he was on call seven days per week, completing administrative work or checking on his premises throughout the day.

The Sub-Committee retired to deliberate in camera.

RESOLVED:

That the application be refused.

REASON FOR DECISION:

The Sub Committee agreed to reject the application as it was not convinced that the licensing objectives have been achieved at the Old Market Inn during the applicant's temporary period as Designated Premises Supervisor, as evidenced by the Police at the hearing. The Sub Committee agreed that the licensing objective of the Prevention of Crime and Disorder was not currently being achieved.

The meeting commenced at 2.00pm and concluded at 3.10pm.

Chairman