

LICENSING SUB-COMMITTEE**30 August 2006**Attendance:

Councillors:

Johnston (Chairman) (P)

Hammerton (P)

Howell (P)

Others in attendance who did not address the meeting:Councillor Berry
Councillor Higgins

1. HEART IN HAND, BAR END ROAD, WINCHESTER

(Report LR196 refers)

The Sub-Committee met to consider an application by Ms Eileen Osborne for the transfer of the premises Licence for the Heart in Hand from Admiral Taverns Ltd to Ms Osborne under Section 42 of the Licensing Act 2003. The application was also to vary the licence to specify Ms Osborne as the Designated Premises Supervisor under Section 37.

The Parties present at the meeting (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) were Ms Eileen Osborne (applicant) and Mr David Stridom (partner). Inspector Kevin Baxman and PC Gary Miller were present as representatives of Hampshire Constabulary, one of the Responsible Authorities. There were also five members of the public in attendance.

The Licensing and Registration Manager presented the application as set out in the report. He explained that a representation had been received from the Police on the grounds that the transfer and variation of the licence would undermine the Crime Prevention Licensing Objective. He added that the Sub-Committee was obliged to determine the application under Section 44 of the above Act, with a view to promoting only the prevention of Crime and Disorder Licensing Objective.

Inspector Baxman then spoke against the application. He explained that the Police had made their representation as there were concerns following three incidents of crime and disorder in the vicinity of the premises since Ms Osborne had taken over, as well as a concern that there would be no investment made in the building before it was redeveloped by Orchard Homes and Development Ltd. He continued that there was a concern that should the building fall into disrepair, but continue to trade, then this would have a detrimental effect on the local community.

In response to a Member's question, PC Miller confirmed that since Ms Osborne had been in residence, there had been three incidents involving the Police which was proportionally in excess of any other licensed premises in Winchester.

Ms Osborne then spoke in support of the application, explaining that of the three incidents previously reported, two could not be attributed to the premises and the third had been dealt with swiftly. She added that on these occasions she had not been approached by the Police and that, if she could not control a situation, then she would contact the Police. Responding to the concern raised over lack of investment in the property, she presented two letters to the Sub-Committee, one from the Courage Brewery and one from Orchard Homes and Development Ltd, outlining their investment plans and future use of the site.

The Police objected to the content of the letter from Orchard Homes and Developments Ltd on the grounds that it only commented on the value of the property and the land itself, rather than the value of the Premises to the local community. The Sub-Committee agreed to accept the two letters for consideration, despite their late submission and noted the Police objection to the Orchard letter.

Ms Osborne continued that she would not serve anyone who was drunk and that she had already barred one individual and warned two others that they could be barred from entering the premises. She added that the premises closed at 2300 hours, despite having a licence to open until midnight and stated that she did not allow children to use the area outside the Premises after 1800 hours. She commented that she was hoping to implement a food ordering service and market the premises as a more family-friendly location.

In response to a Member's question, Ms Osborne confirmed that the premises did not have a landline telephone installed, explaining that this would be futile should the premises be closed down. She added that this would be done if the licence was granted and consented to considering the option of installing CCTV. She continued that the use of door staff would not be necessary, as there was a low number of clientele for the Premises and that this would therefore not be a financially viable option to consider.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that in reaching its decision, the Sub-Committee had given careful consideration to all the issues raised regarding the application, including those set out in the report and matters raised during the hearing.

RESOLVED:

That the Sub-Committee refuse the application as set out in the report for the following reasons:

1. The Sub-Committee accepts the evidence presented by the Police on the basis of Crime and Disorder, but excludes their concerns over planning issues.
2. The Sub-Committee were not convinced that the Applicant had demonstrated a commitment to implement or demonstrate actions to be taken to combat incidents of Crime and Disorder in the period since the Applicant took control of the Premises. The fact that the Applicant had not proposed any plan to the Committee to alleviate these problems was a concern.

The meeting commenced at 9.30am and concluded at 10.55am.

Chairman