

## **HAVANT BOROUGH COUNCIL**

At a meeting of the Licensing Sub Committee held on 25 March 2019

Present

Councillor Keast (Chairman)

Councillors Crellin and Milne

Also present:

### **Havant Borough Council**

Mark Gregory, Democratic Services Officer

Nick Leach, Monitoring Officer

Catherine Raynor, Environmental Health Manager (Food, Safety & Licensing)

Hilary Smith, Licensing Officer

### **Police**

PC Pearce

PC Vincent

PC Males

### **Fuller, Turner, Smith (“Fullers”)**

Mr Anderson, Poppleston Allen (Fuller’s solicitor)

Mr Thornton, Fuller’s Business Relationship Manager

## **6 Review of Premises Licence**

The Monitoring Officer advised the Sub Committee that it appeared that several third parties had made submissions in relation to the application for review of the premises licence for The Lord Raglan but had not been given notice of this hearing.

He requested that the meeting be adjourned to enable him to check to see if these submissions constituted representations under the Licensing Act 2003.

(the meeting adjourned at 10.02 am and resumed at 10.11 am)

The Monitoring Officer advised that he was satisfied that three parties had submitted valid representations and advised the Sub Committee to adjourn to enable the Council to give notice of the hearing to these parties.

All present agreed to 16 April 2019 at 10am as a provisional date and time for the resumption of the hearing.

(the meeting adjourned at 10.22 am)

(the meeting resumed on 25 April 2019 at 10am)

At the resumed meeting of the Licensing Sub Committee held on 25 April 2019

**Present:**

Chairman Councillor Keast

Councillors: Crellin and Milne

Also present:

**Havant Borough Council**

Mark Gregory, Democratic Services Officer

Nick Leach, Monitoring Officer

Catherine Raynor, Environmental Health Manager (Food, Safety & Licensing)

Hilary Smith, Licensing Officer

**Police**

PC Pearce

PC Vincent

PC Males

**Fuller, Turner, Smith (“Fullers”)**

Mr Burnett, Poppleston Allen (Fuller’s solicitor)

Mr Thornton, Fuller’s Business Relationship Manager

**Designated Premises Supervisor (“DPS”)**

Mrs Mahoney (DPS)

Miss Price (witness)

Mr Olly (witness)

**7 Declarations of Interests**

There were no declarations of interests relating to matters on the agenda.

**8 Exclusion of Press and Public**

RESOLVED that the public be excluded from the meeting during consideration of the minutes headed and numbered as below because:

it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during those minutes there would be disclosure to them of exempt information of the descriptions specified in paragraphs of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972 shown against the heading in question; and

in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Minute 9 - Review of Premises Licence  
(Paragraphs 1 and 2)

## **9 Review of Premises Licence**

The Sub-Committee considered an application for a Premises Licence in respect of The Lord Raglan, 35 Queen Street, Emsworth.

The following documents were submitted to the Sub-Committee:

- (i) report of Licensing Officer;
- (ii) application for Review of the Premises Licence;
- (iii) representations from the Premises Licence Holder;
- (iv) representation from the Police;
- (v) representations from the Designated Premises Supervisor
- (vi) representations from other third parties;
- (vii) relevant Regulations Relating to Hearings; and
- (viii) hearings Procedure

The Licensing Officer presented her report to the Sub-Committee and gave an outline of the application and representations received.

The police were invited to make representations to the Sub-Committee in relation to the application.

(the meeting adjourned at 11.11 and resumed at 11.19)

The police responded to members' questions and the other parties were given an opportunity to ask questions of the police each other.

The other parties were invited to make their representations to the Sub-Committee in relation to the application for review. The parties responded to members' questions and given an opportunity to ask questions of each other.

The parties were then given an opportunity to make their closing submissions.

(The Sub-Committee adjourned at 1.35pm to consider the application)

(The Sub Committee resumed at 2.10pm)

The Monitoring Officer asked the parties if they were agreeable to a condition being attached to the licence restricting access to the DPS’s spouse entering and remaining in the bar, lounge and dining areas of the premises; it appeared from the plans that such a condition would not prevent the spouse from accessing the living accommodation at the premises.

After a discussion all parties agreed to this condition. In agreeing to this condition, the DPS suggested that access should also be extended to the garden area. Mr Thornton advised the DPS that if this condition was attached to the licence, the DPS would be responsible for ensuring that this condition was complied with. The DPS accepted the responsibility and advised that the condition, if applied, was workable and would be adhered to.

(The Sub-Committee adjourned at 2.20 pm to consider the application further.)

(At 2.25 pm the meeting reconvened and the Democratic Services Officer read the decision to the parties.)

DECISION OF THE LICENSING SUB-COMMITTEE

The Sub Committee was concerned to learn about these incidents and the way the police were treated. However, the Sub-Committee was satisfied that these were isolated incidents and it would inappropriate to remove the DPS, or to revoke or suspend the licence in this case.

However, the Sub Committee did consider that it was appropriate to impose the following condition restricting Mr Mahoney’s access in the following terms as agreed by all parties.

RESOLVED that the following condition be added to the premises licence for The Lord Raglan, 35 Queen Street, Emsworth:

Condition 7

For a period of 12 months from 25 April 2019, Peter Mahoney shall be prevented from entering and remaining in the areas marked bar/lounge/dining area and garden on the plan attached the premises licence. This restriction to be in place during the hours which the licensed premises are open.

**The meeting commenced at 10.00 am on 25 March 2019 and concluded at 2.29 pm on 25 April 2019**

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**Chairman**