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SOUTHAMPTON CITY COUNCIL  
LICENSING (LICENSING AND GAMBLING) SUB-COMMITTEE  
MINUTES OF THE MEETING HELD ON 9 August 2012

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Present: Councillors Mrs Blatchford, Laming and Vassiliou

Apologies: Councillor Councillor Brian Parnell

26. **ELECTION OF CHAIR**

**RESOLVED** that Councillor Mrs Blatchford be appointed Chair for the purposes of this meeting.

27. **APOLOGIES AND CHANGES IN MEMBERSHIP (IF ANY)**

The Panel noted that Councillor Vassiliou was in attendance as a nominated substitute for Councillor Parnell in accordance with Council Procedure Rule 4.3.

28. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

**RESOLVED** that the minutes of the meeting held on 26<sup>th</sup> July 2012 be signed as a correct record. (Copy of the minutes circulated with the agenda and appended to the signed minutes).

29. **EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that in accordance with the Licensing Act 2003 (Hearings) Regulations 2005 that the press and public be excluded at a predetermined point whilst the Sub-Committee reached its decisions.

30. **APPLICATION FOR PREMISES LICENCE - 92 ST MARY'S ROAD, 92 ST MARY'S ROAD, SOUTHAMPTON, SO14 OAH**

The Sub-Committee considered the application for a premises licence in respect of 92 St Mary's Road, 92 St Mary's Road, Southampton, SO14 OAH. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Choudhry, Applicant, Mr Parin, Applicant's Interpreter, Mr A Beg, Objector, PC Prior and PC Norris, Hampshire Constabulary and Mr Thornton, Trading Standards were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

**RESOLVED** that the application for a premises licence be granted, subject to the conditions agreed by all parties relating to CCTV, Incident Book, Refusals Book, Challenge 25, Training and Stock Purchase Records, as detailed below:-

## **CCTV**

The premises shall have sufficient cameras located within the premises to cover all public areas including outside of the premises covering the entrance and exit. The system should be able to cope with strobe lighting and all levels of illumination throughout the premises as well as outside areas. CCTV warning signs to be fitted in public places. The CCTV system must be operating at all times whilst the premises are open for licensable activity. All equipment shall have a constant and accurate time and date generation.

The recording system will be able to capture a minimum of 4 frames per second and all recorded footage must be securely retained for a minimum of 28 days.

Records must be made on a weekly basis and kept for inspection to show that the system is functioning correctly and that data is being securely retained. The DPS or premises manager must be able to demonstrate that the CCTV system has measures to prevent recordings being tampered with, i.e. password protected.

There shall be sufficient members of trained staff at the premises during operating hours to be able to provide viewable copies immediately to police on request when investigating allegations of offences or criminal activity. Any images recovered must be in a viewable format on either disc or VHS. Footage supplied in a digital format on CD or DVD will also have a copy of the CCTV system software enabled on the disc to allow playback. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Southampton Police Licensing Unit.

## **Incident book**

An incident book will be provided and maintained at the premises. It will remain on the premises at all times and will be available to police for inspection upon request. Any incidents that include physical altercation or disorder, physical ejection, will be recorded in the incident book. The entry is to include an account of the incident and the identity of all person(s) involved (or descriptions of those involved if identity is not known). Should there be any physical interaction by members of staff and the public the entry will include what physical action occurred between each party. The entry shall be timed, dated and signed by the author. If the member of staff creating the entry has difficulties reading or writing then the entry may be written by another staff member. This should however be read back to the person creating the entry and counter signed by the person who wrote the entry. At the close of business on each day the incident book will be checked by the manager on duty where any entries will be reviewed and signed. If incidents have occurred the duty manager will de-brief door staff at the close of business. Should there be no incidents then this will also be recorded at the close of business in the incident book.

## **Refusals book**

A refusals book will be kept and maintained at the premises and will be available for police inspection upon request. All refusals for the sale of alcohol and the reasons for refusal should be recorded. Any age challenge or identification seizures should also be recorded.

### **Challenge 25**

There will be a Challenge 25 policy operating at the premises. Challenge 25 means that the holder of the premises licence shall ensure that every individual, who visually appears to be under 25 years of age and is seeking to purchase or be supplied with alcohol at the premises or from the premises, shall produce identification proving that individual to be 18 years of age or older. Acceptable identification for the purposes of age verification will include a driving licence, passport or photographic identification bearing the PASS logo and the persons date of birth. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. Notices will be placed in the shop advising its customers of the challenge 25 policy.

### **Training**

All staff will be trained regarding precautions to prevent the sale of alcohol to persons under the age of 18, the signs and symptoms of drunk persons and the refusal of sale due to intoxication. Records will be kept of such training which must be signed and dated by the member of staff who has received that training.

All staff will receive refresher training every six months as a minimum and that records are to be kept of this refresher training which will be signed and dated by the member of staff who received that training. All training records will be made immediately available for inspection by Hampshire Constabulary and the licensing Authority upon request. Training records will be kept for a minimum period of two years. All staff will receive in addition to their training a written test which will consist of a minimum of ten questions of which the pass rate is 80%. Anyone who fails to reach the prescribed pass rate will be retrained and re tested. Anyone not attaining the pass rate will not be permitted to sell or authorise the sale of alcohol until the pass rate is attained. There will be a minimum of two sets of questions to be used in the training which will be rotated upon each subsequent 6 month training session.

