



Written submission to Winchester Licensing Authority regarding the agreed condition changes for the Premises 500 review.

It has been brought to our attention, that the Licensing Authority legal team is minded to offer advice to the sub-committee with regards to the agreed conditions supplied to them by Hampshire Constabulary and the Licence Holder.

It is understood that this advice will be to change any reference in any condition that requires agreement from either the Police or Safety Advisory Group (SAG) to be changed to the agreement of the Licensing Authority. It is further suggested, that this is in case the Licensing Authority is required to enforce third party conditions which could possibly be open to judicial review.

Firstly, our submission is that these conditions are agreed by both the police and the licence holder, who is happy for these conditions to be attached to the licence. It is only the licence holder who would be affected by the conditions, and whether the Police or SAG agree or not. Therefore, surely it would only be the licence holder who would consider challenging such conditions by way of judicial review. As they have agreed to them, this is highly unlikely to say the least.

With regards to the effect of the legal teams view on each individual condition, I would like to raise the following points:

Condition A6 – This condition is the main crux of our review, in that it places a responsibility on the licence holder to give the Police (and other responsible authorities) enough information and time, to properly consider the Police response, including the provision of Special Police Services. If the Police or other constituent bodies of the SAG felt that the event should not go ahead as it would undermine the licensing objectives, then they would have the power to request a review prior to the planned event going ahead. If successful, this would obviously make the event unlicensed, and unlikely to proceed.

As this condition purely relates to the Police and SAG concerns, they must be able to prevent this condition being waived. If the licensing authority alone has the ability to waiver this condition, then it undermines the purpose of this condition, and if the licensing authority failed to act expeditiously, it would not leave time for police to review the licence prior to the event.

Condition CD.2 – Surely the Police and not the Licensing Authority have the expertise to decide whether CCTV is required and fit for purpose.

CD.8 – Surely the Safety Advisory Group and its constituent members including the police are best placed to advise whether a secure perimeter fence is required for any event rather than the Licensing Authority.

CD.10 – As above with regards to security/stewarding and CCTV.

CD. 12 – Again surely the police are best placed to advise regarding a drugs policy, not the Licensing Authority.

CD.13 – As above with regards to random searching.#

CD.15 – This licence condition change actually benefits the licence holder, as it allows them to depart from having no glass bottles in any event, to them being allowed for certain low risk type events.

CD.16 – Again the requirement for mobile patrols for any event should be deemed by the responsible authority for crime and disorder, which is the police.

Crime and Disorder condition 1. – Again, the members of the SAG and Police are best placed to decide whether male or female SIA staff should be at entrances rather than the Licensing Authority.

The main reason that these additional conditions are required, is that this is a licence that will be used for many varying type of event, potentially for a one off steam fayre, or classical concert, to a four day dance event until 0400hrs each morning.

Clearly each event needs the appropriate consideration of both the SAG and Police, and not all conditions will be required for every event, but clearly some events due to the nature of the event and the audience profile, will need more stringent scrutiny and associated conditions.

The suggested and agreed conditions we feel cater for these differences, and each condition is individually capable of being enforced, and is only recommended in line with the promotion of the four licensing objectives.

To change any of the affected conditions in our view, restricts their certainty and positive application.

For your due consideration.

Inspector 2320 Mick Pragnell
Area Licensing Inspector

PC 1526 Gary Miller
Winchester Licensing Officer