

LICENSING SUB-COMMITTEE

26 June 2007

Attendance:

Councillors:

Wagner (Chairman) (P)

Izard (P)

Weston (P)

Others in Attendance who did not address the meeting:

Councillors Bell and Jackson

Officers in Attendance:

Mr J Myall (Licensing and Registration Manager)

Mrs C Tetstall (Licensing Solicitor)

1. **FULFLOOD ARMS, 28 CHERITON ROAD, WINCHESTER**
(Report LR233 refers)

The Sub-Committee met to consider an application by the Chief Constable of Hampshire Constabulary for a review of the Premises Licence for The Fulflood Arms under Section 53 of the Licensing Act 2003.

The Parties (in accordance with the Licensing Act 2003 (Hearings) Regulations 2005) present at the meeting were Mr James Hines (Counsel for Greene King Brewing and Retailing Limited) and PC Garry Miller and Sergeant Karen Fisher as representatives of the Responsible Authority, Hampshire Constabulary.

Mr Myall presented the application as set out in the Report. He explained that the review had been called by the Police due to an alleged public order incident at the Premises on 25 April 2007, at which injuries had been sustained by at least two persons. Following the incident, neither party wished to pursue the matter and no further formal police action was taken.

He continued that, at the time of the incident, the Designated Premises Supervisor (DPS) was Mr Ken Joyce, who was a Regional Manager with Greene King. He did not run the Premises on a day-to-day basis and was the DPS for other Premises also. The Police had raised concerns over this situation. Mr Myall added that the representations made by the public had since been withdrawn, as they did not feel their letters related to the licensing objectives. As these representations had been withdrawn, they could not be taken into consideration by the Sub-Committee when making their decision.

Mr Myall reported to the Sub-Committee that negotiations had taken place between the Police and Greene King. A condition had been agreed by both parties that the DPS would be the DPS for these Premises and only these Premises. This was outlined in the Report.

PC Miller then spoke as a representative of Hampshire Constabulary, a Responsible Authority. He explained that at the time of the incident nobody on the Premises held a Personal Licence, although both Mr and Mrs Daniels (the current managers of the Premises) had gained one since, and that this had been part of the reason their representation had been made. The alleged incident had also raised concerns but it had been difficult to investigate what exactly had occurred.

Mr Hines then spoke in support of the application. He confirmed that the Brewery was willing to agree the extra condition that had been negotiated. The Fulflood Arms had been intended as a training public house by Greene King and their DPSs, but they had since decided against this course of action. It was now considered that a permanent DPS and personal licence holder living on site was more appropriate for these Premises. He added that the alleged incident was unfortunate and that the person involved had been barred from the Premises. Since then, there had been no problems of this nature. He also clarified that although no personal licence holder had been present at the time of the incident, the Premises were at no stage without a Personal Licence Holder since the DPS at the time, Mr Joyce, held a Personal Licence.

The Sub-Committee retired to deliberate in camera.

In his closing remarks, the Chairman stated that the Sub-Committee had carefully considered the application and the representations made by the Responsible Authority, in particular that there had been insufficient control over the Premises at the time of the incident. It had taken into account the duties under the Crime and Disorder Act 1998, and the rights set out in the Human Rights Act 1998.

RESOLVED:

That the following conditions be permanently attached to the licence:

Other Conditions

Crime and Disorder

1. The Designated Premises Supervisor for these premises shall be the DPS for these Premises and no other premises.

2. At least one personal licence holder must be on the Premises during licensing hours.

2. **FULFLOOD ARMS, CHERITON ROAD, WINCHESTER – DESIGNATED PREMISES SUPERVISOR**
(Report LR234 refers)

Mr Myall advised that the application by Greene King Brewing and Retailing Limited for a change in the Designated Premises Supervisor at The Fulflood Arms, 28 Cheriton Road, Winchester, had been withdrawn and had therefore been removed from the agenda of this meeting.

The meeting commenced at 9.30am and concluded at 10.20am.

Chairman