### **Stock purchase records**

The Premises Licence Holder must be able to identify who supplied alcohol present at the premises and supply written details (including name, address, and telephone number of supplier and date of supply/price paid) to an authorised officer within 24 hours of receiving a request to do so. Delivery notes, invoices, receipts and similar records should be retained for a minimum period of 24 months and made available on request to an authorised officer.

### **REASONS**

The Sub-Committee considered the application for a premises licence at 92 St Mary's Road and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, human rights legislation and representations, both written and given orally today by all parties.

Whilst the Committee acknowledged the comments raised by the objector, it felt that refusing this application would not alleviate those issues raised. It was noted that the Police and Trading Standards had raised concerns but that these were met by the agreement of the conditions referred to above.

The Sub-Committee recommended that If there were any anti social issues that might arise in the future, these should be raised formally with the responsible authority who would then consider whether a review was appropriate.

31. **VARIATION APPLICATION FOR PREMISES LICENCE - DPS VARIATION - LA MARGHERITA, TOWN QUAY**

The Sub-Committee noted that the variation application for a premises licence – DPS variation – La Margherita, Town Quay had been withdrawn.

32. **APPLICATION TO VARY A PREMISES LICENCE - FOOD STOP, 37 LONDON ROAD, SOUTHAMPTON, SO15 2AD.**

The Sub-Committee considered the application to vary a premises licence in respect of Food Stop, 37 London Road, Southampton, SO15 2AD. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Sahid, Applicant, Mr Garabette, Applicant's Agent, PC Prior and PC Norris, Hampshire Constabulary were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

Legal advice was accepted by the Sub-Committee in relation to the Cumulative Impact Policy. It was noted that the premises was located within the boundary of a previously identified stress area, and was subject to the provisions of the formally adopted Cumulative Impact Policy "CIP" ( adopted 13 May 2009, confirmed upon review 17 November 2010) that applied to that area.

The Committee noted in particular that:-

- one effect of the CIP was that a *rebuttable presumption* applied to applications for premises licences.
- The *rebuttable presumption* was that such applications shall ordinarily be refused where they are likely to add to the existing cumulative impact.
- Licensing Policy CIP2 16.9 provides that the onus was upon applicants to demonstrate through their Operating Schedule and where appropriate supporting evidence that the operation of the premises would not add to the cumulative impact already being experienced.

**RESOLVED** that the application for the extension of hours for late night refreshment be refused.

**REASONS**

The Sub-Committee considered very carefully the location of the premises and in particular the fact that it was located within an area identified as suffering from issues of

crime, disorder and public nuisance - designated as a stress area in accordance with the licensing policy and accepted that a rebuttable presumption did apply.

The Committee felt that granting the application would add to the crime and disorder issues in the London Road area and these issues would not be met by the proposed operating schedule.

The Police evidence showed that the issue of violent offending was prevalent in that locality at the times the premises intended to trade. Whilst it was accepted there were other premises in the locality providing late night refreshment at those times, these existing premises were suffering issues and it was felt that additional premises in this area were likely to lead to an increase in those issues by way of providing an additional venue/service. In this respect the Sub-Committee took into consideration cumulative impact issues and determined that the additional licensable activities proposed would likely lead to an unacceptable increase or concentration of crime and disorder.

The Committee wished to stress that the decision was not based on the qualities of the applicant, but rather the area and the problems therein. There was also a concern for the safety of the applicant and his staff, had the application been granted.

33. **APPLICATION FOR REVIEW OF PREMISES LICENCE - DUNGEON, 28 BEVOIS VALLEY ROAD, BEVOIS VALLEY, SO14 OJR**

The Sub-Committee considered the application for review of a premises licence in respect of the Dungeon, 28 Bevois Valley Road, Bevois Valley, SO14 OJR. (Copy of report circulated with the agenda and appended to the signed minutes).

Mr Court, DPS and Lessee, Mr Pollard, Supporter, Ms Clissold, Area Manager, Admiral Taverns, PC Harris, Hampshire Constabulary and Mr Thornton, Trading Standards were present and with the consent of the Chair, addressed the meeting.

The Sub-Committee considered the decision in confidential session in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

**RESOLVED :-**

- (i) that the licence would be suspended for one twenty-four hour period, commencing 1200 noon on a Friday and ending at 1200 noon on the following Saturday, at a date to be determined by Licensing Officers; and
- (ii) that the following condition be added to the license in the terms set out below:-

“The premises licence holders must keep for a period of twenty four months complete records such as invoices, receipts and delivery notes relating to alcohol obtained by them for sale from the premises. Records must include the name, address and telephone number of the supplier, the date of supply, the product supplied and their prices.”

## **REASONS**

The Sub-Committee considered very carefully the application for review of a premises licence at the Dungeon and gave due regard to the Licensing Act 2003, the Licensing Objectives, statutory guidance, the adopted statement of Licensing Policy, human rights legislation and representations, both written and given orally today by all parties.

The Sub-Committee noted that the licensees were as much victims in this case as perpetrators and due consideration was given to representations made by a fellow licensee and Area Manager. The Sub-Committee felt that the suggested 3-day suspension of the licence was not proportionate in this circumstance. However, public safety considerations should be placed above all else and the Sub-Committee therefore felt that the twenty-four hour suspension would act as a deterrent.

The Sub-Committee wished to make it clear that this was a serious matter and should a similar incident occur in the future, a Licensing Committee was likely to consider all its options, including revocation of the licence.